

CITY COUNCIL MEETING AGENDA v.1

CITY COUNCIL CHAMBERS

September 15, 2015

7:30 PM

(Name Plates & Sound Check)

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS**
5. **PUBLIC COMMENT**
6. **JUNIOR MAYOR FOR A DAY PROCLAMATION**
7. **MAYOR'S UPDATE**

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.

8. APPROVAL OF MINUTES

1. August 10, 2015
2. September 1, 2015

(Approve)
(Approve)

9. TRANSFERS - None

10. COMMUNICATIONS

1. Special Event Application Green Strides Half Marathon October 25, 2015
2. Letter re: Human Resources position history
3. FY2015 Year-End Financial Report
4. Required notice to establish screening committee for City Marshal

(Public Safety)
(R&F)
(B&F)
(Gen. Gov't)

11. APPOINTMENTS – First Reading

APPOINTMENTS

- | | | |
|-------------------------|---------------------|-------------------------|
| 1. Jane Niebling | 45 Temple Street | Cultural Commission |
| 2. Ann Dykes | 12 Munroe Street | Parks Commission |
| 3. Joanna Fernandes | 15 Franklin Street | Bartlet Mall Commission |
| 4. Marian Leighton Levy | 323 Merrimac Street | NRA |

Sept. 30, 2018
April 1, 2018
Dec. 1, 2016
Oct. 30, 2020

RE-APPOINTMENTS

5. Donald B. Notargiacomo 5B Zabriskie Dr Constable for Civil Business

Sept. 1, 2017

END OF CONSENT AGENDA

REGULAR AGENDA

12. COMMUNICATIONS

5. Communication to Councillor Vogel from Chamber President Ann Ormond
6. Newburyport Youth Football & Cheering Tag Days Sept. 26 & 27 Market Square
7. LATE FILE – Mayor's Communication

13. APPOINTMENTS - Second Reading - None

14. ORDERS

1. TABLED Resolution Car Free Day
2. Accept Gift of \$228,500 from the Friends of the Newburyport Council on Aging for Senior Center
3. Resolution to work collaboratively with Verizon to provide FIOS
4. Changes to City Hall Rental Application and Rules of Use
5. Order Revising the Location of the EV charging station

15. ORDINANCES

1. 2nd Reading Amend Ch. 9 Article 7 Div # Regulation of Door to Door Sales
2. Amend Zoning VIII-D Sign regulations
3. Amend Zoning XI-I Glare
4. Create Ch. 2-2.5 City Flag
5. Amend Ch. 3-2 Disposal of Animal Waste
6. Amend Ch. 12-9 Maintenance of City Owned Sidewalks
7. Amend Ch. 12-181 Protection of Public Trees
8. Amend Ch. 13-136 Designated Stop Intersections
9. Amend Ch. 13-168 Parking Restricted on Independent Street
10. Amend Ch. 13-180 Resident Parking
11. Amend Ch. 13-168 Parking Restricted on Pauline Street
12. Amend Ch. 2-116 Planning Board Established, membership, appointment
13. Amend Ch. 2-119 Planning Board Members to serve without pay; powers and duties

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
2. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014
3. Letter from Hope Church regarding Master Box fee *11/10/2014
4. Energy/Recyc RsvAppr Solid Waste Fees to Hshold Haz Waste \$20,000, Chipper Svc \$10,000 *08/10/2015
5. City of Newburyport net assessment for 2015-2016 Whittier Regional Voc. Tech. HS *08/10/2015
6. Statement re: Human Resources Dependent Audit *08/10/2015
7. Accept \$25,000 Grant Stanton Foundation *08/10/2015
8. SEWER CIP - Sewer Easement to CIP- DPS Building, \$225,000 *09/01/2015
9. WATER CIP - Meter Replacement to CIP- DPS Building, \$225,000 *09/01/2015

General Government

In Committee:

1. Letter re: Health Insurance Benefit *05/11/2015
2. Establish a Waterfront Committee (COTW) *08/10/2015

Joint Education

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
2. Order Polling Place High Street *07/13/2015

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company *02/10/2014
2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014
3. Letter regarding transient vendor licensing *06/30/2014
4. Amend ORD 15-32 Taxi Licenses *06/29/2015
5. Regulations *08/10/2015
6. Amend Ch 9-111 Transient Vendors Definitions *08/10/2015

Neighborhoods and City Services

In Committee:

1. Temple Street sidewalk repair *04/27/2015
2. Letter re: sidewalks and bike paths to Hale Street and West End *05/11/2015
3. Letter regarding Emerald Ash Borer *05/26/2015
4. City-Wide Sidewalk Specifications *06/08/2015
5. Amend Ch11 Parks and Recreation (COTW) *08/10/2015

Planning & Development

In Committee:

- | | |
|--|-------------|
| 1. Letter from Newburyport Preservation Trust | *03/31/2014 |
| 2. First Refusal to Purchase Lot 8 Low Street | *01/12/2015 |
| 3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" | *01/12/2015 |
| 4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) | *01/29/2015 |
| 5. Request to present to City Council Essex Tech High School | *05/11/2015 |
| 6. NRA Ad Hoc (COTW) | *08/10/2015 |
| 7. Authorizing Acceptance of Hamilton Estates Preservation Restriction | *08/10/2015 |
| 8. Authorizing Acceptance of Hamilton Estates Conservation Restriction | *08/10/2015 |

Public Safety

In Committee:

- | | |
|--|-------------|
| 1. London Livery request for valet parking at 38 State Street | *04/27/2015 |
| 2. Order regarding Signs | *05/26/2015 |
| 3. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No. Atkinson | *06/29/2015 |
| 4. Special Event Application St. Vincent DePaul Walk for the Poor, Sept. 26, 2015 | *07/13/2015 |
| 5. Special Event Application 24 th Walk Against Violence, October 4, 2015 | *07/13/2015 |
| 6. Letter regarding condition of Dove Street | *07/13/2015 |
| 7. Electric Charging Station Green Street Lot | *08/10/2015 |
| 8. Location Agreement Public Way Authorization | *08/10/2015 |
| 9. Use of sidewalk - Informational table request in front of library | *09/01/2015 |

Public Utilities Committee

In Committee:

- | | |
|--|-------------|
| 1. Water and Sewer Commissions adjustment of sewer bill charges re second meters | *11/24/2014 |
| 2. Mayor's Letter re: Water/Sewer rate vote | *07/13/2015 |

Rules Committee

17. GOOD OF THE ORDER

18. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1

August 10, 2015

7:15 PM

POLE HEARING

National Grid Electrical Box Installation at 1 Rawson Hill at High Street 7:15 PM

Council President O'Brien called the meeting to order at 7:15 pm. He instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel, O'Brien. 11 present. Rudy Kocandile of National Grid spoke in favor. Greg Miller of 275 High Street spoke against. Councillor Tontar spoke and asked for alternatives to the current design. Motion to table by Councillor Tontar, seconded by Councillor Giunta. So voted. Closed hearing at 7:28 pm.

7:30 PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for William Barlett and Susan Keller. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel and O'Brien. 11 present.

1. PUBLIC COMMENT

1. Ed Gronbeck	Brass Lyon 36 Market Square	Harbormaster 2.53
2. Bill Harris	56 Lime Street	Harbormaster Bldg, Waterfront Com.
3. Elizabeth Harris	56 Lime Street	Harbormaster Bldg, Sewer
4. Ann Ormond	38R Merrimac St.	Harbormaster Facility
5. George Ellison	2A Noble St.	Harbormaster Facility
6. Mary Ann Lawler	2 Woodland St.	Harbormaster Facility
7. Steven Hines	54 Ferry Road	Harbormaster Facility
8. Michael Mroz	25 Water Street	Harbormaster Facility
9. Leslie Eckholdt	36 Warren Street	NRA
10. Andrew Casson	240 Merrimac Street	Harbormaster Facility
11. David Pierre	35 Market Sq (Orange Leaf)	Harbormaster Facility
12. David Keery	437 Merrimac St, Architect	Harbormaster Facility
13. Sharon Scott	9 Louise Street	NRA
14. Jim Roy	4 Fruit Street	NRA
15. Tom Salemi	16 Tyng Street	NRA
16. Rob Germinara	2 Ashland Street	B&F #5, Health Director leaving

2. MAYOR'S UPDATE

The Mayor gave an update.

CONSENT AGENDA

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3. APPROVAL OF MINUTES

July 13, 2015

(Approved)

4. TRANSFERS

1. Energy/Recycling Rsv Appr Solid Waste Fees to Hshold Haz Waste \$20,000, Chipper Svc \$10,000 (B&F)

5. COMMUNICATIONS

1. City of Newburyport net assessment for 2015-2016 Whittier Regional Voc. Tech. HS (B&F)
2. Statement re: Human Resources Dependent Audit (B&F)
3. Notification of Sept. 13, 2015 Raindate for PanMass Kids Ride (R&F)

6. APPOINTMENTS – First Reading - None

END OF CONSENT AGENDA

Motion to approve the consent agenda as amended by Councillor Connell, seconded by Councillor Vogel. So voted.

REGULAR AGENDA

7. COMMUNICATIONS

4. Request for table in Market Square August 29, 2015 for MSPCA at Nevins Farm

Motion to approve emergency preamble by Councillor Herzog, seconded by Councillor Cameron. 10 yes, 1 no (Cronin). So voted. Motion to approve by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

5. Block Party Warren St. between Cutter & Griffin Cts September 12, 2015

Motion to approve emergency preamble by Councillor Cameron, seconded by Councillor Herzog. 10 yes, 1 no (Cronin). So voted. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. Roll call vote, 11 yes. So voted.

6. LATE FILE – Mayor's Communication

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

8. APPOINTMENTS - Second Reading

RE-APPOINTMENTS

1. Bonnie Sontag 10 Upland Road Fruit Street Local Historic District Com May 31, 2018

Motion to approve 2nd reading by Councillor Herzog, seconded by Councillor Giunta. Roll call vote, 11 yes.

9. ORDERS

1. Resolution NRA Dissolution (originally introduced July 13, 2015)

Motion to approve second reading by Councillor Herzog, seconded by Councillor Giunta. Roll call vote, 4 yes (Herzog, Cronin, Giunta, O'Brien), 7 no. Motion failed.

2. Resolution NRA Disband

Motion to receive and file by Councillor Cronin, seconded by Councillor Giunta. 10 yes, 1 no (Vogel). So voted.

3. NRA Ad Hoc

Motion to table by Councillor Cronin, seconded by Councillor Giunta. 8 yes, 3 no (Cameron, Herzog, Vogel). So voted. Motion to reconsider by Councillor Herzog. Motion to suspend the rules by Councillor Cronin, seconded by Councillor Kinsey. 10 yes, 1 no (Vogel). So voted. Motion to reconsider and refer to Planning & Development and Committee of the Whole by Councillor Herzog, seconded by Councillor Cronin. 10 yes, 1 no (Vogel). So voted.

4. Establish a Waterfront Committee

Motion to refer to Planning & Development and Committee of the Whole by Councillor Cameron, seconded by Councillor Heartquist. Motion to add a friendly amendment by Councillor Herzog to send to General Government and Committee of the Whole (no second). Motion to add friendly amendment by Councillor Eigerman that the committee consist of 5 City Councillors chosen by the President and the president or president's designee as chair of the committee and that the NRA itself consider its future and to get its house in order. Roll call vote, 10 yes, 1 no (O'Brien). So voted.

5. Authorizing Acceptance of Hamilton Estates Preservation Restriction

Motion to refer to Planning & Development by Councillor Cronin, seconded by Councillor Giunta. So voted.

6. Authorizing Acceptance of Hamilton Estates Conservation Restriction

Motion to refer to Planning & Development by Councillor Cronin, seconded by Councillor Cameron. So voted.

7. Electric Charging Station Green Street Lot

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

8. Regulations

Motion to refer to License & Permits by Councillor Herzog, seconded by Councillor Giunta. 9 yes, 2 no (Connell, Vogel). So voted.

9. Use of Bull Nose Music

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

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

10. Accept \$25,000 Grant Stanton Foundation

Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Herzog. So voted.

11. Resolution Car Free Day

Motion to table by Councillor Herzog, seconded by Councillor Giunta. So voted.

12. Location Agreement Public Way Authorization

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

10. ORDINANCES

1. Tabled 2nd Reading Amend ORD Ch. 13-168 Parking Restricted Toppans Lane

Motion remove from the table by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve 2nd reading by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 11 yes. So voted.

2. 2nd Reading Amend Zoning Add Office Uses at Business Park

Motion to approve 2nd reading by Councillor Eigerman, seconded by Councillor Cronin. Roll call vote, 11 yes. So voted.

3. Tabled Amend Ch 9 Article 7 Div # Regulation of Door to Door Sales

Motion remove from the table by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 7 yes, 4 no (Herzog, Vogel, Giunta, Heartquist). Motion passed.

4. Amend Ch11 Parks and Recreation

Motion to refer to Neighborhood and City Services and Committee of the Whole by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes.

5. Amend Ch 9-111 Transient Vendors Definitions

Motion to refer to License and Permits by Councillor Eigerman, seconded by Councillor Heartquist. 10 yes, 1 no (Herzog). So voted.

11. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
2. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
3. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014
4. Letter from Hope Church regarding Master Box fee *11/10/2014
5. Order Appopr. for new transient boater facility proj. (back-up info on file in Clerk's office) *07/13/2015

Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

General Government

In Committee

1. Letter re: Health Insurance Benefit *05/11/2015

Joint Education

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
2. Order Polling Place High Street *07/13/2015

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company *02/10/2014
2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014
3. Letter regarding transient vendor licensing *06/30/2014
4. Amend ORD 15-32 Taxi Licenses *06/29/2015
5. New Application Outdoor Seating Dos Amigos Burritos 24 Pleasant Street *07/13/2015

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

Neighborhoods and City Services

In Committee:

1. Temple Street sidewalk repair *04/27/2015
2. Letter re: sidewalks and bike paths to Hale Street and West End *05/11/2015
3. Letter regarding Emerald Ash Borer *05/26/2015
4. City-Wide Sidewalk Specifications *06/08/2015

Planning & Development

Councillor Cameron gave a Smart Growth update.

In Committee:

- | | |
|---|-------------|
| 1. Letter from Newburyport Preservation Trust | *03/31/2014 |
| 2. First Refusal to Purchase Lot 8 Low Street | *01/12/2015 |
| 3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" | *01/12/2015 |
| 4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) | *01/29/2015 |
| 5. Request to present to City Council Essex Tech High School | *05/11/2015 |

Public Safety

In Committee:

- | | |
|--|-------------|
| 1. London Livery request for valet parking at 38 State Street | *04/27/2015 |
| 2. Order regarding Signs | *05/26/2015 |
| 3. Newburyport Fire Dept. permission for Fill the Boot Drive July 30, 31, Aug. 1 for MDA | *06/08/2015 |

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

- | | |
|--|-------------|
| 4. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No. Atkinson | *06/29/2015 |
| 5. Special Event Application St. Vincent DePaul Walk for the Poor, Sept. 26, 2015 | *07/13/2015 |
| 6. Special Event Application 24 th Walk Against Violence, October 4, 2015 | *07/13/2015 |
| 7. Letter regarding condition of Dove Street | *07/13/2015 |

Public Utilities Committee

In Committee:

- | | |
|--|-------------|
| 1. Water and Sewer Commissions adjustment of sewer bill charges re second meters | *11/24/2014 |
| 2. Boston Solar Letter regarding City of Newburyport solar options | *06/29/2015 |

Motion to remove by Councillor Herzog, seconded by Councillor Vogel. So voted. Motion to receive and file by Councillor Herzog, seconded by Councillor Vogel. So voted.

- | | |
|---|-------------|
| 3. Mayor's Letter re: Water/Sewer rate vote | *07/13/2015 |
|---|-------------|

Rules Committee

12. GOOD OF THE ORDER

Councillor Vogel stated it was not his intent to offend Councillor Cronin.

Councillor Herzog stated that he did not receive update on BOH and the Director.

Mayor Holaday stated that she was on vacation and apologized for not letting the Council know sooner about the Health Director.

13. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councilor Tontar, at 10:13 pm. So voted.

SPECIAL CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS

September 1, 2015

7:00 PM

Council President O'Brien called the meeting to order at 7:00 pm. A moment of silence was held for Harry Kalashian. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell (7:14pm), Cronin, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel and O'Brien. 10 present, 1 absent (Eigerman).

1. LATE FILE ITEMS

2. PUBLIC COMMENT

1. David McFarlane

20 57th Street

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.

3. TRANSFERS

1. SEWER CIP - Sewer Easement to CIP- DPS Building, \$225,000 (B&F)
2. WATER CIP - Meter Replacement to CIP- DPS Building, \$225,000 (B&F)

4. COMMUNICATIONS

1. Use of sidewalk - Informational table request in front of library (PS)

5. APPOINTMENTS – None

END OF CONSENT AGENDA

Motion to approve the Consent Agenda by Councillor Cameron, seconded by Councillor Giunta. So voted.

REGULAR AGENDA

6. HEARING - CONTINUED

- ### 1. Electric Box – Rawson Avenue

Motion to continue the hearing from August 10, 2015 by Councillor Tontar, seconded by Councillor Giunta. So voted.

Rudy Kocandrile of National Grid spoke. He met with the neighbors. Photographic diagrams were provided. The sidewalk from High St to 6 Rawson Ave will be replaced with concrete.

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

7. ORDERS

- ### 1. Confirmatory Vote – Authority for Taking (Rail Trail)

Motion to approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Eigerman). So voted.

- ## 2. Confirmatory Vote – Order of Taking re. Easements

Motion to approve by Councillor Connell, seconded by Councillor Kinsey. Roll call vote, 10 yes, 1 absent (Eigerman). So voted.

- ### 3. Confirmatory Vote – Order of Taking re. Joppa Park

Motion to approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Eigerman). So voted.

8. EXECUTIVE SESSION

1. Discussion of litigation strategy with regard to the Plum Island Water & Sewer systems

Motion to go into Executive Session for the purpose of discussing litigation strategy at 7:35 pm by Councillor Cameron, seconded by Councillor Tontar. Roll Call Vote 10Y, 1A. President O'Brien announced that the Council will not be coming back in regular session after the Executive Session is over.

**Motion to come out of Executive Session at 9:15 pm by Councillor Cameron, seconded by Councillor Tontar
Roll Call Vote 10Y, 1A.**

9. GOOD OF THE ORDER

10. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councillor Vogel. So voted.

TRANSFERS

COMMUNICATIONS

NEWBURYPORT SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel. (978)-465-4407 Fax. (978)-462-7936

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application)

- NAME OF EVENT: Newburyport Half Marathon
1. Date: 10/25/15 Time: from 10:00 am to 3:00 pm
Rain Date: 11/1/15 Time: from 10:00 am to 3:00 pm
2. Location: Cashman Softball Field
3. Description of Property: _____ Public ☒ Private ☐
4. Name of Organizer: Eli Bailin City Sponsored Event: Yes ☐ No ☐
Contact _____ Person: _____
Address: 55 Prospect St Telephone: _____
E-Mail: elibailin@hotmail.com Cell Phone: 978 270 2026
Day of Event Contact & Phone: same
5. Number of Attendees Expected: 4,000
6. MA Tax Number: 47-0987984
7. Is the Event Being Advertised? yes Where? email blasts
8. What Age Group is the Event Targeted to? 21-64+
9. Have You Notified Neighborhood Groups or Abutters? Yes ☒ No ☐ Who? _____

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

- A. Vending: Food ☒ Beverages ☒ Alcohol ☒ Goods _____ Total # of Vendors 10
- B. Entertainment: (Subject to City's Noise Ordinance.) Live Music ☒ DJ _____ Radio/CD _____
Performers _____ Dancing _____ Amplified Sound ☒ Stage ☒
- C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
Other _____ Total # _____
Name of Carnival Operator: _____
Address: _____
Telephone: _____
- D. Clean Up: # of additional trash receptacles required 10 # of additional recycling receptacles required 10
- E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)
28 Standard # 2 ADA accessible

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE ☒

WALKATHON ☐

AMESBURY, MA

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: Green Stride

2. Name, Address & Daytime Phone Number of Organizer: Eli Bailin

55 Prospect St Amesbury, MA 01913
(978) 270-2026

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up Same

4. Date of Event: 10/25/15 Expected Number of Participants: 4,000

5. Start Time: 10:00am Expected End Time: 3:00pm

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): See attached

7. Locations of Water Stops (if any): See attached

8. Will Detours for Motor Vehicles Be Required? yes If so, where? multiple areas along route. NBPT PD and DMSE Sports working closely to execute.

9. Formation Location & Time for Participants: 8:00am

10. Dismissal Location & Time for Participants: 3:00pm

11. Additional Parade Information:

• Number of Floats: _____

• Locations of Viewing Stations: _____

• Are Weapons Being Carried: Yes _____ No _____

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE/CROSSING

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature]

DEPUTY DIRECTOR [Signature] 1 Perry Way CITY CLERK [Signature]

Greenleaf St.

60 Pleasant St.

DEPARTMENT APPROVAL (For Committee members use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, & others may request cash in advance payment.

Approval Required	Date: _____	Signature _____
_____	1. Special Events: _____	_____
_____	2. Police: _____	_____
	Is Police Detail Required: _____	# of Details Assigned: _____
_____	3. Traffic, Parking & Transportation: _____	_____
_____	4. ISD/Health: _____	_____
_____	5. ISD/Building: _____	_____
_____	6. Electrical: _____	_____
_____	7. Fire: _____	_____
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	8. Public Works: _____	_____
_____	9. Recreation Department: _____	_____
_____	10. License Commission: _____	_____

The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.

Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.

- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.

Signed: _____

Date: _____

8/10/15



CERTIFICATE OF LIABILITY INSURANCE

GREEN-9

OP ID: KQ

DATE(MM/DD/YYYY)

09/10/2015

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).

PRODUCER Arthur S Page Insurance Agency 67 State St. Newburyport, MA 01950 None		CONTACT NAME: None PHONE (A/C, No, Ext): 978-465-5301 FAX (A/C, No): 978-462-0890 E-MAIL: ADDRESS:		
INSURED Green Stride Eli Bailin 55 Prospect St. Amesbury, MA 01950		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A: Mesa Underwriters		
		INSURER B:		
		INSURER C:		
		INSURER D:		
		INSURER E:		
INSURER F:				

COVERAGES**CERTIFICATE NUMBER:****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 SUBR INSD WVP	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	APP	10/25/2015	10/26/2015	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
						MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ 1,000,000
							\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
							\$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$					EACH OCCURRENCE	\$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE					AGGREGATE	\$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE	OTH-ER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
A	Commercial Aplica		APP	10/25/2015	10/26/2015		

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

NEWBURYPORT 1/2 MARATION
City of Newburyport is Additional Insured

CERTIFICATE HOLDER**CANCELLATION**

CITY001

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

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

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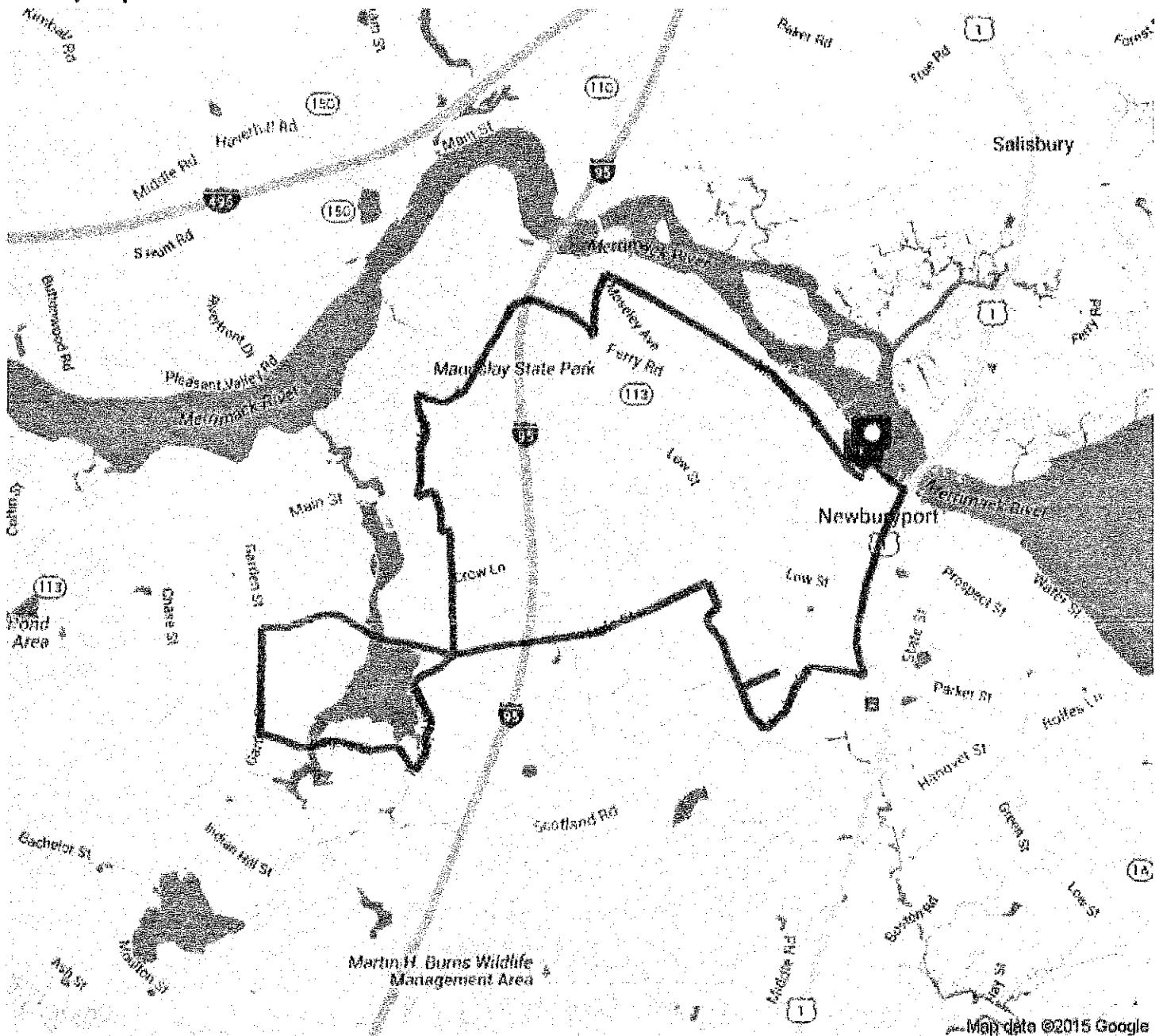
COURSE DESCRIPTION

START: Merrimac & Kent St intersection
Continue Merrimac St- 1 mile Jefferson St before Atkinson Common
Left on Spofford St- 2 miles
Right on Ferry Rd
Across bridge over Route 95
Continue to Pine Hill Rd- 3miles
Bear right onto Curzon Mill Rd
Left on Hoyts Ln
Left on Storey Ave, Route 113- 4 miles
Right on Dennett Dr
Left on Everett Dr.
Right on Turkey Hill Rd
Right on Plummer Spring Rd- 5 miles
Continues to Middle St
Left on Garden St- 6 miles
Left on Rogers St- 7 miles
Left on Turkey Hill Rd- 8 miles
Right on Hale St- 9 miles
Right on Malcolm K Hoyt Rd- 10 miles
Left on Milliken Way to reverse direction at turn around point
Left on Malcolm K Hoyt Rd -11 miles
Left on Parker St
Continue right on Parker St
Left on Clipper City Rail Trail- 12 miles
Finish: adjacent to Cashman Park parking lot



A run mapped on 03/06/2012
Distance: 13.42 mi

mapmyrun



Elevation data not yet available.

$\frac{1}{2}$ Marathon Road Race 10/25/15
10AM

&K0000002014 GREEN STRIDE HALF MARATHON & RELAY

Water Stop Locations

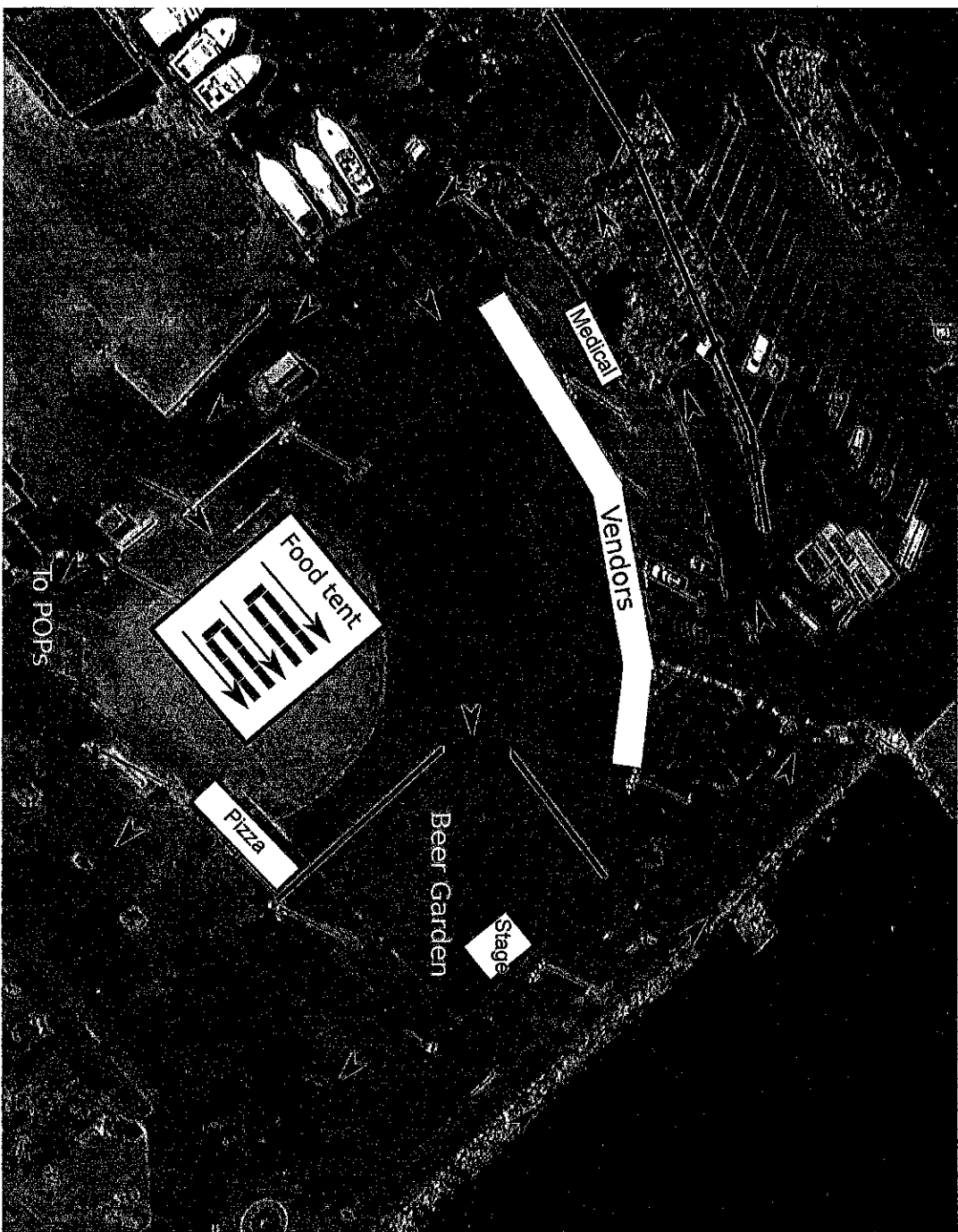
LOCATION

WATER STOP #1: Merrimac St. opposite Christie St in parking lot
WATER STOP #2: before Pine Hill Rd / Curzon Mill intersection on runner right
WATER STOP #3: Plummer Spring after turn from Turkey Hill
WATER STOP #4: Rogers St; cut out on right before bridge
WATER STOP #5: Turkey Hill Rd; cut out opposite reservoir
WATER STOP #6: #16 Malcolm Hoyt; Rochester Electronics driveway
WATER STOP #7: #50 Parker St; parking lot

Newburyport Half Marathon

Sunday,
October 25th, 2015

Finish Area



Prepared by:

DMSE
DAVE MCGILLIVRAY SPORTS ENTERPRISES
SPORTS

V. 07/17/2015

August 31, 2016

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 SEP -1 P 3:01

Dear Members of the City Council,

Before the creation of the position of Human Resources at City Hall, before the creation of the Public Employee Committee (PEC), and before the City adopted the new addenda to Chapter 32B (the Massachusetts Municipal Health Insurance Law), former Treasurer Mary Lattime and former Assistant Treasurer Diane Mercer handled health care issues and questions for all city employees. Former Newburyport Principal and Assistant Superintendent of Schools Joseph Donnelly also assisted in a dedicated, masterful way in overseeing the interests of health care as a member of the then Insurance Advisory Committee.

Former Mayor John Moak had the foresight to hire Lynne Varney as a part-time HR person. The complexities of the newly-passed legislation regarding health insurance now required a person to concentrate on the myriad of issues that were coming to the forefront. The PEC was formed and its membership consisted of representatives from each municipal union, as well as a representative of all retirees and a representative of the mayor.

Mayor Donna Holaday, who recognized the city's need for a full-time HR person and was aware of the complexities of negotiating municipal health insurance, hired Jennifer Lamarre. We all owe a debt of gratitude to Jennifer for bringing order to complex and confusing health mandates. Her participation in hard-nosed negotiations with health benefit insurers, her tireless exploration of ways to save the city money while providing first class health coverage to employees and retirees, and her kind, caring nature all resulted in best practices, not only in her individual work environment, but also during monthly meetings with the PEC. The many decisions regarding health benefits that were made by the PEC were the result of Jennifer's communication and preparation. She, along with the determined efforts of retiree representative Joseph Donnelly, co-chairpersons Patricia Levitt and John Piretti, as well as the other dedicated members of the committee, streamlined the process and saved the city tens of thousands of dollars.

Now we are fortunate to have a gifted successor in Tracy Maynard. Tracy's extensive experience and expertise as a human resources specialist in the health care field are beneficial to us all. We thank the Mayor and the Council for funding this position. As members of the PEC, we meet on a monthly basis with the HR director to continue to focus on consistently improving health care coverage while containing costs. As Joseph Donnelly prepares to retire from his role, we cannot possibly summarize his many accomplishments over the years; we can only appreciate them and thank him for his dedication to the City of Newburyport.

Finally, MIIA, Newburyport's liaison between Blue Cross-Blue Shield and the City, has repeatedly stated that Newburyport's PEC is widely recognized as one of the best in the

state thanks to all contributors, past and present. Jenny Lamarre's role in that recognition cannot be understated.

Sincerely,

Newburyport Public Employee Committee (PEC)

John Piretti, Co-Chair, Newburyport Fire Fighters

Patricia W. Levitt, Co-Chair, Newburyport Teachers Association

Kathe Talkington, Teamsters – Administrative, Professional and Technical

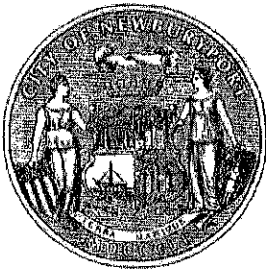
Paul Hogg, Teamsters - Department Heads

Jerry Cronin, AFSCME – Local 939

Nora Duggan, Newburyport Police Department, NEBPO Local 30

Gordon Bowman and Myron Moss, Retirees

Cc: Mayor Donna Holaday



CITY OF NEWBURYPORT
FINANCE DEPARTMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4404 • (978) 462-3257 (FAX)
WWW.CITYOFNEWBURYPORT.COM

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 SEP -2 P 1:34

DONNA D. HOLADAY
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: Mayor Donna D. Holaday
President and Members of the Newburyport City Council

From: Ethan R. Manning, Finance Director/City Auditor

Date: September 2, 2015

Subject: FY2015 Year-End Financial Report

The fiscal year 2015 year-end financial report is presented to the Mayor and City Council as a preliminary look at the City of Newburyport's financial performance over the past year prior to the release of the audited financial statements. This report compares original and revised appropriations/estimates to actual expenditures and collections for the General Fund, as well as, Water, Sewer and Harbormaster Enterprise Funds for the year-ending June 30, 2015.

FY2015 Expenditures

Expenditures within the General Fund and Enterprise Funds were made within the budgetary appropriations approved by the City Council. Remaining and unrestricted appropriations from fiscal year 2015, totaling \$1,781,899, will be a positive factor in the Free Cash and Retained Earnings calculations as of July 1, 2015. Below is a summary of the year-end expenditures by fund, which is broken out in greater detail in the reports that follow:

	REVISED BUDGET	YTD EXPENDED	FY2015 ENCUMB.	REMAINING BUDGET	% OF BUDGET
001 GENERAL FUND	57,975,764	55,060,375	2,147,429	767,961	95.0%
060 WATER ENTERPRISE FUND	4,887,817	4,489,461	23,148	375,208	91.9%
061 SEWER ENTERPRISE FUND	6,594,675	5,820,939	216,719	557,016	88.3%
6520 HARBORMASTER ENTERPRISE FUND	357,684	271,573	4,396	81,714	75.9%
TOTAL BUDGETARY FUNDS	69,815,939	65,642,348	2,391,692	1,781,899	94.0%

FY2015 Revenue

Total revenue for the budgetary funds exceeded estimates for FY2015 with collections at 101.8% of estimated revenue. The General Fund, Water Enterprise Fund and Harbormaster Enterprise Fund all exceeded their FY2015 estimates, while the Sewer Enterprise Fund came in below their estimate at 94.9%. Below is a summary of the year-end revenue by fund, which is broken out in greater detail in the reports that follow:

	ESTIMATE	ACTUAL	OVER/ (BELOW)	% OF ESTIMATE
001 GENERAL FUND	55,976,448	57,344,995	1,368,547	102.4%
060 WATER ENTERPRISE FUND	4,467,817	4,614,613	146,796	103.3%
061 SEWER ENTERPRISE FUND	5,927,877	5,624,789	-303,088	94.9%
6520 HARBORMASTER ENTERPRISE FUND	357,684	379,537	21,853	106.1%
TOTAL BUDGETARY FUNDS	66,729,825	67,963,933	1,234,109	101.8%

Once the Massachusetts Department of Revenue verifies and certifies the City's year-end financial results later this fall, funds will be available for any legal expenditure at the recommendation of the Mayor and approval of a majority vote of the City Council. All financial information contained in this report is presented on an unaudited basis and, as such, is subject to further adjustment until finalized. The audited financial statements will be filed with the City Clerk no later than March 1, 2016 in accordance with the City Charter.

Please feel free to contact me if you have any questions.

Attachments:

- Expenditure Summary (page 1)
- Expenditures by Budget Category (page 2)
- Revenue Summary (page 7)
- Revenue by Source (page 8)



City of Newburyport **FY2015 Year-End Expenditure Summary**

	ORIGINAL APPROP.	TRANSFERS/ ADJSMTS	REVISED BUDGET	YTD EXPENDED	FY2015 ENCUMB.	REMAINING BUDGET	% OF BUDGET
001 GENERAL FUND							
111 CITY COUNCIL	69,680	0	69,680	68,670	987	23	98.6%
121 MAYOR'S DEPARTMENT	278,181	0	278,181	275,181	0	3,000	98.9%
129 GENERAL ADMINISTRATION	453,666	-103,786	349,880	337,029	8,300	4,551	96.3%
135 AUDITOR'S DEPARTMENT	305,503	0	305,503	285,297	8,875	11,332	93.4%
141 ASSESSORS DEPARTMENT	225,479	1,500	226,979	225,444	0	1,535	99.3%
145 TREASURER'S DEPARTMENT	497,916	0	497,916	491,354	0	6,562	98.7%
151 INFO TECHNOLOGY DEPT	261,527	17,857	279,384	277,264	1,951	169	99.2%
152 HUMAN RESOURCES	194,735	3,608	198,343	137,635	0	60,708	69.4%
161 CITY CLERK'S DEPARTMENT	223,986	0	223,986	223,042	210	735	99.6%
163 BOARD OF REGISTRARS	40,040	9,500	49,540	49,540	0	0	100.0%
165 LICENSE COMMISSION	6,840	0	6,840	6,235	0	605	91.2%
171 CONSERVATION COMMISSION	1,800	0	1,800	1,800	0	0	100.0%
175 PLANNING BOARD	1,800	0	1,800	1,650	0	150	91.7%
176 ZONING BOARD	1,800	0	1,800	1,800	0	0	100.0%
182 PLANNING & DEVELOPMENT	291,333	0	291,333	284,688	0	6,645	97.7%
191 LEGAL DEPARTMENT	70,000	50,000	120,000	120,000	0	0	100.0%
210 POLICE DEPARTMENT	3,385,795	5,877	3,391,672	3,236,712	4,687	150,273	95.4%
220 FIRE DEPARTMENT	3,359,635	126,729	3,486,364	3,482,483	1,041	2,840	99.9%
241 BUILDING DEPARTMENT	168,231	0	168,231	167,841	122	268	99.8%
291 EMERGENCY MANAGEMENT	27,250	0	27,250	22,628	104	4,518	83.0%
292 ANIMAL CONTROL	61,978	0	61,978	46,394	171	15,413	74.9%
293 PARKING CLERK DEPARTMENT	43,486	0	43,486	43,486	0	0	100.0%
300 SCHOOL DEPARTMENT	25,148,813	0	25,148,813	23,234,153	1,914,660	0	92.4%
398 ESSEX NORTH SHORE TECH SCHOOL	0	21,865	21,865	21,865	0	0	100.0%
399 WHITTIER VO TECH SCHOOL	336,873	0	336,873	336,873	0	0	100.0%
421 PUBLIC SERVICES DEPARTMENT	2,232,884	217,000	2,449,884	2,272,381	99,519	77,984	92.8%
423 SNOW & ICE	180,000	705,496	885,496	885,496	0	0	100.0%
510 HEALTH DEPARTMENT	178,948	0	178,948	166,381	2,701	9,865	93.0%
519 SUSTAINABILITY	1,190,518	49,197	1,239,715	1,097,069	91,805	50,841	88.5%
541 COUNCIL ON AGING	266,411	0	266,411	245,178	2,586	18,647	92.0%
542 YOUTH SERVICES	244,611	16,875	261,486	253,459	54	7,973	96.9%
543 VETERANS' DEPARTMENT	258,580	19,000	277,580	274,781	973	1,826	99.0%
610 LIBRARY DEPARTMENT	1,293,998	0	1,293,998	1,275,677	0	18,321	98.6%
630 PARKS COMMISSION	167,866	0	167,866	167,731	0	135	99.9%
691 HISTORICAL COMMISSION	1,800	0	1,800	1,800	0	0	100.0%
710 DEBT EXCLUSION	2,520,695	0	2,520,695	2,431,664	0	89,031	96.5%
720 ORDINARY DEBT SERVICE	855,202	0	855,202	855,202	0	0	100.0%
911 RETIREMENT BOARD	3,428,009	0	3,428,009	3,428,009	0	0	100.0%
914 INSURANCE GROUP	7,990,396	-478,938	7,511,458	7,280,261	8,683	222,514	96.9%
921 COMMISSION ON DISABILITY	5,927	0	5,927	4,431	0	1,496	74.8%
942 STABILIZATION OUTLAY	5,000	0	5,000	5,000	0	0	100.0%
990 INTERFUND TRANSFERS	0	1,036,789	1,036,789	1,036,789	0	0	100.0%
001 GENERAL FUND Total	56,277,195	1,698,570	57,975,764	55,060,375	2,147,429	767,961	95.0%
060 WATER ENTERPRISE FUND							
450 WATER DEPARTMENT	4,887,817	0	4,887,817	4,489,461	23,148	375,208	91.9%
060 WATER ENTERPRISE FUND Total	4,887,817	0	4,887,817	4,489,461	23,148	375,208	91.9%
061 SEWER ENTERPRISE FUND							
440 SEWER DEPARTMENT	6,247,877	346,798	6,594,675	5,820,939	216,719	557,016	88.3%
061 SEWER ENTERPRISE FUND Total	6,247,877	346,798	6,594,675	5,820,939	216,719	557,016	88.3%
6520 HARBORMASTER ENTERPRISE FUND							
295 HARBORMASTER DEPARTMENT	357,684	0	357,684	271,573	4,396	81,714	75.9%
6520 HARBORMASTER ENTERPRISE FUND Total	357,684	0	357,684	271,573	4,396	81,714	75.9%
TOTAL BUDGETARY FUNDS	\$67,770,572	\$2,045,368	\$69,815,939	\$65,642,348	\$2,391,692	\$1,781,899	94.0%



City of Newburyport
FY2015 Year-End Expenditures by Budget Category

	ORIGINAL APPROP.	TRANSFERS/ ADJSMTS	REVISED BUDGET	YTD EXPENDED	FY2015 ENCUMB.	REMAINING BUDGET	% OF BUDGET
001 GENERAL FUND							
111 CITY COUNCIL							
001 PERSONNEL SERVICES	60,680	0	60,680	60,680	0	0	100.0%
002 PURCHASE OF SERVICES	9,000	0	9,000	7,990	987	23	88.8%
111 CITY COUNCIL Total	69,680	0	69,680	68,670	987	23	98.6%
121 MAYOR'S DEPARTMENT							
001 PERSONNEL SERVICES	224,181	0	224,181	224,181	0	0	100.0%
002 PURCHASE OF SERVICES	39,000	0	39,000	36,000	0	3,000	92.3%
007 OTHER CHARGES & EXPENSES	15,000	0	15,000	15,000	0	0	100.0%
121 MAYOR'S DEPARTMENT Total	278,181	0	278,181	275,181	0	3,000	98.9%
129 GENERAL ADMINISTRATION							
001 PERSONNEL SERVICES	13,500	0	13,500	10,991	0	2,509	81.4%
002 PURCHASE OF SERVICES	152,700	18,938	171,638	164,138	7,500	0	95.6%
004 SUPPLIES	6,000	0	6,000	4,268	0	1,732	71.1%
007 OTHER CHARGES & EXPENSES	281,466	-122,724	158,742	157,632	800	310	99.3%
129 GENERAL ADMINISTRATION Total	453,666	-103,786	349,880	337,029	8,300	4,551	96.3%
135 AUDITOR'S DEPARTMENT							
001 PERSONNEL SERVICES	257,273	0	257,273	245,947	0	11,327	95.6%
002 PURCHASE OF SERVICES	46,500	0	46,500	37,625	8,875	0	80.9%
004 SUPPLIES	1,500	0	1,500	1,500	0	0	100.0%
007 OTHER CHARGES & EXPENSES	230	0	230	225	0	5	97.8%
135 AUDITOR'S DEPARTMENT Total	305,503	0	305,503	285,297	8,875	11,332	93.4%
141 ASSESSORS DEPARTMENT							
001 PERSONNEL SERVICES	200,679	0	200,679	200,679	0	0	100.0%
002 PURCHASE OF SERVICES	20,600	1,500	22,100	21,008	0	1,092	95.1%
004 SUPPLIES	4,200	0	4,200	3,757	0	443	89.4%
141 ASSESSORS DEPARTMENT Total	225,479	1,500	226,979	225,444	0	1,535	99.3%
145 TREASURER'S DEPARTMENT							
001 PERSONNEL SERVICES	281,216	0	281,216	281,216	0	0	100.0%
002 PURCHASE OF SERVICES	54,500	0	54,500	49,751	0	4,749	91.3%
004 SUPPLIES	4,350	0	4,350	3,771	0	579	86.7%
007 OTHER CHARGES & EXPENSES	157,850	0	157,850	156,616	0	1,234	99.2%
145 TREASURER'S DEPARTMENT Total	497,916	0	497,916	491,354	0	6,562	98.7%
151 INFO TECHNOLOGY DEPT							
001 PERSONNEL SERVICES	77,794	0	77,794	77,743	0	51	99.9%
002 PURCHASE OF SERVICES	182,133	17,857	199,990	198,039	1,951	0	99.0%
004 SUPPLIES	1,600	0	1,600	1,482	0	118	92.6%
151 INFO TECHNOLOGY DEPT Total	261,527	17,857	279,384	277,264	1,951	169	99.2%
152 HUMAN RESOURCES							
001 PERSONNEL SERVICES	73,498	3,608	77,106	51,247	0	25,859	66.5%
002 PURCHASE OF SERVICES	110,637	0	110,637	83,711	0	26,927	75.7%
004 SUPPLIES	10,000	0	10,000	2,314	0	7,686	23.1%
007 OTHER CHARGES & EXPENSES	600	0	600	364	0	236	60.6%
152 HUMAN RESOURCES Total	194,735	3,608	198,343	137,635	0	60,708	69.4%

	ORIGINAL APPROP.	TRANSFERS/ ADJSMTS	REVISED BUDGET	YTD EXPENDED	FY2015 ENCUMB.	REMAINING BUDGET	% OF BUDGET
161 CITY CLERK'S DEPARTMENT							
001 PERSONNEL SERVICES	211,886	0	211,886	211,651	0	235	99.9%
002 PURCHASE OF SERVICES	12,100	0	12,100	11,390	210	500	94.1%
161 CITY CLERK'S DEPARTMENT Total	223,986	0	223,986	223,042	210	735	99.6%
163 BOARD OF REGISTRARS							
001 PERSONNEL SERVICES	4,040	0	4,040	4,040	0	0	100.0%
007 OTHER CHARGES & EXPENSES	36,000	9,500	45,500	45,500	0	0	100.0%
163 BOARD OF REGISTRARS Total	40,040	9,500	49,540	49,540	0	0	100.0%
165 LICENSE COMMISSION							
001 PERSONNEL SERVICES	5,340	0	5,340	5,340	0	0	100.0%
007 OTHER CHARGES & EXPENSES	1,500	0	1,500	895	0	605	59.7%
165 LICENSE COMMISSION Total	6,840	0	6,840	6,235	0	605	91.2%
171 CONSERVATION COMMISSION							
001 PERSONNEL SERVICES	1,800	0	1,800	1,800	0	0	100.0%
171 CONSERVATION COMMISSION Total	1,800	0	1,800	1,800	0	0	100.0%
175 PLANNING BOARD							
001 PERSONNEL SERVICES	1,800	0	1,800	1,650	0	150	91.7%
175 PLANNING BOARD Total	1,800	0	1,800	1,650	0	150	91.7%
176 ZONING BOARD							
001 PERSONNEL SERVICES	1,800	0	1,800	1,800	0	0	100.0%
176 ZONING BOARD Total	1,800	0	1,800	1,800	0	0	100.0%
182 PLANNING & DEVELOPMENT							
001 PERSONNEL SERVICES	275,283	0	275,283	272,926	0	2,357	99.1%
002 PURCHASE OF SERVICES	10,000	0	10,000	6,500	0	3,500	65.0%
004 SUPPLIES	6,050	0	6,050	5,262	0	788	87.0%
182 PLANNING & DEVELOPMENT Total	291,333	0	291,333	284,688	0	6,645	97.7%
191 LEGAL DEPARTMENT							
002 PURCHASE OF SERVICES	70,000	50,000	120,000	120,000	0	0	100.0%
191 LEGAL DEPARTMENT Total	70,000	50,000	120,000	120,000	0	0	100.0%
210 POLICE DEPARTMENT							
001 PERSONNEL SERVICES	3,035,881	-10,778	3,025,103	2,917,529	519	107,054	96.4%
002 PURCHASE OF SERVICES	178,866	0	178,866	158,460	153	20,254	88.6%
004 SUPPLIES	110,600	0	110,600	83,732	4,015	22,853	75.7%
007 OTHER CHARGES & EXPENSES	9,448	0	9,448	9,335	0	113	98.8%
008 CAPITAL OUTLAY	51,000	16,655	67,655	67,655	0	0	100.0%
210 POLICE DEPARTMENT Total	3,385,795	5,877	3,391,672	3,236,712	4,687	150,273	95.4%
220 FIRE DEPARTMENT							
001 PERSONNEL SERVICES	2,968,035	236,729	3,204,764	3,204,404	141	219	100.0%
002 PURCHASE OF SERVICES	309,750	-77,000	232,750	230,990	900	860	99.2%
004 SUPPLIES	76,400	-33,000	43,400	43,400	0	0	100.0%
007 OTHER CHARGES & EXPENSES	5,450	0	5,450	3,689	0	1,761	67.7%
220 FIRE DEPARTMENT Total	3,359,635	126,729	3,486,364	3,482,483	1,041	2,840	99.9%

	ORIGINAL APPROP.	TRANSFERS/ ADJSMTS	REVISED BUDGET	YTD EXPENDED	FY2015 ENCUMB.	REMAINING BUDGET	% OF BUDGET
241 BUILDING DEPARTMENT							
001 PERSONNEL SERVICES	167,156	0	167,156	166,766	122	268	99.8%
002 PURCHASE OF SERVICES	1,075	0	1,075	1,075	0	0	100.0%
241 BUILDING DEPARTMENT Total	168,231	0	168,231	167,841	122	268	99.8%
291 EMERGENCY MANAGEMENT							
001 PERSONNEL SERVICES	13,000	702	13,702	13,351	0	351	97.4%
002 PURCHASE OF SERVICES	10,000	0	10,000	8,776	104	1,120	87.8%
004 SUPPLIES	2,250	0	2,250	501	0	1,749	22.3%
007 OTHER CHARGES & EXPENSES	2,000	-702	1,298	0	0	1,298	0.0%
291 EMERGENCY MANAGEMENT Total	27,250	0	27,250	22,628	104	4,518	83.0%
292 ANIMAL CONTROL							
001 PERSONNEL SERVICES	49,548	0	49,548	42,971	0	6,577	86.7%
002 PURCHASE OF SERVICES	9,840	0	9,840	2,031	153	7,656	20.6%
004 SUPPLIES	2,290	0	2,290	1,092	18	1,180	47.7%
007 OTHER CHARGES & EXPENSES	300	0	300	300	0	0	100.0%
292 ANIMAL CONTROL Total	61,978	0	61,978	46,394	171	15,413	74.9%
293 PARKING CLERK DEPARTMENT							
001 PERSONNEL SERVICES	43,486	0	43,486	43,486	0	0	100.0%
293 PARKING CLERK DEPARTMENT Total	43,486	0	43,486	43,486	0	0	100.0%
300 SCHOOL DEPARTMENT							
002 PURCHASE OF SERVICES	25,148,813	0	25,148,813	23,234,153	1,914,660	0	92.4%
300 SCHOOL DEPARTMENT Total	25,148,813	0	25,148,813	23,234,153	1,914,660	0	92.4%
398 ESSEX NORTH SHORE TECH SCHOOL							
002 PURCHASE OF SERVICES	0	21,865	21,865	21,865	0	0	100.0%
398 ESSEX NORTH SHORE TECH SCHOOL Total	0	21,865	21,865	21,865	0	0	100.0%
399 WHITTIER VO TECH SCHOOL							
002 PURCHASE OF SERVICES	336,873	0	336,873	336,873	0	0	100.0%
399 WHITTIER VO TECH SCHOOL Total	336,873	0	336,873	336,873	0	0	100.0%
421 PUBLIC SERVICES DEPARTMENT							
001 PERSONNEL SERVICES	1,379,442	0	1,379,442	1,270,926	241	108,276	92.1%
002 PURCHASE OF SERVICES	385,567	0	385,567	370,077	51,542	-36,052	96.0%
004 SUPPLIES	222,875	150,000	372,875	329,806	43,172	-103	88.4%
008 CAPITAL OUTLAY	245,000	67,000	312,000	301,573	4,564	5,863	96.7%
421 PUBLIC SERVICES DEPARTMENT Total	2,232,884	217,000	2,449,884	2,272,381	99,519	77,984	92.8%
423 SNOW & ICE							
001 PERSONNEL SERVICES	90,000	83,007	173,007	173,007	0	0	100.0%
002 PURCHASE OF SERVICES	90,000	622,489	712,489	712,489	0	0	100.0%
423 SNOW & ICE Total	180,000	705,496	885,496	885,496	0	0	100.0%
510 HEALTH DEPARTMENT							
001 PERSONNEL SERVICES	167,703	0	167,703	166,652	420	630	99.4%
002 PURCHASE OF SERVICES	4,245	0	4,245	2,800	550	895	66.0%
004 SUPPLIES	5,000	0	5,000	3,081	1,731	187	61.6%
007 OTHER CHARGES & EXPENSES	2,000	0	2,000	-6,152	0	8,152	-307.6%
510 HEALTH DEPARTMENT Total	178,948	0	178,948	166,381	2,701	9,865	93.0%

	ORIGINAL APPROP.	TRANSFERS/ ADJSMTS	REVISED BUDGET	YTD EXPENDED	FY2015 ENCUMB.	REMAINING BUDGET	% OF BUDGET
519 SUSTAINABILITY							
001 PERSONNEL SERVICES	73,119	21,697	94,816	92,974	0	1,842	98.1%
002 PURCHASE OF SERVICES	1,116,399	27,500	1,143,899	1,003,094	91,805	48,999	87.7%
004 SUPPLIES	1,000	0	1,000	1,000	0	0	100.0%
519 SUSTAINABILITY Total	1,190,518	49,197	1,239,715	1,097,069	91,805	50,841	88.5%
541 COUNCIL ON AGING							
001 PERSONNEL SERVICES	221,311	0	221,311	205,366	557	15,387	92.8%
002 PURCHASE OF SERVICES	32,100	0	32,100	31,060	77	963	96.8%
004 SUPPLIES	13,000	0	13,000	8,752	1,952	2,296	67.3%
541 COUNCIL ON AGING Total	266,411	0	266,411	245,178	2,586	18,647	92.0%
542 YOUTH SERVICES							
001 PERSONNEL SERVICES	150,893	0	150,893	146,144	0	4,749	96.9%
002 PURCHASE OF SERVICES	19,300	5,000	24,300	23,648	0	653	97.3%
007 OTHER CHARGES & EXPENSES	74,418	11,875	86,293	83,668	54	2,571	97.0%
542 YOUTH SERVICES Total	244,611	16,875	261,486	253,459	54	7,973	96.9%
543 VETERANS' DEPARTMENT							
001 PERSONNEL SERVICES	74,500	0	74,500	74,500	0	0	100.0%
002 PURCHASE OF SERVICES	5,180	0	5,180	4,884	63	233	94.3%
007 OTHER CHARGES & EXPENSES	178,900	19,000	197,900	195,397	910	1,593	98.7%
543 VETERANS' DEPARTMENT Total	258,580	19,000	277,580	274,781	973	1,826	99.0%
610 LIBRARY DEPARTMENT							
001 PERSONNEL SERVICES	966,201	-20,000	946,201	936,518	0	9,683	99.0%
002 PURCHASE OF SERVICES	327,797	20,000	347,797	339,159	0	8,638	97.5%
610 LIBRARY DEPARTMENT Total	1,293,998	0	1,293,998	1,275,677	0	18,321	98.6%
630 PARKS COMMISSION							
001 PERSONNEL SERVICES	64,000	0	64,000	64,000	0	0	100.0%
002 PURCHASE OF SERVICES	98,866	0	98,866	98,731	0	135	99.9%
004 SUPPLIES	5,000	0	5,000	5,000	0	0	100.0%
630 PARKS COMMISSION Total	167,866	0	167,866	167,731	0	135	99.9%
691 HISTORICAL COMMISSION							
001 PERSONNEL SERVICES	1,800	0	1,800	1,800	0	0	100.0%
691 HISTORICAL COMMISSION Total	1,800	0	1,800	1,800	0	0	100.0%
710 DEBT EXCLUSION							
009 DEBT SERVICE	2,520,695	0	2,520,695	2,431,664	0	89,031	96.5%
710 DEBT EXCLUSION Total	2,520,695	0	2,520,695	2,431,664	0	89,031	96.5%
720 ORDINARY DEBT SERVICE							
009 DEBT SERVICE	855,202	0	855,202	855,202	0	0	100.0%
720 ORDINARY DEBT SERVICE Total	855,202	0	855,202	855,202	0	0	100.0%
911 RETIREMENT BOARD							
001 PERSONNEL SERVICES	3,428,009	0	3,428,009	3,428,009	0	0	100.0%
911 RETIREMENT BOARD Total	3,428,009	0	3,428,009	3,428,009	0	0	100.0%
914 INSURANCE GROUP							
001 PERSONNEL SERVICES	7,990,396	-478,938	7,511,458	7,280,261	8,683	222,514	96.9%
914 INSURANCE GROUP Total	7,990,396	-478,938	7,511,458	7,280,261	8,683	222,514	96.9%

	ORIGINAL APPROP.	TRANSFERS/ ADJSMTS	REVISED BUDGET	YTD EXPENDED	FY2015 ENCUMB.	REMAINING BUDGET	% OF BUDGET
921 COMMISSION ON DISABILITY							
001 PERSONNEL SERVICES	2,640	0	2,640	2,640	0	0	100.0%
004 SUPPLIES	3,287	0	3,287	1,791	0	1,496	54.5%
921 COMMISSION ON DISABILITY Total	5,927	0	5,927	4,431	0	1,496	74.8%
942 STABILIZATION OUTLAY							
007 OTHER CHARGES & EXPENSES	5,000	0	5,000	5,000	0	0	100.0%
942 STABILIZATION OUTLAY Total	5,000	0	5,000	5,000	0	0	100.0%
990 INTERFUND TRANSFERS							
010 OTHER FINANCING USES	0	1,036,789	1,036,789	1,036,789	0	0	100.0%
990 INTERFUND TRANSFERS Total	0	1,036,789	1,036,789	1,036,789	0	0	100.0%
001 GENERAL FUND Total	56,277,195	1,698,570	57,975,764	55,060,375	2,147,429	767,961	95.0%
060 WATER ENTERPRISE FUND							
450 WATER DEPARTMENT							
001 PERSONNEL SERVICES	1,942,554	0	1,942,554	1,765,076	0	177,478	90.9%
002 PURCHASE OF SERVICES	807,972	0	807,972	690,066	16,724	101,181	85.4%
004 SUPPLIES	227,785	0	227,785	171,347	6,424	50,014	75.2%
007 OTHER CHARGES & EXPENSES	81,858	0	81,858	65,880	0	15,977	80.5%
008 CAPITAL OUTLAY	155,000	0	155,000	124,442	0	30,558	80.3%
009 DEBT SERVICE	1,672,649	0	1,672,649	1,672,649	0	0	100.0%
450 WATER DEPARTMENT Total	4,887,817	0	4,887,817	4,489,461	23,148	375,208	91.9%
060 WATER ENTERPRISE FUND Total	4,887,817	0	4,887,817	4,489,461	23,148	375,208	91.9%
061 SEWER ENTERPRISE FUND							
440 SEWER DEPARTMENT							
001 PERSONNEL SERVICES	1,991,411	85,776	2,077,187	1,926,993	0	150,193	92.8%
002 PURCHASE OF SERVICES	1,332,913	261,022	1,593,935	1,267,905	144,384	181,647	79.5%
004 SUPPLIES	351,790	0	351,790	215,243	5,335	131,211	61.2%
007 OTHER CHARGES & EXPENSES	29,265	0	29,265	28,471	0	794	97.3%
008 CAPITAL OUTLAY	271,000	0	271,000	158,395	67,000	45,605	58.4%
009 DEBT SERVICE	2,271,498	0	2,271,498	2,223,931	0	47,567	97.9%
440 SEWER DEPARTMENT Total	6,247,877	346,798	6,594,675	5,820,939	216,719	557,016	88.3%
061 SEWER ENTERPRISE FUND Total	6,247,877	346,798	6,594,675	5,820,939	216,719	557,016	88.3%
6520 HARBORMASTER ENTERPRISE FUND							
295 HARBORMASTER DEPARTMENT							
001 PERSONNEL SERVICES	236,659	0	236,659	198,321	0	38,338	83.8%
002 PURCHASE OF SERVICES	40,750	0	40,750	27,687	1,587	11,476	67.9%
004 SUPPLIES	18,200	0	18,200	12,310	2,809	3,080	67.6%
007 OTHER CHARGES & EXPENSES	6,075	0	6,075	3,255	0	2,820	53.6%
008 CAPITAL OUTLAY	30,000	0	30,000	30,000	0	0	100.0%
009 DEBT SERVICE	26,000	0	26,000	0	0	26,000	0.0%
295 HARBORMASTER DEPARTMENT Total	357,684	0	357,684	271,573	4,396	81,714	75.9%
6520 HARBORMASTER ENTERPRISE FUND Total	357,684	0	357,684	271,573	4,396	81,714	75.9%
TOTAL BUDGETARY FUNDS	\$67,770,572	\$2,045,368	\$69,815,939	\$65,642,348	\$2,391,692	\$1,781,899	94.0%



City of Newburyport
FY2015 Year-End Revenue Summary

	ESTIMATE	ACTUAL	OVER/(BELOW)	% OF ESTIMATE
001 GENERAL FUND				
412 REAL ESTATE TAX REVENUE	47,068,513	46,999,873	-68,639	99.9%
411 PER PROP TAX REVENUE	622,114	624,361	2,246	100.4%
401 MOTOR VEHICLE EXCISE	2,250,000	2,528,304	278,304	112.4%
402 OTHER EXCISE	640,000	674,627	34,627	105.4%
403 PEN/INT ON TAX & EXCISE	335,000	383,169	48,169	114.4%
404 PAYMENT IN LIEU TAXES	60,000	58,107	-1,893	96.8%
410 FEES	300,000	581,343	281,343	193.8%
416 OTHER DEPARTMENT REVENUE	55,000	56,347	1,347	102.4%
417 LICENSES/PERMITS	650,000	786,321	136,321	121.0%
419 FINES & FORFEITS	15,000	8,027	-6,973	53.5%
420 INVESTMENT INCOME	130,000	154,347	24,347	118.7%
421 MISCELLANEOUS RECURRING	40,000	100,206	60,206	250.5%
422 MISCELLANEOUS NON-RECURRING	0	51,625	51,625	n/a
437 OTHER DEPARTMENTAL REVENUE	0	1,803	1,803	n/a
460 CHERRY SHT - EDUCATION	3,808,123	3,805,195	-2,928	99.9%
462 CHERRY SHT - GEN GOVT	2,617,738	2,730,156	112,418	104.3%
464 CHERRY SHT - ASSESSMENT	-2,615,040	-2,572,885	42,155	98.4%
497 INTERFUND TRANSFERS IN	0	374,069	374,069	n/a
001 GENERAL FUND Total	<u>55,976,448</u>	<u>57,344,995</u>	<u>1,368,547</u>	<u>102.4%</u>
060 WATER FUND Total	<u>4,467,817</u>	<u>4,614,613</u>	<u>146,796</u>	<u>103.3%</u>
061 SEWER FUND Total	<u>5,927,877</u>	<u>5,624,789</u>	<u>-303,088</u>	<u>94.9%</u>
6520 HARBORMASTER Total	<u>357,684</u>	<u>379,537</u>	<u>21,853</u>	<u>106.1%</u>
TOTAL BUDGETARY FUNDS	<u>\$66,729,825</u>	<u>\$67,963,933</u>	<u>\$1,234,109</u>	<u>101.8%</u>



**City of Newburyport
FY2015 Year-End Revenue by Source**

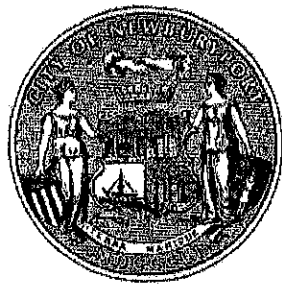
	ESTIMATE	ACTUAL	OVER/(BELOW)	% OF ESTIMATE
001 GENERAL FUND				
412 REAL ESTATE TAX REVENUE				
REAL ESTATE TAX REVENUE	47,068,513	46,999,295	-69,218	99.9%
DEFERRED TAXES REVENUE	0	579	579	n/a
412 REAL ESTATE TAX REVENUE Total	47,068,513	46,999,873	-68,639	99.9%
411 PER PROP TAX REVENUE				
PERS PROP TAX REVENUE	622,114	624,361	2,246	100.4%
411 PER PROP TAX REVENUE Total	622,114	624,361	2,246	100.4%
401 MOTOR VEHICLE EXCISE				
MOTOR VEHICLE REVENUE	2,250,000	2,528,304	278,304	112.4%
401 MOTOR VEHICLE EXCISE Total	2,250,000	2,528,304	278,304	112.4%
402 OTHER EXCISE				
MEALS EXCISE	545,000	561,480	16,480	103.0%
CO MA ROOM OCCUPANCY	95,000	112,842	17,842	118.8%
OTHER EXCISE	0	305	305	n/a
402 OTHER EXCISE Total	640,000	674,627	34,627	105.4%
403 PEN/INT ON TAX & EXCISE				
INT/PEN PP/RE TAX REV	185,000	168,946	-16,054	91.3%
INT ON TAX TITLES	40,000	91,703	51,703	229.3%
CO MA REG MOTOR VEHICLES	70,000	69,545	-455	99.4%
INT/PEN MV EXCISE	40,000	50,772	10,772	126.9%
INT/PEN OTHER	0	2,203	2,203	n/a
403 PEN/INT ON TAX & EXCISE Total	335,000	383,169	48,169	114.4%
404 PAYMENT IN LIEU TAXES				
PAYMENT IN LIEU TAXES	60,000	58,107	-1,893	96.8%
404 PAYMENT IN LIEU TAXES Total	60,000	58,107	-1,893	96.8%
410 FEES				
TAX TITLE REVENUE	175,000	427,297	252,297	244.2%
FIRE MASTER BOX CONNECTION FEE	80,000	85,625	5,625	107.0%
OFF DUTY FEES	15,000	37,855	22,855	252.4%
MUNICIPAL LIENS	23,000	21,410	-1,590	93.1%
REGISTRY FEES	7,000	9,020	2,020	128.9%
OTHER FEES	0	135	135	n/a
410 FEES Total	300,000	581,343	281,343	193.8%
416 OTHER DEPARTMENT REVENUE				
COPIES/RECORDINGS	49,000	45,747	-3,253	93.4%
BUSINESS CERTIFICATES	3,000	7,590	4,590	253.0%
ZONING/ORDINANCES	3,000	3,010	10	100.3%
416 OTHER DEPARTMENT REVENUE Total	55,000	56,347	1,347	102.4%

	ESTIMATE	ACTUAL	OVER/(BELOW)	% OF ESTIMATE
417 LICENSES/PERMITS				
BLDG DEPT ALTERATION PERMITS	235,000	320,345	85,345	136.3%
ALCOHOLIC BEVERAGES	190,000	207,955	17,955	109.5%
OTHER PERMITS	60,000	106,808	46,808	178.0%
BUILDING PERMITS	60,000	41,326	-18,674	68.9%
CLK PASSPORT	30,000	36,980	6,980	123.3%
FIRE PERMITS	15,000	17,340	2,340	115.6%
BLDG DEPT OTHER PERMITS	25,900	15,472	-10,429	59.7%
DOG LICENSES	11,500	13,185	1,685	114.7%
ROAD OPENING PERMIT DPW	10,000	11,000	1,000	110.0%
UTILITY CONTRACTORS LIC DPW	8,000	9,200	1,200	115.0%
MARRIAGE LICENSES	3,000	3,830	830	127.7%
LICENSES/PERMITS DPW	500	1,800	1,300	360.0%
AUCTION LIC/PERMITS	650	550	-100	84.6%
RAFFLE PERMITS	400	530	130	132.5%
UTILITY PERMITS	50	0	-50	0.0%
417 LICENSES/PERMITS Total	650,000	786,321	136,321	121.0%
419 FINES & FORFEITS				
COURT FINES	7,000	7,087	87	101.2%
PARKING FINES	7,550	940	-6,610	12.5%
POLICE FINES	450	0	-450	0.0%
419 FINES & FORFEITS Total	15,000	8,027	-6,973	53.5%
420 INVESTMENT INCOME				
CO MA DIV MEDICAL ASSISTANCE	85,000	99,485	14,485	117.0%
INT ON INVESTMENTS	45,000	46,558	1,558	103.5%
CO MA EMERGENCY MANAGEMENT	0	6,375	6,375	n/a
POL INCIDENT/ACCIDENTS	0	1,929	1,929	n/a
420 INVESTMENT INCOME Total	130,000	154,347	24,347	118.7%
421 MISCELLANEOUS RECURRING				
MISC RECURRING ⁽¹⁾	40,000	100,206	60,206	250.5%
421 MISCELLANEOUS RECURRING Total	40,000	100,206	60,206	250.5%
422 MISCELLANEOUS NON-RECURRING				
MISC NON-RECURRING ⁽²⁾	0	51,625	51,625	n/a
422 MISCELLANEOUS NON-RECURRING Total	0	51,625	51,625	n/a
437 OTHER DEPARTMENTAL REVENUE				
FIRE DEPT RECEIPTS	0	1,803	1,803	n/a
437 OTHER DEPARTMENTAL REVENUE Total	0	1,803	1,803	n/a
460 CHERRY SHT - EDUCATION				
CHRY-CH 70: EDUCATION AID	3,658,992	3,658,992	0	100.0%
CHRY-CHARTER SCH TUITION	149,131	146,203	-2,928	98.0%
460 CHERRY SHT - EDUCATION Total	3,808,123	3,805,195	-2,928	99.9%
462 CHERRY SHT - GEN GOVT				
CHRY-ADDITIONAL ASSISTANCE	2,269,433	2,269,433	0	100.0%
CHRY-VETERANS BENEFITS	137,908	154,325	16,417	111.9%
CHRY-STATE OWNED LAND	127,167	116,570	-10,597	91.7%
CHRY-URBAN RENEWAL	0	106,306	106,306	n/a
CHRY-EXEMPT: VET/BLD/SUR SPC	0	57,543	57,543	n/a
CHRY-EXEMPT: ELDERLY	83,230	25,979	-57,251	31.2%
462 CHERRY SHT - GEN GOVT Total	2,617,738	2,730,156	112,418	104.3%

	ESTIMATE	ACTUAL	OVER/(BELOW)	% OF ESTIMATE
464 CHERRY SHT - ASSESSMENT				
ASSESS: SPECIAL EDUCATION	-17,395	-6,299	11,096	36.2%
ASSESS: AIR POLLUTION	-6,506	-6,506	0	100.0%
ASSESS: MOSQUITO CONTROL	-38,118	-38,118	0	100.0%
ASSESS: RMV-NONRENEWAL SUR	-45,260	-45,260	0	100.0%
ASSESS: REGIONAL TRANSIT AUTH	-115,101	-115,101	0	100.0%
ASSESS: SCHOOL CHOICE	-406,028	-318,051	87,977	78.3%
ASSESS: CHARTER SCHOOL	-1,986,632	-2,043,550	-56,918	102.9%
464 CHERRY SHT - ASSESSMENT Total	-2,615,040	-2,572,885	42,155	98.4%
497 INTERFUND TRANSFERS IN				
TRFS FROM SPECIAL REV FUNDS	0	374,069	374,069	n/a
497 INTERFUND TRANSFERS IN Total	0	374,069	374,069	n/a
001 GENERAL FUND Total	55,976,448	57,344,995	1,368,547	102.4%
060 WATER FUND				
UTILITY BILLING/METERS	4,207,817	4,310,763	102,946	102.4%
MISC FEES	175,000	210,991	35,991	120.6%
WATER LIENS	60,000	68,687	8,687	114.5%
PENALTIES/INTEREST	25,000	24,172	-828	96.7%
060 WATER FUND Total	4,467,817	4,614,613	146,796	103.3%
061 SEWER FUND				
UTILITY BILLING/METERS	5,727,877	5,419,603	-308,274	94.6%
SEWER LIENS	80,000	86,598	6,598	108.2%
MISC FEES	75,000	74,535	-465	99.4%
PENALTIES/INTEREST	30,000	29,663	-337	98.9%
INDUSTRIAL PRETREATMNT	15,000	13,244	-1,756	88.3%
MISC NON-RECURRING	0	1,146	1,146	n/a
061 SEWER FUND Total	5,927,877	5,624,789	-303,088.	94.9%
6520 HARBORMASTER				
MOORING & SLIP	130,000	125,358	-4,642	96.4%
BOAT EXCISE	75,684	75,402	-282	99.6%
WATERFRONT DOCKS	50,000	61,597	11,597	123.2%
PLUM ISLAND PRK	50,000	59,882	9,882	119.8%
CASHMAN PARK	40,000	36,977	-3,023	92.4%
VESSEL CHARGES	5,000	12,210	7,210	244.2%
PENALTIES/INTEREST	5,000	3,486	-1,514	69.7%
SHELLFISH PERMITS	0	2,525	2,525	n/a
FISH PIER	2,000	2,100	100	105.0%
6520 HARBORMASTER Total	357,684	379,537	21,853	106.1%
TOTAL BUDGETARY FUNDS	\$66,729,825	\$67,963,933	\$1,234,109	101.8%

(1) Cell tower lease, animal control (\$20k), veterans' services (\$83k), FWS refuge revenue sharing.

(2) Small one-time receipts, including \$35k reimbursement from Comm of MA for 250th Anniversary Celebration.



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 #4
Sept. 15, 2015

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 SEP -9 P 12:12

September 8, 2015

Dear President O'Brien and City Councilors:

This letter serves as required notice under the City of Newburyport Ordinance Sec. 2-316. - *Appointment of city marshal and fire chief*, of my intent as Mayor to establish a screening committee for the purpose of reviewing applications for the position of City Marshal for the Newburyport Police Department.

The screening committee shall consist of nine (9) voting members appointed by the mayor and confirmed by the City Council. The following persons have agreed to serve on the selection committee:

Dennis Cataldo, CEO, Cataldo Ambulance
Frank Cousins, Essex County Sheriff
Donald Cudmore, Chief, Georgetown Police Department
Andrea Egmont, Director of Youth Services, Newburyport
Paul Hogg, Harbormaster, City of Newburyport
Chris LeClaire, Chief, Newburyport Fire Department
Tom O'Brien, President, Newburyport City Council
Ann Ormond, President, Greater Newburyport Chamber of Commerce
Susan Viccaro, Superintendent, Newburyport Public Schools

I believe the proposed selection committee membership represents the major sectors within our community that work directly and indirectly with the Newburyport Police Department.

In accordance with Sec. 2-316:

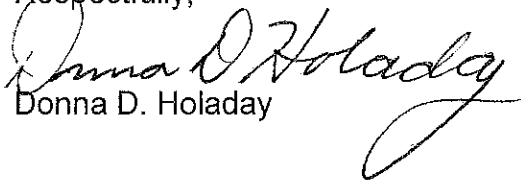
- It shall be the charge of the screening committee to meet to organize and plan a process for solicitation of candidates by advertisement, then review all applications and provide for interviews to be conducted with any such number of candidates that the committee decides.
- Candidates selected for interview shall be evaluated using an assessment center. The results of the assessment center will be made available to the

screening committee and to me prior to the committee's interview of candidates for the position of City Marshal.

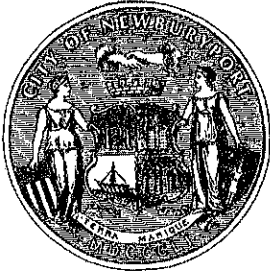
- Not more than one hundred eighty 180 days following the date that the screening committee meets to organize, the committee shall submit to me the names of not less than three (3) but not more than five (5) candidates whom it believes to be the best suited to perform the duties of City Marshal..
- Within sixty (60) days following the date that a list of nominees is submitted, I will:
 - Interview the candidates referred by the screening committee;
 - Determine if one will be selected to serve as City Marshal;
 - Choose a nominee to be appointed who must be confirmed by the City Council.
- Upon appointment of the City Marshal, the screening committee shall be discharged.

Thank you for your consideration of these committee nominees. I look forward to your favorable vote of confirmation and to keeping you apprised of the progress of this important process for our community. We are in the process of reviewing options for an assessment center and will inform you of the selected center as soon as a decision is made.

Respectfully,


Donna D. Holaday

**APPOINTMENTS
FIRST READING**



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

Appointment #1
Sept. 15, 2015

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 559
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

AUG 18 A 10:53

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: August 18, 2015
Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Cultural Commission. This term shall expire on September 30, 2018.

Jane Niebling
45 Temple Street
Newburyport, MA 01950

I request permission to rejoin the Newburyport Tree Commission.

Jane C. Niebling

45 Temple Street
Newburyport, Ma.
978-697-3567

SKILLS

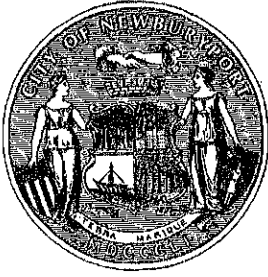
- Grant writing
- Writing
- Graphic Design
- Forager
- Sound tree/plant knowledge
-

EXPERIENCE

<i>The Print Colorist</i> Sole owner. Antique print and map hand colorist	2010 – present
<i>Executive Director</i> <i>Newburyport Chamber Music Festival</i> Co-founder and director. Managed every aspect of the year-long chamber music festival.	2002 - 2014
<i>Newburyport Tree Committee</i> Volunteer member	2008 - 2011
<i>Paper Art</i> Sole owner Dealer in antique prints	1988 - 2009

EDUCATION

<i>Bachelor of Arts: Fine Arts</i> <i>University of New Hampshire – Durham, NH</i>	1972
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CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 5861, AUG 20 A 9:30
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members
of the City Council

From: Donna D. Holaday, Mayor

Date: August 20, 2015

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Parks Commission. This term will expire on April 1, 2018.

Ann Dykes
12 Munroe Street
Newburyport, MA 01950

SALES & BUSINESS DEVELOPMENT EXECUTIVE

Sales Executive with over 15 years of success; consistently one of the company's best in sales. Brings significant sales, managerial, operational and business development expertise

- Skilled at all levels of the Consultative / Solution Selling process; particularly strong in closing the sale and building rapport with customers.
- Tenacious hunter with the proven ability to build and grow a territory, penetrate new markets, build market share and increase revenue.
- Highly effective time and territory manager with excellent organizational and follow-through abilities.
- Well-developed persuasive and communication skills; able to interact with individuals at all levels.

INDEPENDENT SALES & BUSINESS DEVELOPMENT CONSULTANT – February 2007-Present.

Will accept short or long term contracts, my resume reflects only long term clients. Will accept a flat fee, commission or a combination of both. I Work primarily from a home office, but will travel for company or client meetings as necessary. Will consider permanent W2 position for right company.

Clients:*Sift Media UK*

Led all sales and business development efforts for new CPA talent acquisition job site including: negotiated vendor contracts, held weekly meetings with UK corporate office to discuss strategies aimed at US market, worked closely with UK marketing team to design email campaigns aimed at US market. Launched social media across all platforms including social media ad campaigns. Identified and trouble shooted problems with infrastructure and platform that affected client experience, worked closely with service provider to enhance site. Brought in first paying client and signed first fortune 1000 anchor firm to an annual contract.

Panache Partners

Contracted to help position themselves in a new digital vertical, consult on sales collateral and presentation as well as pricing structure to enable them to effectively launch a new product line.

The Channel Checkers

Contracted to launch the Market Research division of a start up Equity Research firm. Developed all sales collateral, advertising and social media as well as market position. Lead all sales and business development efforts in the corporate and market research verticals. **Drove a 100% Increase in revenue in first year of contract with the company.** Major clients included Lion Capital Investment, Friedman Fleischer & Lowe, Toshiba, House Foods Japan, Nestle and Wilton.

Performance Plus Boston Field and Focus,

Contracted to re-establish good relationships with major clients bring in new business, develop new sales strategy and collateral, including video ads. Oversaw development and launch of new website designed to drive bid requests and generate leads. Successfully repaired relationships with several fortune 500 clients and brought in two new fortune 500 clients in 12 month time frame. Major new clients included Ford Motor Co and Bionastics Pharmaceutical.

Jobsinlogistics.com,

Account Manager providing Branding, Marketing and Recruiting solutions as well as Customer Service to small, medium and fortune 500 companies. Responsible for prospecting new clients and identifying and establishing a relationship with key decision makers. Make 50-100 outbound calls per day to present, negotiate and close recruitment online advertising sales on two premier logistics and retail career niche sites. Major clients included New Balance Athletic; Reebok, Braums Ice Cream & Dairy, Swarovski and Hormel Foods.

Social Media Clients

Fishermen's Green Market & Deli
State Senator Kathleen O'Connor Ives
Kathleen O'Connor Ives for State Senate

CORPORATE CAREER: 1989-2007*Statewide Window's 1/03-2/07*

Rapidly promoted through several positions due to outstanding sales performance; faster than normal career track in the firm's 20 year history.

Branch Manager

Responsible for all operations of the largest territory with 150 staff including Sales, Marketing and Installation departments. Revamped a struggling territory and built a successful team of 5 Sales Division Managers and 45 Sales Representatives within 6 months partially by conducting a rigorous 2 week sales training class for all new Sales Representative that I taught myself and personally mentoring each new Sales Manager I promoted. Territory included MA, RI, NH, and ME.

Noted for increasing volume 100% from 500K to 1M in 3 months by replacing poor performers and rebuilding staff.

Division Sales Manager

Turned around troubled sales division and brought it to the most profitable division in 3 months, hiring and training 9 sales representatives.

Credited for building Sales Division from 0 to 9 sales reps and producing 168% of revenue goals in just 3 months.

Boosted profits per lead 153% to \$2,300 against \$1,500 objective.

Noted as 2nd most profitable Division in first quarter of year, despite starting new Division.

On track to achieve Top Division Manager, out of 15 nationwide, when promoted to Branch Manager.

Sales Representative

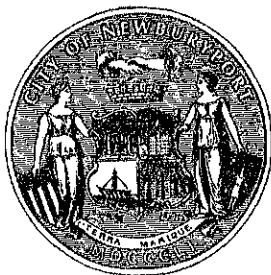
Achieved \$55K monthly sales average, exceeding \$35K/month goal.

Consistently delivered 167% of quota.

Progressed from #50 to #15 ranking in 8 months, and on target for Top 10 ranking when promoted to Division Manager.

*Sprint PCS, 4/97-01/03***Account Manager**

Recognized for high-level of product and service sales; resolved problems for consumers and midsize businesses, as well as large corporate accounts, while managing a staff of 15.



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

2015 AUG 24 P 3:30

To: President and Members
of the City Council

From: Donna D. Holaday, Mayor

Date: August 19, 2015

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Bartlett Mall Commission. This term will expire on December 1, 2016.

Joanna Fernandes
15 Franklin Street
Newburyport, MA 01950

Joanna Fernandes
15 Franklin St.
Newburyport, MA 01950
jfern.cf@gmail.com
917-359-2848
linkedin.com/in/joannafernandes

The Honorable Donna Holladay
Mayor of Newburyport
City Hall
60 Pleasant St.
Newburyport, MA 01950

May 5, 2015

Dear Mayor Holladay:

During a recent web search for civic volunteer opportunities in Newburyport, I located your request for residents to serve on various City boards and commissions. I am very interested in joining the efforts regarding Highland Cemetery and/or Bartlett Mall.

Our family relocated to Newburyport in August of last year. We could not have imagined up a better community. We are currently living in the South End, and as of the end of this month we will be relocating to our newly purchased home at 29 Hill Street located directly across from Highland Cemetery, and up the street from Bartlett Mall.

I am eager to lend my skills to community efforts. I have included my resume for your review. Please let me know if I can provide you with any further information.

I realize that your request for volunteers was issued in January. If these opportunities are no longer available, I would be greatly interested in learning of other ways in which I can be of service to Newburyport.

Thank you for your time.

Sincerely,


Joanna Fernandes

JOANNA C. FERNANDES
15 Franklin St. · Newburyport, MA 01950 · 917-359-2848
joanna.jcf@gmail.com · linkedin.com/in/joannafernandes/

Dynamic, public-minded professional with over 15 years of broad experience in non-profit, private, and self-managed settings. Skilled in cultivating productive and trusting relationships with diverse personalities and a wide-range of backgrounds, public speaking, project management, negotiating and motivating. Accustomed to prioritizing substantial volumes of work and competing demands.

EXPERIENCE

Micropreneur 2007-2014
Joanna Fernandes Ceremonies (Highly sought after wedding officiant) Brooklyn, NY

- Identified and capitalized on a market opportunity – created and performed personalized ceremonies
- Independently managed all aspects of business – interviews, client and vendor relationships, advertising, web design (joannafernandesceremonies.com), and finances

Attorney 2007-2010
The Law Office of Jill Sherman, P.C. (Boutique Guardianship firm) New York, NY

- Represented three top-tier New York City non-profit social work agencies as Guardians of Incapacitated Persons (litigated financial powers, end-of-life decision-making, nursing home placement, evictions) – frequently requested as lead attorney
- Managed all aspects of cases: advised clients, researched and drafted motions, orders and settlements, and argued and negotiated cases

Senior Sales Representative/Business Development 2002-2006
ARC Document Solutions (NY division formerly BP Independent) New York, NY
(Global, technology-focused, document management and visual communications company)

- Presented to and led technology trainings for over 300 accounts, including top executives at preeminent, international real estate investment, architecture and design firms, as well as smaller independent firms
- Continually expanded account base and multiplied client projects through data analysis, research, and targeted client management
- Managed length of sales process: initiated, scheduled, and led meetings; supervised account management
- Created and revised sales proposals, marketing materials, and contracts for company wide use
- Represented company at trade shows
- Selected by company President to write content for company website

RECENT NON-PROFIT AND VOLUNTEER EXPERIENCE

Board Member, Large Events Team 2015-present
The Greater Newburyport Families Club (Community organization) Newburyport, MA

- Plan, coordinate and facilitate large community events for families

Fundraising Coordinator 2013-2014
Cobble Hill Playschool (Preschool serving roughly 100 families) Brooklyn, NY

- Administered and promoted fundraising partnerships with outside organizations
- Doubled former year's commission by increasing awareness of primary partnership

Executive Team; Event Planner 2007-2009
Green Edge Collaborative NYC (Social network) Brooklyn, NY

- Organized city-wide public supper clubs and presented sustainability-focused talks
- Conceived of topics, located and managed speakers and volunteers

Advocate 2005-2009
Mt. Sinai Hospital, SAVI Program (In-hospital crisis counseling) New York, NY
• Provided survivors of domestic violence and sexual assault in NYC hospital emergency rooms with emotional support and assistance to navigate medical and legal procedures

Co-Chair, Crisis Intervention Committee 2006-2008
New York Junior League (NYJL) (Women's civic leadership organization) New York, NY
• Led committee of 20 professionals
• Strengthened relationship with community partner - represented NYJL at all Mt. Sinai events

Additional NYJL Committees and Roles: 2005-2008
Member, Community Health Access Model Committee (presented nutrition programs)
Secretary, Crisis Intervention Committee (leadership resulted in Co-Chair position)
Member, Advocates for Public Policy (authored lobbying notes)

Author/Researcher 2005-2006
Association of the Bar of the City of New York (Legal association) New York, NY
Cancer Advocacy Project
• Authored and researched extensive guide to guardianship and trusts and estates law for terminally ill parents of minors - utilized internally by non-lawyers

EDUCATION, HONORS, AND APPOINTMENTS

The George Washington University Law School Washington, D.C.
Juris Doctorate May 2001

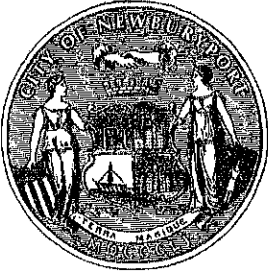
Jacob Burns Merit Scholar:
• Three-time recipient of academic scholarship awarded without regard to need
Student-Faculty Panel on Public Interest Law
• Appointed by a Panel of 25 Professors and Student Leaders
Equal Justice Foundation Summer Grant Recipient
• Two-time recipient awarded by blind panel; funded full-time non-profit work
Journal Member, The Environmental Lawyer
• Two-time finalist for competition in national law journal
Shapiro Writing Fellow
• Independent writing scholarship granted to 2 GWU Law students annually
Member, Trial Court Board
• First place recipient in entrance competition
Board Member and Co-Chair, Equal Justice Foundation
• Co-ran annual public auction (largest fundraiser for student non-profit work) twice

The University of Southern California Los Angeles, CA
Bachelor of Arts, Humanities (earned in 7 semesters) December 1996
Cum Laude

Universita Degli Studi Di Firenze and Syracuse University Florence, Italy
Merit Scholar Semester Abroad 1996

PROFESSIONAL LICENSURE

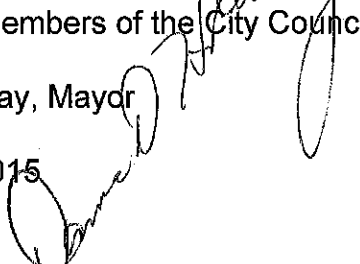
Bar Admission - State of New York and Commonwealth of Massachusetts



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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: September 9, 2015
Subject: Appointment



I hereby appoint, subject to your approval, the following
named individual as a member of the Newburyport
Redevelopment Authority. This term will expire on
October 30, 2020.

Marian Leighton Levy
323 Merrimac Street
Newburyport, MA 01950

Marian Leighton Levy

Brief Resume

Education:

B.A. Clark University, 1970, cum laude, European History

M.A. Northeastern University, 1976, Modern European History

Courses completed at the Extension School, Harvard University,

M.A. English Language and Literature

Certificate One-Year Program, Graduate School of Psychoanalysis,
Brookline, MA.

Co-founder Rounder Records, 1970-present.

Resident of Newburyport since September, 1985.

Restored two houses: 96 High St. and 17 Federal St.

Board member of Historical Society of Old Newbury, 1994-1996

Board Member Newburyport Preservation Trust 2005-2006 approx.

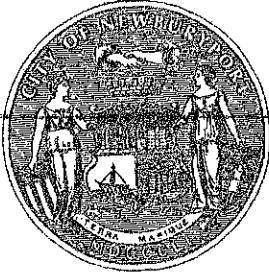
Board member of the Blues Foundation in the past

Board member of the International Bluegrass Music Museum in
the past.

For additional information:

mlevy@rounder.com

978-270-1924



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

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: September 15, 2015

Subject: Re-Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2015 SEP - 9 P 12:31

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I hereby re-appoint, subject to your approval, the following named individual as a Constable for the City of Newburyport for civil business. This term will expire on September 1, 2017.

Donald B. Notargiacomo  
5B Zabriskie Drive  
Newburyport, MA 01950

**END OF CONSENT AGENDA  
BEGINNING OF REGULAR AGENDA**

## Communication from Ann Ormond, President, Chamber of Commerce to Councillor Bruce Vogel

**From:** Ann Ormond [<mailto:aormond@newburyportchamber.org>]

**Sent:** Tuesday, September 08, 2015 10:51 AM

**To:** [bruce@plumislandcoffee.com](mailto:bruce@plumislandcoffee.com); Bruce Vogel ([bruce@vogelatlarge.com](mailto:bruce@vogelatlarge.com)) <[bruce@vogelatlarge.com](mailto:bruce@vogelatlarge.com)>

**Subject:** Wayfinding and A Frames

Good Morning Councilor Vogel – As you may be aware I have done a fair amount of research on the importance of a wayfinding program for the City of Newburyport. In 2013 I worked with then Director of Policy and Administration Peter Lombardi, on the possibility of developing a master plan for Wayfinding. The plan could entail a document that confirms all existing project conditions, including: project destinations, naming conventions, entry and egress points, vehicular and pedestrian circulation paths, parking, site organization, accessible signage, historical/cultural elements, on-line search results and web site.

Given this background and sincere interest in a project which could benefit all of our downtown businesses both first and second floor amongst others I would like to offer my assistance as you begin to look at this issue. I would be happy to help in any way that I can. Thank you for your consideration.

Ann

**Ann Ormond | President**

GREATER NEWBURYPORT CHAMBER OF COMMERCE

38 R Merrimac Street, Newburyport | 978.462.6680 x 15

[NewburyportChamber.org](http://NewburyportChamber.org) | Follow @NBPTchamber



### Upcoming Events

September 10 – Mixer at Nichols Village

September 15 – Ribbon Cutting at Port Plums

September 17- 26 – Savor Newburyport

September 22 – Mixer – Exchange Club at Starboard Galley

September 24 - Ribbon Cutting at Motivate

**Lynn Varney**

---

**From:** Carolyn Janvrin <carolynjanvrin@gmail.com>  
**Sent:** Wednesday, September 09, 2015 7:55 AM  
**To:** Lynn Varney  
**Subject:** Nbpt youth football

**NEWBURYPORT YOUTH FOOTBALL & CHEERING**

141 Crow Lane  
Newburyport, Ma 01950  
978-518-7659  
Carolynjanvrin@gmail.com

We would kindly like to request to tag in Newburyport September 26 and September 27, 2015. We would like to tag from 8am to 6pm on city property in Market Square. Also the boardwalk and waterfront. We appreciate your time considering this request.

Carolyn Janvrin  
Board member  
NYFL 2015

Sent from my iPhone

Sent from my iPhone



## ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

RESOLUTION TO DECLARE CAR-FREE DAY

WHEREAS residents and commuters are routinely challenged to improve air quality and choose greener modes of travel with rail and bus connections, taxis, marinas, and pedestrian paths; and

WHEREAS a grassroots movement called Car-Free Day began in Europe in 2000 and spread around the world, marked on September 22 every year, to promote the environmental, financial, community, and health benefits of using public transportation, carpooling, bicycling, and walking.

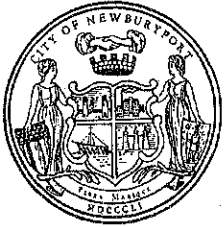
THEREFORE, the Newburyport City Council declares the fourth annual Newburyport Car-Free Day to occur Tuesday, September 22, 2015, encouraging municipal staff and residents to participate to the best of their ability.

Councillor Ari B. Herzog

**In City Council August 10, 2015**

Motion to table by Councillor Herzog, seconded by Councillor Giunta. So voted.

CITY OF NEWBURYPORT



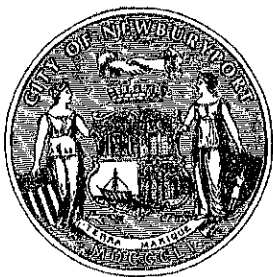
\_\_\_\_\_  
IN CITY COUNCIL

ORDERED:

September 15, 2015

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude a gift from the Friends of the Newburyport Council on Aging in the amount of \$228,500.00 for the purpose of constructing a senior/community center and appropriates said funds to the Senior/Community Center Project in accordance with M.G.L. Chapter 44, Section 53A.

\_\_\_\_\_  
Councillor Charles F. Tontar



# 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

2015 SEP -9 A 11: 55

W.R. Mudge, Executive Vice President, Wireline Operations  
Tami A. Erwin, President, Consumer & Mass Business Verizon  
1 Verizon Way  
Basking Ridge, NJ 07920

September 8, 2015

Dear Mr. Mudge and Ms. Erwin:

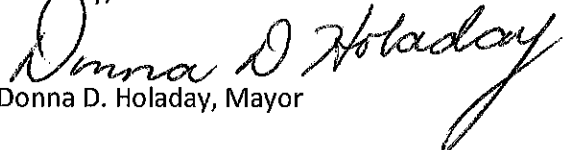
I am writing to once again inquire of Verizon officials why the City of Newburyport, Massachusetts continues to be excluded from all-fiber FiOS network. FiOS is currently available in 113 communities in Massachusetts, including municipalities on the North Shore and Merrimac Valley. What is particularly frustrating is that I recently learned that 40% of our city already 'has FiOS up in the air' and it just needs to be fired up. I am willing to enter into a franchise agreement with Verizon immediately to move this process forward. I have also heard that workers come into our city and remove FiOS components when needed for repairs in surrounding communities.

The City of Newburyport is a seaport community that is rich in culture, history and the arts and is an ever-growing tourist destination. The city is in high demand for residential properties and has a strong commercial base both in our downtown with numerous restaurants, small businesses and retailers as well as a large business and industry base. Our largest employer is Anna Jaques Hospital with a satellite in Amesbury and partnership with Beth Israel Hospital in Boston.

Our community has been very frustrated with having only one internet provider in the community. My office receives numerous complaints from residents and businesses regarding our current provider and repeated requests for FiOS. Newburyport's economic expansion and desire to have a state-of-the-art fiber system will improve the overall quality of life for our residents; business will benefit in marketing and servicing customers; and our schools will have the service and applications needed for student learning in the 21st century.

As I mentioned, with 40% of the City ready with FiOS, I implore you to finish the fiber network in Newburyport. I look forward to building our working relationship and hope we may meet soon to address this important initiative. Please contact me at [DHoladay@cityofnewburyport.com](mailto:DHoladay@cityofnewburyport.com) or 978-465-4413. Thank you for your time and consideration.

Sincerely,

  
Donna D. Holaday, Mayor



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 SEP -9 A 11:55

## RESOLUTION OF THE CITY OF NEWBURYPORT

**WHEREAS:** Access to reliable, high-speed Internet technology is essential to supporting Newburyport's economic growth and enhancing the lives of its residents; and

**WHEREAS:** Fiber optic technology is the most reliable and efficient way to transmit data to businesses and residences and would allow Newburyport to stay competitive in the business, education, science and technology sectors; and

**WHEREAS:** Verizon has focused its expansion of the FiOS network in over 113 communities in Massachusetts and left Newburyport in 2007- 2008 having installed 40% of the FiOS network leaving our residents and businesses unable to access this state-of-the-art services; and

**WHEREAS:** Competition from fiber optic technology could drive down the cost for consumers and boost the speed of other Internet connectivity options; and

**WHEREAS:** Deregulation and monopoly control have led to a significant downgrading in traditional landline service and an increase in resident complaints and requests for FiOS; and

**WHEREAS:** So-called market competition has resulted in less competition, higher prices and lower quality service and residents in localities where FiOS is not available are forced to pay monopoly prices for an inferior product; and

**THEREFORE,** the Mayor and City Council resolve to work collaboratively with Verizon to complete the build out of our city's fiber network to provide FiOS to our residents, businesses and schools.

Filed in City Council on September 15<sup>th</sup>, 2015

MAYOR

---

Donna D. Holaday

CITY COUNCILORS

---

Thomas O'Brien, President/Ward 6

---

Allison Heartquist/Ward 1

---

Jared J. Eigerman/Ward 2

---

Robert J. Cronin/Ward 3

---

Charles F. Tontar/Ward 4

---

Larry G. Giunta/Ward 5

---

Edward C. Cameron/Councillor at Large

---

Barry N. Connell/Councillor at Large

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Ari B. Herzon/Councillor at Large

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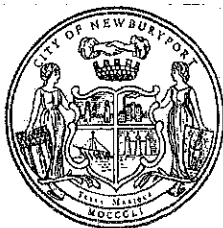
Meghan C. Kinsey/Councillor at Large

---

Bruce L. Vogel/Councillor at Large

Sponsor:  
Ari Herzog, Chair, Public Utilities

# CITY OF NEWBURYPORT



\_\_\_\_\_  
IN CITY COUNCIL

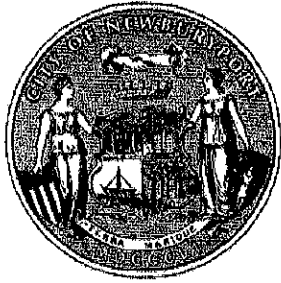
ORDERED:

September 15, 2015

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

**THAT** the City Council of the City of Newburyport hereby approves and authorizes the City Hall Auditorium Rental Application and Rules of Use. Said Rental Application and Rules of Use are attached hereto and incorporated herewith.

\_\_\_\_\_  
Councillor Thomas F. O'Brien



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

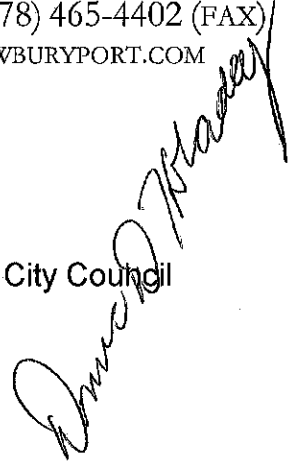
2015 SEP -9 P 12:12

TO: President and Members of the City Council

FROM: Donna D. Holaday

DATE: September 8, 2015

RE: Changes to City Hall Auditorium Rental Application and Rules of Use



---

It has been ten (10) years since the City Hall Auditorium Rental Application and Rules of Use were reviewed. With community use of the former Brown School space and soon to be use of the new Senior Community Center, it seems an opportune time to review public property space usage agreements and institute consistency across buildings.

Our City Solicitor had some suggested changes for the City Hall Auditorium Rental Application and Rules of Use which are incorporated into the attached for review by the committee on General Government. As the committee has charge of and supervision of City Hall in accordance with Section 2-32 of our Code of Ordinances, I look forward to the scheduling of a General Government committee meeting to discuss the attached application and rules.





## NEWBURYPORT CITY HALL AUDITORIUM RENTAL APPLICATION

### GENERAL STATEMENT:

The City Hall Auditorium of the City of Newburyport exists primarily for the purpose of housing governmental services. The Auditorium is used primarily by organizations and individuals when there is no conflict with governmental operations. The following rules and regulations are intended to allow equal opportunity for use of the auditorium and maintain the safety of the building and its occupants.

It is the intent of the City to honor the Agreement of the party that is scheduling the Auditorium, but government services are the primary function of the building and take precedence. Parties who reserve the auditorium Monday through Thursday must be aware that the government officials have the right to cancel the reservation if governmental use is deemed necessary for the good of the people.

### RULES:

#### *Custodial services*

- Custodial services paid by the user are required for the use of the Auditorium when the building is not normally open to the public. City Hall hours of operation are: Monday – Wednesday 8:00 a.m. – 4:00 p.m.; Thursday 8:00 a.m. – 8:00 p.m.; Friday 8:00 a.m. – 12:00 p.m.
- For all events outside of normal operating hours, a \$75 set up and clean up fee will be charged to the user.

#### *Insurance, release of claims, indemnity, hold harmless agreement*

- The applicant or user shall procure and maintain insurance against claims for injuries or losses to persons or property that are alleged to have arisen in connection with activities of the user, and any agents, representatives, subcontractors or employees. Insurance companies must be licensed by the Commonwealth of Massachusetts. The cost of such insurance, including required endorsements or amendments, shall be the sole responsibility of the applicant/user. Full disclosure of any non-standard exclusions is required for all required coverages. Applicant/users shall obtain and present a certificate of insurance for commercial general liability insurance in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and three million dollars (\$3,000,000.00) Combined Single Limit, which names the City of Newburyport as an additional insured, and which provides that the City of Newburyport shall receive at least seventy-two (72) hours prior written notice of any cancellation, termination or material amendment of such commercial general liability insurance policy.
- Release of Claims, Indemnity and Hold Harmless Agreement shall be executed by any individual, over the age of 18, submitting an application for rental of the Auditorium or by an authorized representative of any organization seeking to rent the Auditorium, together with a certificate of authorization by the organization as to the authority of the individual signing for the organization.

- The City assumes no responsibility and expressly disclaims any liability or responsibility for damage to personal property belonging to the applicant, guests, or employees in or on the premises, for injury to persons invited to the premises or employed by the applicant for any purpose whatsoever.
- The applicant shall agree to be responsible for and to reimburse the City for any loss or damage to the building, its contents, equipment or grounds by the applicant, guests, employees or servants.

#### *Supervision*

- It is the responsibility of the user to provide sufficient and effective supervision for any event so as to secure personal and premise safety during the event. The City reserves the right to require specific information in advance of the event as to supervision and reserves the right to require a police detail(s). Any and all paid security and/or police detail shall be paid by the user.

#### *Permits*

- Alcohol may be served only if proper permits are obtained from the Newburyport License Commission. You must submit an application to the License Commission two (2) weeks before their scheduled monthly meetings which are held on the first Wednesday of every month. View <http://www.cityofnewburyport.com/licensing-board> for more information.
  - If any alcoholic beverage is to be served, then the applicant shall secure liquor liability insurance, naming the City as an additional insured, in the amount of \$1,000,000. A copy of the insurance certificate must be in place with the Mayor's Office in advance of the event. Failure to do so will result in no alcohol allowed to be served.
  - Any alcoholic beverages must be served by a hired, certified bartender.
  - Bar service must close at least one half-hour before the end of the event.
- If alcohol is to be served, a sign-off by the City's Police Marshal or his designee must be obtained as part of this application for the purpose of evaluating appropriate police detail coverage for the proposed event. Sign-offs may be obtained at the Police Department at 4 Green Street, Newburyport, MA.
- A request for a permit shall be submitted to the City Clerk's office in order to hold a raffle, bazaar or game of chance according to M.G.L. Chapter 271, §7A. A raffle is defined as "an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes." A bazaar is defined as "a place maintained by the sponsoring organization for disposal by means of chance of one or both of the following types of prizes: (1) merchandise, of any value, (2) cash awards, not to exceed twenty-five dollars each."
- A temporary food service permit may be required in accordance with 105 CMR 590.000. Responsibility for obtaining a permit, if required, is the responsibility of the applicant/user.

- Any and all required permits shall be within the possession of the user for the duration of the event and made available for inspection by any City of Newburyport official.

#### *Use of equipment and premises in general*

- A limited amount of tables and chairs are available at no extra cost. Other accessories such as sound systems and audiovisual aids are not available and must be obtained by the user.
- Maximum precautions must be taken to avoid fire hazards. Only battery-operated candles are allowed. Torches are not allowed on the grounds outside. Newburyport buildings are smoke free. Smoking is allowed only outdoors. Only non-flammable decorations are to be used in the building. No fog and smoke machines are allowed since smoke will affect the building's fire alarm system.
- Decorations, posters, etc. shall be affixed in such a way as not to cause permanent damage to the building. No nails, staples, tacks or other instruments that can pierce any surface are allowed.
- Loud noise, music, and other sounds are prohibited from 10:00 p.m. to 7:00 a.m. pursuant to Section XI-G of the zoning ordinance.
- Users are asked to leave the facility in the condition in which they found it, with the exception of moving the City-owned tables and chairs, and with the exception of cleaning floors and removing trash barrels. These tasks will be performed by the custodian on duty.

#### *Reservations*

- An event date will be reserved and confirmed once a completed application is received, along with a check or money order for the total rental fee.
- All scheduling of events will follow the criteria listed below:
  - the priority of governmental use will take precedence;
  - the days of hours of use;
  - limits in numbers of persons allowed in the Auditorium;
  - sound requirements or limitations;
  - the length of time that any one group may use the Auditorium, since exclusive use by one private group necessarily excludes access by other private groups during such period;
  - how frequently during a period of months or during a particular year a private group will be granted repeat access;
  - whether insurance or bonds will be required to secure performance by a private group of its commitment and conditions of use;
  - what release and indemnification agreements must be executed;
  - what commitment must be secured as to ethical fundraising, if fundraising is to be allowed;
  - whether private groups will be required to post or announce at particular increments that any views expressed by the private group during the course of its use of the facility are not the views of the City. Whether or not it is determined that the groups are

required to post or make such an announcement, the announcement will post or announce the following: "any views expressed by private groups leasing the Auditorium are not the views of the City."

*Rental fee schedule*

|                                          |           |
|------------------------------------------|-----------|
| Commercial Groups Rental Fee:            | \$250     |
| Plus Custodial Services                  | \$35/hour |
| Plus Set Up/Clean Up Fee                 | \$75      |
| Non-Commercial Group Rental Fee          | \$100     |
| (If funds will be raised for this group) |           |
| Plus Custodial Services                  | \$35/hour |
| Plus Set Up/Clean Up Fee                 | \$75      |
| Non-Commercial Group Rental Fee          | \$0       |
| (If no funds are raised from attendees)  |           |
| Plus Custodial Services                  | \$35/hour |
| Plus Set Up/Clean Up Fee                 | \$75      |

Fee payment for use of the Auditorium **must** be received no later than 2 weeks prior to the scheduled event. Checks or money orders are to be made payable to the City of Newburyport. Under no circumstances will cash be accepted for the rental of the Auditorium.

*Release of Claims, Indemnity and Hold Harmless Agreement*

The User shall, to the maximum extent permitted by law, indemnify and save harmless the City of Newburyport, its officers, agents, volunteers, and employees from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs and expenses (including reasonable attorneys' fees) that may arise out of or in connection with User's use of the Newburyport City Hall Auditorium located at 60 Pleasant Street, for any damage to its real or personal property that occurs in conjunction with the use of the facility by User, unless the damage is caused by the City of Newburyport's gross negligence or willful misconduct

APPLICANT/USER RETAINS PAGES 1-4 OF THE RENTAL APPLICATION



## NEWBURYPORT CITY HALL AUDITORIUM RENTAL APPLICATION

Name of Organization \_\_\_\_\_

Organization Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Person Mobile Phone Number: \_\_\_\_\_

Contact Person E-mail Address: \_\_\_\_\_

Description of Event: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Event: \_\_\_\_\_

Time of Event: From: \_\_\_\_\_ AM / PM To: \_\_\_\_\_ AM / PM

Non-Profit Organization: No \_\_\_\_\_ Yes \_\_\_\_\_ Tax ID # \_\_\_\_\_

Will food/beverage be served?

☐ Yes\*

☐ No

Do you need a raffle/bazaar permit?

☐ Yes\*\*

☐ No

Will alcohol be served?

☐ Yes\*\*\*

☐ No

\*Check with the Newburyport Health Department on whether a temporary food service permit is required for your event: 978-465-4410

\*\*Check with the City Clerk's Office if you are raising money/issuing prizes at your event: 978-465-4407

\*\*\*Check with the License Commission on whether a one-day liquor license is required: 978-465-4407; ALSO obtain sign-off below from Newburyport Police Department Marshal or his designee:

*Applicant for City Hall Auditorium rental has arranged for appropriate police detail coverage for the proposed event.*

\_\_\_\_\_  
CITY MARSHAL (or designee)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Please check which category applies to your organization:

☐ Commercial Group Rental Fee.....\$250

☐ Non-Commercial Group Rental Fee.....\$100

*Charging admission fee and/ or raising funds from attendees*

☐ Non-Commercial Group Rental Fee.....\$0  
No admission fee and not raising funds

**Subtotal A....\$**\_\_\_\_\_

Is this event scheduled after City Hall business hours?

☐ Yes.....\$35x \_\_\_\_\_ event hours custodial fee  
☐ No

**Subtotal B.....\$**\_\_\_\_\_

**Subtotal A + Subtotal B + \$75 set-up/clean up fee = Total Rental Fee: \$**\_\_\_\_\_

*Please make check or money order payable to City of Newburyport*

*Release of Claims, Indemnity and Hold Harmless Agreement*

The User shall, to the maximum extent permitted by law, indemnify and save harmless the City of Newburyport, its officers, agents, volunteers, and employees from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs and expenses (including reasonable attorneys' fees) that may arise out of or in connection with User's use of the Newburyport City Hall Auditorium located at 60 Pleasant Street, for any damage to its real or personal property that occurs in conjunction with the use of the facility by User, unless the damage is caused by the City of Newburyport's gross negligence or willful misconduct

Required Attachments:

- ☐ Total rental fee
- ☐ Copy of general liability insurance coverage
- ☐ Copy of liquor liability insurance coverage
  - ☐ N/A

I have been furnished with a copy of the rules for renting the City Hall Auditorium including the Release of Claims, Indemnity and Hold Harmless Agreement. I understand and accept all of the terms presented.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

*Completed applications with required attachments are to be mailed or hand-delivered to:  
Mayor's Office, 60 Pleasant Street, P.O. Box 550, Newburyport, MA 01950*

-----  
Approved by the Mayor:

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Special conditions or requirements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

REVISED ORDER

August 10, 2015

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

**THAT** the City Council of the City of Newburyport hereby approves and authorizes the installation of a dual electric vehicle charging station. Said station is to be installed in the State Street parking lot in the southeast corner (High St. side) closest to State St.

The fee per hour for the use of the charging station and adjacent space shall be 50 cents.

\_\_\_\_\_  
Councillor Robert J. Cronin

\_\_\_\_\_  
Councillor Jared J. Eigerman

**In City Council August 10, 2015**

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

## ORDINANCES



May 19, 2015

**An Ordinance Entitled Regulation of residential and dwelling house solicitation of goods, wares, or services.**

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

|                   |                                                                                                |
|-------------------|------------------------------------------------------------------------------------------------|
| <b>Chapter 9</b>  | <b>Licenses, Permits and Business Regulations</b>                                              |
| <b>Article 7</b>  | <b>Transient Vendors, Hawkers and Peddlers</b>                                                 |
| <b>Division 3</b> | <b>Regulation of residential and dwelling house solicitation of goods, wares, or services.</b> |

**Short Title                      Regulation of door to door sales**

**Add:**

**9-168 Purpose and Intent**

The door to door solicitation of goods, services, and other wares can be disruptive and/or disconcerting to the daily lives for residents of dwelling houses in the City of Newburyport. To provide a better level of comfort to residents, the City of Newburyport Police Department will issue permits to vendors and solicitors that apply for and pass the requirements of the Newburyport Solicitor's Identification Card permit.

**9-169 Definitions**

- (a) *"Solicitor"*, any person or persons who arrives at a person's residence or dwelling house within the City of Newburyport soliciting, selling or taking orders for any goods, wares, merchandise, property of any kind, or services of any nature for immediate delivery or performance in exchange for compensation.
- (b) *"Permit"*, a City of Newburyport Solicitor Identification Card issued by the Newburyport Police Department.
- (c) *"Residence"*, any home, apartment or condominium that is being used as a dwelling house.

**9-170 Limitations**

- (a) No person, either principal or agent, whether or not that person is licensed as a transient vendor, sales agent, hawker or peddler by the Commonwealth of Massachusetts under Chapter 101 of the General Laws or otherwise, shall go to any dwelling place or residence with the City of Newburyport soliciting or taking orders for any goods, wares, merchandise, property of any kind or services of any nature, for future or immediate delivery or performance in exchange for compensation, without

having first registered with the City Marshal or his designee and having received a Solicitor Identification Card.

- (b) The City Marshal, following application by such person, shall if satisfied with the honesty, character and criminal history, if any, of the applicant, issue a Solicitor Identification Card to that person for a time period not to exceed 12 months. Said card shall be conspicuously carried by the solicitor whenever soliciting or taking orders for goods as provided in the preceding paragraph. Said permit shall contain the photograph, signature, and any other information deemed pertinent by the City of Newburyport City Marshal or his designee.
- (c) Any vehicles used for transportation of Solicitors working in Newburyport regardless of ownership, shall be on file at the Newburyport Police Department. Vehicle information shall include, but not be limited to, registration, ownership, make, model, and vehicle color.
- (d) Solicitors shall inform the City of Newburyport Police department prior to commencing their daily planned activity
- (e) The Solicitor's Identification Card application fee shall be \$50.00 per person and is not transferable. Should an applicant fail to meet the provisions of application, the fee is nonrefundable.
- (f) The City Marshal may for cause, and after providing the opportunity for a hearing, order any such person who has been issued a Solicitor Registration Card to surrender that card to him.
- (g) Persons 17 years or younger that from time to time solicit for a school or sports team fundraiser and/or lawn cutting, snow shoveling or odd job services are exempt so long as they are not affiliated with any landscaping, snow removal, or service company.
- (h) No person shall in any event engage in soliciting or taking orders except during the hours of 9:00 a.m. and 5:00 p.m.
- (i) No person shall enter upon the property of another or engage in soliciting at any residence or dwelling house in any manner which has conspicuously posted a "No Solicitors" or similar sign.

#### **9-171 Enforcement**

- (a) "*Enforcement Agents*", City of Newburyport Police Department is the enforcement authority of this ordinance.
- (b) "*Inspection of Identification*", City of Newburyport Police Officers whether responding to a complaint or acting on their own accord, may require inspection of a Solicitor's Identification Card upon request.
- (c) "*Qualification for obtaining card*", the Newburyport Police Department shall investigate the character, honesty and criminal history, if any, of the applicant. This decision to issue a Solicitor Identification Card is in the sole discretion of the City Marshal or his designee.
- (d) Any person who violates any provision of this section shall be subject to a fine of up to \$250.00.

---

Councillor Robert J. Cronin, Public Safety Chair

---

Councillor Thomas F. O'Brien, President

**In City Council May 26, 2015**

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

**In City Council July 13, 2015**

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve 1<sup>st</sup> reading and order published by Councillor Cronin, seconded by Councillor Tontar. Motion withdrawn. Motion to table by Councillor Cronin, seconded by Councillor Vogel. So voted.

**In City Council August 10, 2015**

Motion to remove from table by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve 1<sup>st</sup> reading and order published by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 7 yes, 4 no (Herzog, Vogel, Giunta, Heartquist). Motion passed.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

*Be it ordained by the Newburyport City Council:*

|                     |                               |
|---------------------|-------------------------------|
| <b>Appendix A</b>   | Zoning Ordinance              |
| <b>Section VIII</b> | Signs                         |
| <b>Subsection D</b> | Allowed signs and regulations |

**Delete 1.d:**

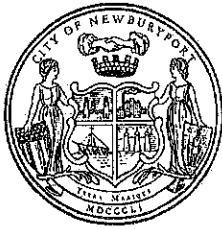
All signs lighted externally shall be shielded or directed in such a way as to prevent spillage of the building or onto streets, parking, driveway areas or surrounding properties.

**Add 1.d:**

All signs lighted externally shall be shielded to direct lighting to its targeted feature and so that glare is not visible from a public way or abutting property and in accordance with Section XI-I.

Councillor Ari B. Herzog

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

Be it ordained by the Newburyport City Council:

Appendix A Zoning Ordinance  
Section XI Performance Standards  
Subsection I Glare

**Delete:**

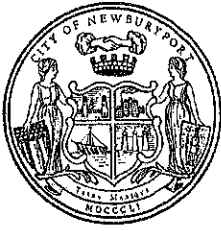
Lighting for commercial or business properties shall be located and shielded to direct lighting toward the commercial or business property and away from surrounding properties. Glare from any lighting to adjacent or surrounding residential areas shall not be allowed.

**Add:**

Lighting shall be shielded to direct lighting to its targeted feature and so that glare is not visible from a public way or abutting property. Uplighting is prohibited, except for illuminating the United States Flag or public monuments. Uplighting to accent building facades or landscaping is permitted provided the light is targeted at the feature to be illuminated and reflected light is the only upward lighting. A special permit from the zoning board of appeals may be issued pursuant to this section to waive the above requirements only upon a determination that such waiver is in the public interest because of the unique character or aesthetic benefit of a particular project, landmark, architectural, or landscape feature.

Councillor Ari B. Herzog

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

*Be it ordained by the Newburyport City Council:*

|                      |                |
|----------------------|----------------|
| <b>Chapter 2</b>     | Administration |
| <b>Article 1</b>     | In General     |
| <b>Section 2-2.5</b> | City flag      |

The flag of the city includes the image of a clipper ship sailing on the Merrimack River; with the legend, "Newburyport" at the bottom; and with the phrase, "1764 INC." on the right.

Councillor Ari B. Herzog

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

## AN ORDINANCE TO AMEND CHAPTER 3 OF THE MUNICIPAL CODE

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

Chapter 3                      Animals  
Article 1                      In General

*Amend Section 3-2 regarding disposal of animal waste, as follows, with deletions ~~double~~ stricken-through, and additions double-underlined:*

### Sec. 3-2. - Disposal of animal waste.

All persons owning or in custody of an animal ~~will~~shall be responsible for the removal and disposal of that animal's waste. No person shall appear with a dog in his or her custody on any sidewalk, gutter, street or other public area, or on any private property neither owned nor occupied by such person, without the means of removal of any feces left by such dog. This provision shall not apply to an animal accompanying any handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this provision.

For the purpose of enforcing this provision, notices of violation may be issued pursuant to Section 21D of Chapter 40 of the General Laws, by the board of health acting through its director or his or her designee, by any animal control officer, by the parking clerk or his or her designee, or by any police officer. Any person who has been observed by a police officer to have violated this provision, and who refuses to give proper personal identification to such police officer upon request, shall be subject to arrest.

All notices of violation shall be returnable to the Clerk of the Newburyport Division, District Court Department of the Trial Court, Essex County. Unless the person named on said notice of violation appears before said Clerk within twenty-one (21) days of said violation either personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the notice, the fine provided therein, a complaint will be sought against the person named in said notice. The fine for violation of this provision for the first offense shall be fifty dollars (\$50.00) and the second shall be seventy-five dollars (\$75.00) and third and subsequent offenses shall be one hundred dollars (\$100.00).

Councillor Jared J. Eigerman

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

## AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE REGARDING PUBLIC SIDEWALKS

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

Chapter 12  
Article I

Streets, Sidewalks and Other Public Places  
General

*Amend existing Section 12-9 regarding sidewalk maintenance, as follows, with deletions double stricken through, and additions double-underlined:*

### Sec. 12-9. – ~~Sidewalk maintenance~~ Maintenance of city-owned sidewalks.

- (a) The City of Newburyport shall appropriate the sum of no less than sixty thousand dollars (\$60,000.00) each fiscal year for the purpose of maintaining the repair of city-owned sidewalks. The maintenance of ~~the city-owned~~ sidewalks shall be conducted in a manner to insure that the city meets its obligations of other sections of Chapter 12 in the Revised Code of Ordinances. The funds shall be distributed among the six (6) wards in a responsible and equitable manner. Funds for the maintenance and keeping in good repair of the condition of city-owned sidewalks shall be included in the municipal budget, sources for the funding may be derived from any source available to the City of Newburyport so allowed by local, state and federal regulations.
- (b) The city hereby accepts the bequest in the will of John Bromfield, late of Boston, proved January 14, 1850 such that each fiscal year, one-half (1/2) of the interest which shall accrue or become payable for or in respect of all moneys and funds from the estate of John Bromfield in the hands of the trustees of Newburyport trust funds, and known as the John Bromfield Fund, shall be added to those funds otherwise included in the municipal budget for the maintenance and repair of the condition of city-owned sidewalks.
- (c) It shall be the policy of the city to promote the maintenance and keeping in good repair of city-owned sidewalks by encouraging and facilitating substantial increases to the John Bromfield Fund, including, without limitation, by soliciting cash contributions to such fund from other government agencies or subdivisions, private entities, not-for-profit entities, trusts, and individuals.



*Add new Section 12-54 regarding sidewalk materials, as follows, with deletions double-stricken-through, and additions double-underlined:*

Sec. 12-54. – Sidewalk materials.

- (a) City specifications. The installation, construction, maintenance, repair, replacement, and reconstruction of any sidewalk located in the city and open to public travel, whether such sidewalks are located on public or private land, shall be undertaken in compliance with both this section and design specifications promulgated by the department of public services. For the purposes of clarification, neither the Clipper City Rail Trail nor the Harbor Walk constitute sidewalks under the meaning of this section.
- (b) Brick or cement surfaces only. At the time of installation, construction, maintenance, repair, replacement, or reconstruction of any sidewalk located in the city and open to public travel, whether such sidewalks are located on public or private land, the surface material shall be either brick or cement, and no other materials, as follows:

  - (i) Downtown. Brick shall be the required surface material for all sidewalks located within the Downtown Overlay District, established under Section XXVIII of the Zoning Ordinance.
  - (ii) Historic areas outside of downtown. Brick shall be the encouraged surface material for all sidewalks located outside of the Downtown Overlay District but within the Newburyport Historic District, and both brick and cement shall be permitted therein.
  - (iii) All other areas. Cement shall be the required surface material for all sidewalks located outside of the Newburyport Historic District.
- (c) Existing nonconforming sidewalk surfaces. Any sidewalk open to public travel whose surface does not comply with this section as of its effective date may remain in such noncompliance until such time as it is maintained, repaired, replaced, and reconstructed, at which time it shall be brought into compliance.
- (d) Temporary asphalt surfaces. Notwithstanding anything in this section to the contrary, the department of public services may, in its discretion, permit the temporary use of asphalt surface material for sidewalks located in industrial zoning districts, and for sidewalks abutting undeveloped parcels until substantial construction there is complete. The department shall specify in writing the time by which brick or cement surface material, as the case may be, shall replace the temporary asphalt material.

*Add new Section 12-55 regarding notice of sidewalk work, as follows, with deletions double stricken-through, and additions double-underlined:*

Sec. 12-55. – Notice of work involving city-owned sidewalks.

- (a) Administrative discretion. Consistent with the city charter and the other provisions of this municipal code, the department of public services shall determine in its discretion the proper timing for the installation, construction, maintenance, repair, replacement, and reconstruction of any and all portions of city-owned sidewalk.

- (b) Notice of work. No fewer than seven (7) calendar days before undertaking the installation, construction, maintenance, repair, replacement, and reconstruction of any portion of a city-owned sidewalk, the department of public services shall cause written notice of such planned work to be delivered to each residence and place of business abutting the affected portion of sidewalk, as well as to the city councillors for all wards where such area of work is located.
- (c) Notice of brick option. Where the department of public services intends the use of cement surface material in the installation, construction, maintenance, repair, replacement, or reconstruction of any portion of a city-owned sidewalk that is located outside of the Downtown Overlay District but within the Newburyport Historic District, no fewer than ninety (90) calendar days before undertaking any such work, the department shall cause written notice thereof to be mailed or delivered to the owner of each parcel abutting the affected portion of sidewalk, as well as to the city councillors for all wards where such area of work is located.
- (i) Such required notice shall include the estimated cost per square foot to install brick surface material instead of cement. Such estimated cost shall exclude all costs that would also be incurred to use cement surface material, including, without limitation, work involving grading, base material, and curbstones.
  - (ii) Each owner of an abutting parcel shall have twenty (20) calendar days from the mailing or delivery of such required notice to deliver its own written notice to the department that such owner agrees to pay the incremental cost for the use of brick surface material, instead of cement, for the affected portion of sidewalk abutting its parcel. It shall be the responsibility of such owner to confirm delivery to the department of such owner's agreement to pay.
  - (iii) No later than twenty (20) days after the expiration of the period in which an abutting owner may agree to pay the incremental cost of brick surface material, the department shall review all such responses, determine in its discretion the feasibility of using brick surface material instead of cement within the area of work, and cause written notice of its determination to be mailed or delivered to each owner that responded timely, as well as to the city councillors for all wards where such area of work is located. The department's determination regarding the feasibility of using brick surface material shall be final.

---

Councillor Jared J. Eigerman

I order the sum of ten thousand dollars to be invested at interest, in the Hospital Life Insurance Company, in the City of Boston, so in such manner as that the selectmen or other duly authorised Agents of the Town of Newburyport for the time being, may, annually, receive the interest which shall accrue or become payable for, or in respect of said deposits.

And I direct, that by, or in behalf of said Town, the interest so received, shall be annually expended, one half, in keeping the Sidewalks, in the public Streets of said Town, in good order; and the other half in the planting & preserving Trees in said Streets, for the embellishing & ornamenting of said Streets, for the pleasure & comfort of the Inhabitants.

The foregoing is a true "Extract" from the last Will of John Bromfield, proved January 14<sup>th</sup> 1850 -

Thomas Gill,

{ Reg of Probate  
for Suffolk County

Extract from  
John Brown's Will

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

AN ORDINANCE TO AMEND SECTION 12-181 OF THE MUNICIPAL CODE REGARDING THE CITY TREE PLAN AND THE JOHN BROMFIELD FUND

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

Chapter 12

Streets, Sidewalks and Other Public Places

Article VI

Protection of Public Trees

*Amend existing Section 12-181 regarding the city tree plan, as follows, with deletions ~~double stricken-through~~, and additions double-underlined:*

Sec. 12-181. - City tree plan; John Bromfield Fund.

- (a) The tree warden shall develop a city tree plan for the care, preservation, pruning, planting, replanting, removal and disposition of public trees within the City of Newburyport in consultation with the tree commission. The plan shall be submitted by February 15 of each year to the mayor and city council via the director of public services.
- (b) The city hereby accepts paragraph 18 of the provisions of the will of John Bromfield, late of Boston, proved January 14, 1850. Accordingly, each fiscal year, one-half (1/2) of the interest which shall accrue or become payable for or in respect of all moneys and funds from the estate of John Bromfield in the hands of the trustees of Newburyport trust funds, and known as the John Bromfield Fund, shall be added to those funds otherwise included in the municipal budget for planting and preserving trees in the public right-of-way (public shade trees) "for the embellishing and ornamenting of said streets for the pleasure and comfort of the inhabitants."
- (c) It shall be the policy of the city to promote the planting and preserving trees in the public right-of-way (public shade trees) by encouraging and facilitating substantial increases to the John Bromfield Fund, including, without limitation, by soliciting cash contributions to such fund from other government agencies or subdivisions, private entities, not-for-profit entities, trusts, and individuals.

Councillor Jared J. Eigerman

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

ORDERED:

September 15, 2015

AN ORDINANCE TO AMEND CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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 4     | Stop Intersections         |
| Section 13-136 | Designated                 |

*Insert the following new row into the table regarding Fair Street, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:*

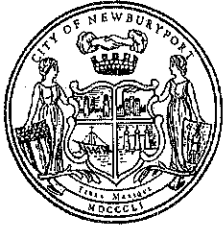
|             |                                                                            |
|-------------|----------------------------------------------------------------------------|
| <u>Fair</u> | <u>At the intersection of Fair and Liberty Streets, for all directions</u> |
|-------------|----------------------------------------------------------------------------|

*Amend all four existing rows in the table regarding Liberty Street, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:*

|                    |                                                                                                                                                                                          |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Liberty            | <del>At the corner of Liberty and Federal Streets to regulate traffic going east on Liberty Street.</del><br><u>At the intersection of Liberty and Fair Streets, for all directions.</u> |
| <del>Liberty</del> | <del>At the corners of Fair and Liberty Streets to regulate traffic going easterly and westerly on Liberty Street.</del>                                                                 |
| <del>Liberty</del> | <del>Northeast corner at intersection with Fair Street.</del>                                                                                                                            |
| Liberty            | Northeast and southeast corners at intersection with State Street.                                                                                                                       |

Councillor Jared J. Eigerman

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

AN ORDINANCE TO AMEND CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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

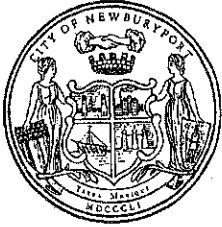
|                |                                        |
|----------------|----------------------------------------|
| Chapter 13     | Traffic and Motor Vehicles             |
| Article 4      | Specific Street Schedules              |
| Division 6     | Stopping, Standing and Parking         |
| Section 13-168 | Parking restricted on certain streets. |

*Amend the row of the table regarding Independent Street, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:*

|             |                                                                                                                                   |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Independent | Southeasterly side from Water Street to <u>Middle Liberty Street</u> , and both sides from <u>Liberty Street to Middle Street</u> |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------|

Councillor Jared J. Eigerman

# CITY OF NEWBURYPORT



## IN CITY COUNCIL

### ORDERED:

September 15, 2015

### AN ORDINANCE TO AMEND CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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.              |

***Amend subsection (g)(4) regarding the designation of streets within two-hour residential parking permit zones, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:***

(4) *Zone 4:* Includes the following streets or portions thereof designated:

- a. Arlington Street, both sides from Highland Avenue to the northerly end of those properties known as #23 and #24 on each side of the street respectively.
- b. Lafayette Street, both sides from Highland Avenue to the northerly end of those properties known as #18 and #25 on each side of the street respectively.
- ~~c. Cherry Street.~~
- d. Hill Street, both sides from Bricher Street to Pond Street.
- ~~e. Bricher Street.~~
- f. Titcomb Street, both sides from the way known as Brown Square to Washington Street.
- g. Green Street, on the west side running in a northerly direction from Washington Street for a distance of one hundred (100) feet.
- h. Washington Street, on the north side running in a westerly direction from Green Street for a distance of one hundred twenty (120) feet.
- i. Pleasant Street, both sides from the property at 66 Pleasant Street to Titcomb Street.
- j. Winter Street, beginning at the corner of Washington Street and proceeding southerly on Winter Street to High Street.
- ~~k. State Street, beginning at 184 State Street and proceeding southerly to the end of said State Street on the westerly side.~~



*Amend subsection (i) regarding resident only parking zones, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:*

(i) Resident only parking:

*Ashland Street.*

Beginning at the lower corner of Ashland Court and proceeding northerly on the westerly side of Ashland Street to a point six (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.

Bricher Street, both sides.

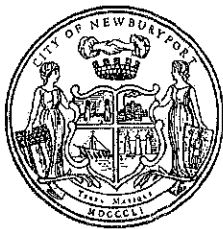
Cherry Street, both sides from a point 452 feet northerly of the intersection of Route 1 and continuing northerly to its end at Bricher Street.

Hill Street, both sides from Route 1 to Boylston Street.

---

Councillor Jared J. Eigerman

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

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 13-168 | Parking restricted on certain streets |

***Amend:***

No person shall park any vehicle on the following streets or portions of streets as indicated below:

| <b>Street</b>  | <b>Extent</b>                |
|----------------|------------------------------|
| Pauline Street | Both sides for its entirety. |

Councillor Allison Heartquist

---

CITY OF NEWBURYPORT

---



IN CITY COUNCIL

ORDERED:

September 15, 2015

AN ORDINANCE TO AMEND CHAPTER 2 OF THE MUNICIPAL CODE

Be it ordained by the Newburyport City Council:

|               |                                      |
|---------------|--------------------------------------|
| Chapter 2     | Administration                       |
| Article 3     | Boards, Committees, Commissions      |
| Division 4    | Planning Board                       |
| Section 2-116 | Established; membership; appointment |

**Delete:**

to provisions of M.G.L.A. c. 41, §§ 81A—81J inclusive

**Add:**

to provisions of M.G.L. c. 41, §§ 81A—81Y inclusive

Councillor Ari Herzog

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 15, 2015

AN ORDINANCE TO AMEND CHAPTER 2 OF THE MUNICIPAL CODE

Be it ordained by the Newburyport City Council:

|               |                                                 |
|---------------|-------------------------------------------------|
| Chapter 2     | Administration                                  |
| Article 3     | Boards, Committees, Commissions                 |
| Division 4    | Planning Board                                  |
| Section 2-119 | Members to serve without pay; powers and duties |

**Delete:**

to provisions of M.G.L.A. c. 41, §§ 81A—81J inclusive

**Add:**

to provisions of M.G.L. c. 41, §§ 81A—81Y inclusive

Councillor Ari Herzog

## COMMITTEE ITEMS

## BUDGET AND FINANCE



Transfer #1  
August 10, 2015 *bdf*

**City of Newburyport**  
**FY 2016**  
**BUDGET TRANSFER REQUEST**

2015 AUG -4 P 3:08

**Department:** Energy/Recycling

**Submitted by:** Molly Ettenborough

**Date Submitted:** 8/10/2015

**Transfer From:**

|                          |                                                                  |            |               |
|--------------------------|------------------------------------------------------------------|------------|---------------|
| Account Name             | Rsv Appr - Solid Waste Fees                                      | YTD Bal:   | \$ 295,525.33 |
| Account Number:          | 2747-59600                                                       | Trans In:  | \$ -          |
| Amount:                  | \$30,000.00                                                      | Trans Out: | \$ -          |
| Why are Funds Available: | <i>Funded through compost sticker fees and recycling rebate.</i> |            |               |

*This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.*

**Transfer To:**

|                         |                                                                                                                                        |            |      |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------|------|
| Account Name            | Household Hazardous Waste                                                                                                              | YTD Bal:   | \$ - |
| Account Number:         | 01519002-53424                                                                                                                         | Trans In:  | \$ - |
| Amount:                 | \$20,000.00                                                                                                                            | Trans Out: | \$ - |
| Why are Funds Required: | <i>To fund hazardous waste removal and disposal. This account is funded by the Solid Waste Fees Reserve for Appropriation account.</i> |            |      |

**Transfer To:**

|                         |                                                                                   |            |      |
|-------------------------|-----------------------------------------------------------------------------------|------------|------|
| Account Name            | Chipper Service                                                                   | YTD Bal:   | \$ - |
| Account Number:         | 01519002-52813                                                                    | Trans In:  | \$ - |
| Amount:                 | \$10,000.00                                                                       | Trans Out: | \$ - |
| Why are Funds Required: | <i>Estimated costs for yard waste removal and yard waste facility management.</i> |            |      |

*This account is funded by the Solid Waste Fees Reserve for Appropriation account.*

Donna D. Holaday, Mayor  
Ethan R. Manning, Auditor  
City Council Approval: (Stamp)

*Donna Holaday HOC*  
*Ethan Manning*

Date: 8/4/15  
Date: 8/4/15



# Whittier Regional Vocational Technical High School

115 Amesbury Line Road  
Haverhill, MA 01830-1898  
978-373-4101  
Fax: 978-372-5331  
kkosmes@whittier.tec.ma.us

William P. DeRosa  
Superintendent

Kara M. Kosmes  
Business Manager

Amy Pocsik  
Treasurer

2015 JUL 20 AM 11:22

June 30, 2015

Ms. Julie Languirand, Treasurer  
City of Newburyport  
60 Pleasant Street, PO Box 550  
Newburyport, MA 01950

Dear Ms. Languirand,

On April 8, 2015 the Whittier Regional Vocational Technical High School Committee voted to adopt a final **2015-2016 Gross Budget** in the amount of \$22,061,418.00, which consists of \$18,310,028.00 for the Required Net School Spending as defined under the Ed Reform formula; \$1,216,974.00 for Other Assessments, Assessment Transportation & Community Education; \$405,000.00 for Capital Assessments; \$2,129,416.00 for Other Educational Assessment. The estimated receipts for the school year are \$8,861,202.00, resulting in a **Total Approved Assessment for 2015-2016 at \$13,200,216.00.**

This is to certify that the **2015-2016** net assessment for the **City of Newburyport** is **\$330,403.00.**

| NEWBURYPORT |                      | TOTAL DUE           |
|-------------|----------------------|---------------------|
| 25%         | Due August 15, 2015  | \$82,601.00         |
| 25%         | Due November 1, 2015 | \$82,601.00         |
| 35%         | Due February 1, 2016 | \$115,641.00        |
| 15%         | Due April 1, 2016    | <u>\$49,560.00</u>  |
| TOTAL:      |                      | <b>\$330,403.00</b> |


Attached to this correspondence is a copy of the **Approved 2015-2016 Budget**. If you have any questions, please do not hesitate to call our Business Manager, Ms. Kosmes at 978-373-4101 x269.

Sincerely,

Amy Pocsik, Treasurer

Cc: Mayor, City Clerk, Chmn. Board of Assessors, Finance Director, Superintendent of Schools, Whittier Representative

Certification: I hereby certify that the information contained above is true to the best of my knowledge and belief.

  
\_\_\_\_\_  
Amy Pocsik, Treasurer



12/10/15  
baf  
ORDER #10  
August 10, 2015

# CITY OF NEWBURYPORT



\_\_\_\_\_  
IN CITY COUNCIL

ORDERED:

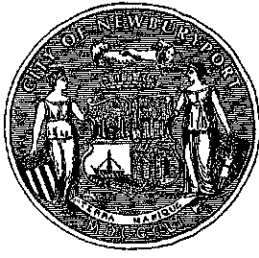
August 10, 2015

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude a grant from the Stanton Foundation in the amount of \$25,000.00 for the purpose of creating a K-9 unit at the Newburyport Police Department in accordance with the terms of the grant agreement and M.G.L. Chapter 44, Section 53A.

\_\_\_\_\_  
Councillor Charles F. Tontar

\_\_\_\_\_  
Councillor Robert J. Cronin

CT/PLI  
SV



## CITY OF NEWBURYPORT

**POLICE  
DEPARTMENT**

To: City Council  
From: Marshal Mark Murray  
RE: K-9 Program

**MARK R. MURRAY  
INTERIM CITY  
MARSHAL**

**4 GREEN ST**

**NEWBURYPORT, MA  
01950**

TEL: 978.462-4411

FAX: 978.462-0396

Council Members,

The Newburyport Police Department has been awarded a \$25,000 grant from the Stanton Foundation to help with startup costs to create a new K-9 program. The grant covers all startup costs for 3 years and there is also supplemental funding available to cover training.

The Newburyport Police Department is very excited about this new program. We recently had interviews conducted by 3 respected members of the K-9 community, one which is the program coordinator who has trained over 350 K-9 teams. Officer Eric Marshal was chosen out of 5 candidates as Newburyport Police Departments first K-9 Officers.

I would like to thank the Stanton Foundation for giving the Newburyport Police Department the opportunity to participate in a new K-9 program.

Respectfully,  
  
Marshal Mark Murray

# STANTON FOUNDATION

July 16, 2015

Chief Mark Murry  
4 Green Street  
Newburyport, MA 01950  
978-462-4411

Dear Chief Murry,

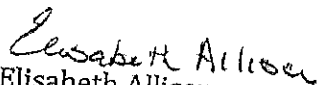
Following receipt of Newburyport's completed grant agreement; the Stanton Foundation is pleased to provide a grant of \$25,000 to support the creation of a K-9 unit at the Newburyport Police Department. A Stanton Foundation check and a countersigned grant agreement are enclosed; please confirm that you have received them to [Liz.Allison@thestantonfoundation.org](mailto:Liz.Allison@thestantonfoundation.org).

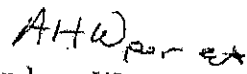
As explained in the grant agreement, the core grant of \$25,000 may only be used for items listed in the model budget. A copy of the model budget is included with this letter for your convenience. Assistance with the cost of having an officer in training will be provided through a supplemental Foundation program. Please see the enclosed description for information regarding eligibility and terms of this supplemental grant.

It is our understanding that you will move as quickly as possible to designate the K-9 handler and that the training will take place at the Boston Police Canine Academy.

We are very pleased that you have successfully completed the application process and we look forward to seeing the K-9 at work in Newburyport after his training is completed next summer.

Sincerely,

  
Elisabeth Allison  
Co-director

  
Andrew Weiss  
Co-director

Cc: Steve Sallan, Project Coordinator

Encl. (4)

One Broadway, 14th floor  
Cambridge, Massachusetts 02142  
t: 617.577.3975

One Penn Plaza, 30th floor  
New York, New York 10119  
t: 212.697.6900



**City of Newburyport**  
**FY 2016**  
**BUDGET TRANSFER REQUEST**

Transfer #1  
Sept. 1, 2015

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 AUG 25 P 2:21

**Department:** DPS - SEWER

**Submitted by:** Anthony Furnari, Director

**Date Submitted:** 8/25/2015

**Transfer From:**

|                          |                                                                                                                                                                                                           |            |    |            |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----|------------|
| Account Name             | CIP-Sewer Easement                                                                                                                                                                                        | YTD Bal:   | \$ | 330,083.12 |
| Account Number:          | 3406-59600                                                                                                                                                                                                | Trans In:  | \$ | -          |
| Amount:                  | \$225,000.00                                                                                                                                                                                              | Trans Out: | \$ | -          |
| Why are Funds Available: | <i>On-going capital project funds are not needed at this time. Capital funds will be appropriated back into this account once Retained Earnings are certified by the Department of Revenue this Fall.</i> |            |    |            |

**Transfer To:**

|                         |                                                                                                                                                                                                                                                                                                                      |            |    |              |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----|--------------|
| Account Name            | CIP-DPS Building                                                                                                                                                                                                                                                                                                     | YTD Bal:   | \$ | 1,562,298.03 |
| Account Number:         | 3403-49700                                                                                                                                                                                                                                                                                                           | Trans In:  | \$ | -            |
| Amount:                 | \$225,000.00                                                                                                                                                                                                                                                                                                         | Trans Out: | \$ | -            |
| Why are Funds Required: | <i>The current DPS building is over-capacity and an expansion is needed to support the operations of the department. Previously, \$821,000.00 was funded by Sewer Retained Earnings. Water Retained Earnings has matched funding. The lowest bid from the Request for Proposals came in higher than anticipated.</i> |            |    |              |

Donna D Holaday, Mayor  
Ethan R. Manning, Auditor  
City Council Approval: (Stamp)

*Donna D Holaday*  
*Ethan R Manning*

Date:

8/25/15

Date:

8/25/15



Transfer #2  
Sept. 1, 2015

# City of Newburyport

## FY 2016

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 AUG 25 P 2:21

Department: DPS - WATER

Submitted by: Anthony Furnari, Director

Date Submitted: 8/25/2015

#### Transfer From:

|                          |                                                                                                                                                                                                           |            |    |            |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----|------------|
| Account Name             | CIP-Meter Replacement                                                                                                                                                                                     | YTD Bal:   | \$ | 283,812.00 |
| Account Number:          | 3409-59600                                                                                                                                                                                                | Trans In:  | \$ | -          |
| Amount:                  | \$225,000.00                                                                                                                                                                                              | Trans Out: | \$ | -          |
| Why are Funds Available: | <i>On-going capital project funds are not needed at this time. Capital funds will be appropriated back into this account once Retained Earnings are certified by the Department of Revenue this Fall.</i> |            |    |            |

#### Transfer To:

|                         |                                                                                                                                                                                                                                                                                                                      |            |    |              |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----|--------------|
| Account Name            | CIP-DPS Building                                                                                                                                                                                                                                                                                                     | YTD Bal:   | \$ | 1,562,298.03 |
| Account Number:         | 3403-49700                                                                                                                                                                                                                                                                                                           | Trans In:  | \$ | -            |
| Amount:                 | \$225,000.00                                                                                                                                                                                                                                                                                                         | Trans Out: | \$ | -            |
| Why are Funds Required: | <i>The current DPS building is over-capacity and an expansion is needed to support the operations of the department. Previously, \$821,000.00 was funded by Water Retained Earnings. Sewer Retained Earnings has matched funding. The lowest bid from the Request for Proposals came in higher than anticipated.</i> |            |    |              |

Donna D Holaday, Mayor  
Ethan R. Manning, Auditor  
City Council Approval: (Stamp)

*Donna D Holaday*  
*Ethan R Manning*

Date:

8/25/15

Date:

8/25/15

# **PLANNING & DEVELOPMENT**

p-10

# CITY OF NEWBURYPORT



IN CITY COUNCIL

JANUARY 26, 2015

## ORDERED:

A ZONING ORDINANCE ESTABLISHING THE NEWBURYPORT SMART GROWTH DISTRICT (SGD)

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 XXIX: SMART GROWTH DISTRICT (SGD)

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

#### SECTION XXIX: SMART GROWTH DISTRICT (SGD)

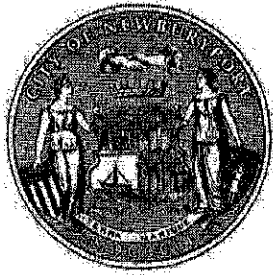
- XXIX-A Purposes
- XXIX-B Establishment & Applicability
- XXIX-C Definitions.
- XXIX-D Permitted Uses.
- XXIX-E Prohibited Uses.
- XXIX-F Dimensional & Parking Requirements.
- XXIX-G Requirements for Housing Affordability.
- XXIX-H Permitting Procedure & Criteria for Approval.
- XXIX-I Design Standards.
- XXIX-J Mitigation of Development Impacts
- XXIX-K Appeals.
- XXIX-L Severability.

#### XXIX-A Purposes.

The purpose of this Section (XXIX) is to establish the Newburyport Smart Growth District (SGD) and to encourage "Smart Growth" in accordance with the purposes of M.G.L. Chapter 40R consistent with the 2001 Newburyport Master Plan, 2015 Master Plan Update, and 2004 Strategic Land Use Plan. Other objectives of this Section are to:

FULL TEXT AVAILABLE IN CITY CLERK'S OFFICE

Councillor Jared J. Eigerman  
Councillor Meghan C. Kinsey



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)

**MEMORANDUM**

TO: **Honorable members of the City Council**

FROM: **Andrew Port, Director of Planning & Development**

CC: **Donna D. Holaday, Mayor**

RE: **40R Smart Growth District - Adoption**

DATE: **September 9<sup>th</sup>, 2015**

---

As you know this office has been working with the Planning Board and City Council Planning & Development Committee toward the adoption of a 40R Smart Growth District around Newburyport's MBTA Commuter Rail Station and the Route One Traffic Circle. This new Zoning Ordinance is the culmination of over a decade's worth of study and work by city officials to redevelop previously-developed, but underutilized, properties in this area in a sustainable form and character much like Downtown Newburyport - with a mix of uses including multi-family residential housing. Our vision for this area of the City has been presented at a number of public meetings and is codified in the Ordinance attached hereto. This version of the Ordinance is as submitted to the state Department of Housing & Community Development (DHCD) for approval several months ago with the addition of the following:

1. **Amendments recommended for inclusion by the Planning & Development Committee (*as distributed previously by Councilor Eigerman*); and**
2. **Minor editorial edits requested by DHCD prior to adoption (*additions and deletions indicated in red markup*). [Please note: I have modified several of the changes recommended by the Planning & Development Committee to conform to feedback I have received from DHCD today indicating that these adjustments would be necessary to obtain the final DHCD Letter of Approval (after Council adoption).]**

It is my understanding that one additional floor amendment will be recommended by Councilor Eigerman to specify the maximum noise levels permitted for any uses within the District (*to be inserted into the tables on pages 25 and 43, accordingly*). This floor amendment is not expected to be of concern to DHCD.

I would also like to address the continued dissemination of misinformation questioning the City's infrastructure (*water and sewer*) capacity available for the District. Any references to earlier studies related to the "Little River Transit Village" (*approximately ten years ago*) should be disregarded. Much of the buildout proposed at that time was to be in the Town of Newbury, with the assumption that Newburyport would



provide public water through an expanded distribution system. Plans for that development scheme were abandoned years ago. Joe Dugan, who oversees operations at the City's Wastewater Treatment Plant (WWTP), also cited substantial problems with the flow meters at the WWTP at the time the Little River Transit Village analysis was prepared. These flow meters were upgraded in the recent WWTP improvements to meet EPA standards and were the cause of significant over-reporting in prior studies. Similar references to the wastewater (sewer) "collection system" are also irrelevant because they do not indicate insufficient capacity at the Water Treatment Plant itself, but rather the *pipng* that distributes this public water to individual properties within the area. While the City does need to replace the Graf Road Sewer Lift (pump) Station which pushes wastewater in the area over the hill to the WWTP, private developers would be responsible for any upgrades to the water distribution system and/or wastewater collection system required to service their individual projects and sites. Furthermore - as previously explained at several public meetings - the City must replace the Graf Road Sewer Lift Station *regardless of potential buildout from the proposed 40R District*. A new station is needed to address existing safety issues at the facility as well as to provide for incremental development allowed under current zoning within the large "catchment area" serviced by the Lift Station. The new Lift Station will also support additional development within the Newburyport Business and Industry Park, which will provide a larger tax base for the City in the years to come. Conversely, a timely adoption of the 40R District may give the City significant leverage in the state's review of our application for a MassWorks Infrastructure Grant which could very well provide the City with \$2 Million toward construction of the Graf Road Sewer Lift Station. Initial review with members of the state's selection committee suggests that Newburyport's application is perfectly aligned with state funding priorities, including the following:

- "the production of multi-family housing in mixed-use districts that are well-connected to significant employment opportunities" (*i.e. the Smart Growth District and our adjacent Business & Industry Park*); and
- "projects that demonstrate consistency with sustainable development priorities" (*i.e. the Smart Growth District itself*); and
- "and a reasonable level of readiness" (*design is getting underway now for a shovel-ready project next spring*)

Adoption of this 40R Ordinance has been recommended unanimously by both the Planning Board and City Council Planning & Development Committee. I also recommend and respectfully request your approval of the proposed 40R District which I believe will have significant long-term benefits for the City.

Thank you in advance for your consideration. Please do not hesitate to contact me if you have any questions regarding this, or any other, planning initiatives.



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Crystal Komegay, Undersecretary

AUG 19 2015

The Honorable Donna D. Holaday  
Office of the Mayor  
City of Newburyport  
60 Pleasant Street – P.O. Box 550  
Newburyport, MA 01950

RE: Newburyport Smart Growth District – Preliminary Determination of Eligibility

Dear Mayor Holaday:

I am writing regarding the application for a preliminary determination of eligibility pursuant to MGL, Chapter 40R and 760 CMR 59.00 that was submitted by the City of Newburyport (City) to the Department of Housing and Community Development (DHCD) for the proposed Newburyport Smart Growth District (District). I am pleased to inform you that DHCD has completed its review and determined that the proposed District satisfies the referenced statutory and regulatory requirements.

Based on our review of the application and additional information provided by the City's Planning Department, including minor clarifications and adjustments to the calculation of Underutilized Land, the proposed District would allow for 520 Incentive Units to be developed pursuant to the corresponding Smart Growth Zoning. After DHCD receives evidence of local adoption of the Smart Growth Zoning along with submission of the adopted zoning to the Office of the Attorney General, the Department, upon request, can issue a Letter of Conditional Approval pursuant to 760 CMR 59.05(4)(d). With this Letter of Conditional Approval, the City can begin to approve individual development projects pursuant to the new Smart Growth Zoning. Once the City is able to fully satisfy the requirements of 760 CMR 59.03(1)(i) and 760 CMR 59.04(1)(k) with respect to the need for a new Graf Road sewer pump station, DHCD can issue a final Letter of Approval, and the City will be eligible to receive a corresponding \$600,000 Zoning Incentive Payment.

Pursuant to 760 CMR 59.05, DHCD issues this Letter of Eligibility with the following conditions:

1. Unless subsequently otherwise approved in writing by the Department, the City adopts the Smart Growth Zoning as enclosed and herein approved. Adoption of the Smart Growth Zoning must occur by August 12, 2018. After adoption of the Smart Growth Zoning, the City must submit proof of adoption to DHCD. Proof of adoption requires the submission of the following information:

- a) a copy of the Smart Growth Zoning adopted by the City Council and certified by the City Clerk;
- b) a copy of the amended Zoning Map adopted by the City Council and certified by the City Clerk;

c) evidence that the City Clerk has submitted a copy of the adopted Smart Growth Zoning to the office of the Attorney General;

d) if there were any changes to the enclosed version of Smart Growth Zoning between our approval in this preliminary determination of eligibility and adoption by the City Council, an annotated version of the altered amendments to the Smart Growth Zoning must be submitted that clearly indicates all changes; and

e) a certification by the City Clerk that the Smart Growth Zoning has been published and posted pursuant to applicable law.

2. If there are substantial changes to the amended Smart Growth Zoning, DHCD may treat such submission as an amendment to the application and will notify the City of its decision to do so in writing. DHCD must confirm its final approval within 60 days of receipt of such submission provided the amended application satisfies all the approval criteria set forth in 760 CMR 59.04(1).

3. There is no local rule, regulation or ordinance and there is no agreement that would prevent a minimum of 520 Future Zoned Units from being developed in the District. There is no agreement that regulates the development of the Future Zoned Units in a manner contrary to 40R, such as limiting development within the District to one type of residential occupancy or another (e.g., homeownership rather than rental).


4. DHCD must approve any rules or regulations and amendments adopted by the Plan Approval Authority. Such rules or regulations must be filed with the City Clerk.

5. The applicable Design Standards for the District are those herein approved and enclosed with this letter.

6. Prior to the issuance of the Zoning Incentive Payment by DHCD, the City must satisfy the requirements of 760 CMR 59.03(1)(i) and 760 CMR 59.04(1)(k) with respect to the need for a new Graf Road sewer pump station as outlined in the submitted letter of May 22, 2015 from the Newburyport Department of Public Services. DHCD will consider that this needed infrastructure can be "practicably upgraded" based on evidence such as substantial design completion, a more concrete timeline for completion, and appropriation of the necessary funds.

We commend the City in this initiative to encourage Smart Growth. If you have any questions, please do not hesitate to contact Bill Reyelt at 617.573.1355 or [William.Reyelt@state.ma.us](mailto:William.Reyelt@state.ma.us).

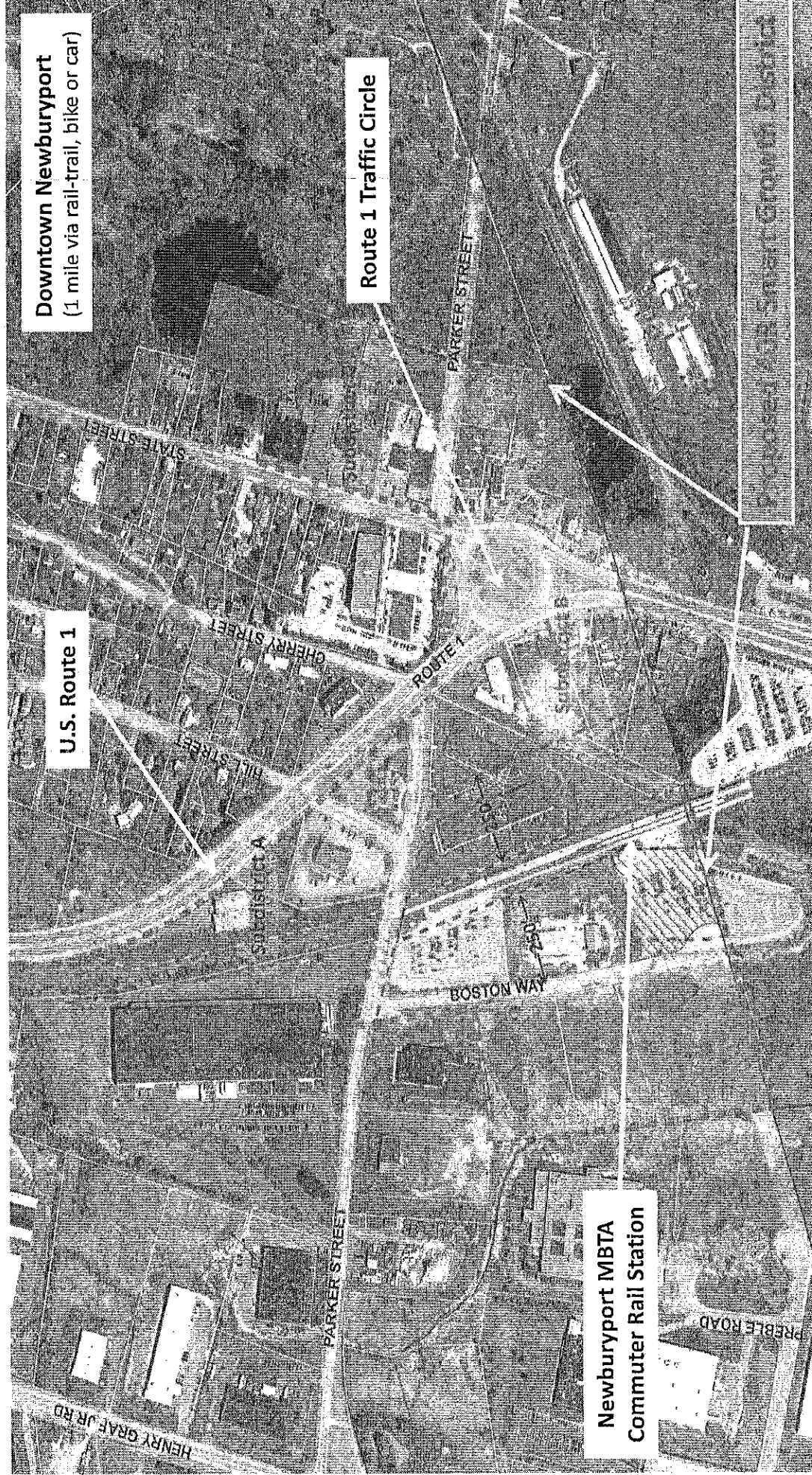
Sincerely,



Chrystal Kornegay  
Undersecretary

cc: Andrew Port, Director of Planning & Development

# 40R Smart Growth District - Newburyport, MA



Office of Planning & Development

January 20, 20

*Refer to  
P&D  
Cov*

CITY OF NEWBURYPORT



\_\_\_\_\_  
IN CITY COUNCIL

ORDERED:

August 10, 2015

**THAT THE CITY COUNCIL** of the City of Newburyport hereby requests that the President of the City Council convene a working group whose purpose shall be the orderly transition of the Newburyport Redevelopment Authority ("NRA") property into parkland and associated parking in perpetuity.

The group shall consist the of at least three City Councillors, one Waterfront Trustee (non-voting), one NRA member (non-voting), one Harbor Commission member (non-voting), other waterfront stakeholders and advocates as deemed appropriate by the Council President. The sole purpose of this working group is to accomplish the disbanding of the NRA and the successful transition into parkland and associated parking.

\_\_\_\_\_  
Councillor Robert J. Cronin

*referred to  
p40  
COW*

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

Be it so ordered that the City Council establish an ad hoc Waterfront Committee to include the Planning and Development Committee and two other Councillors designated by the Council President.

The purpose of said Committee is to make recommendations to the City Council and Mayor as to process for the City to design, fund, create and manage an expanded waterfront park which would include expansion of existing parkland and a reduction in existing parking.

Said recommendations shall be informed by testimony from the public and various stakeholders including, but not limited to, the Newburyport Redevelopment Authority, the Waterfront Trust, the Mayor and City of Newburyport Planning Department, and the Harbor Commission.

Process includes but is not limited to roles and responsibilities of the various public entities, timeframes, and scenarios as to design, funding, implementation, and management of the expanded park.

Said recommendations shall be reported out of committee in a timely fashion to enable the full Council's approval or disapproval of a recommended course of action by the end of the current Council term.

The ad hoc Committee meetings will be chaired by the chair of the Planning and Development Committee and will be posted also as Committee of the Whole to allow the full participation of all Councillors.

Councillor Edward C. Cameron  
Councillor Bruce L. Vogel

ref<sup>10</sup> p40

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

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

**THAT** the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Preservation Restriction between the City, acting through the Newburyport Historical Commission, and Manchester Capital Partners Trust #4, for the property located at 223 High Street, as required by the Newburyport Planning Board pursuant to a Special Permit condition for the Open Space Residential Development (OSRD) project off of High Street known as "Hamilton Estates"; and

Further, that the Mayor of the City of Newburyport, the City Council President and City Clerk are hereby authorized to sign the subject Preservation Restriction as may be required, to act on behalf of the City and enter into any and all instruments, including acceptance of said Preservation Restriction, and in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Preservation Restriction accordingly.

Councillor Robert J. Cronin

PC  
1 KC  
SV

Refer to  
p. 10

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

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

**THAT** the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Conservation Restriction between the City, acting through the Newburyport Conservation Commission, and Manchester Capital Partners Trust #4, for a portion of the property located at 223 High Street, said portion of the property depicted as the Open Space Parcel "Conservation Area" on a plan entitled "Hamilton Estates Conservation Area" prepared by Millennium Engineering, Inc., and dated June 23, 2015, as required by the Newburyport Planning Board pursuant to a Special Permit condition for the Open Space Residential Development (OSRD) project off of High Street known as "Hamilton Estates"; and

Further, that the Mayor of the City of Newburyport, the City Council President and City Clerk are hereby authorized to sign the subject Conservation Restriction as may be required, to act on behalf of the City and enter into any and all instruments, including acceptance of said Conservation Restriction, in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Conservation Restriction accordingly.

Councillor Robert J. Cronin

RC/EC SV



# **PUBLIC SAFETY**



Communication #4  
June 29, 2015

PS

April 28, 2015

Members of the Newburyport City Council  
60 Pleasant Street  
Newburyport, MA 01950

Dear Members of the Newburyport City Council,

I am writing to ask your permission to hold the 5<sup>th</sup> Annual GNOCA 5K Run/Walk, in honor of Jackie Poor and Paula Holm, in Newburyport, on Sunday, September 27, 2015, 10:30am – 1pm.

The Greater Newburyport Ovarian Cancer Awareness (GNOCA) was founded by Deb Green and Elaine Carroll, Newburyport businesswoman and resident. We raise money for Ovations for the Cure, a non-profit organization, located in Natick. Ovations for the Cure is devoted to educating the public on the signs and symptoms of ovarian cancer. Ovarian cancer is a particularly devastating cancer for women. It has a nearly 50% mortality rate because the symptoms often go unnoticed until it is in its later stages. GNOCA holds events from June through September, which is National Ovarian Cancer Awareness month.

Joppa Flats Running Club will be providing timing and consultation services for us again this year. The club has a strong background with 5K races and will help insure that the event will run smoothly.

I have included the 5K run route suggested by Joppa Flats Running Club. The 3.1 mile route begins and ends at Michael's Harborside Restaurant, 1 Tournament Wharf, who will also be providing the parking. It then travels along Merrimac to Jefferson, onto High, then Kent, onto Washington and follow the Rail Trail, finishing at Michael's Harborside. Please see the attached map.

If acceptable we would like to have the walkers follow a different route than the runners. The walker's route begins and ends at Michaels Harborside (same as runners). The walkers turn left onto Merrimac St., right onto Federal St., right onto Liberty St., onto State Street, right onto High St., right onto Broad Street cross Merrimac Street to Cashman Park. Walkers Continue along the Rail Trail ending at Michaels Harborside. Please see enclosed map.

We prefer this route for walkers as it is more interesting and exposes the walkers to the Farmer's Market at the Tannery and downtown merchants.

Thank you so much for your support in previous years. I look forward to working with the council. If you have any questions or concerns please feel free to contact me at 978-225-6700 or [info@ocawareness.org](mailto:info@ocawareness.org)

Sincerely,

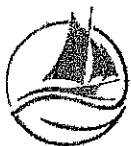
Debra Green



*Our hummingbird is a symbol for accomplishing that which seems impossible and discovering the miracle of joyful living from one's own life circumstances.*

From *Animal Speak* by Ted Andrews

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2015 JUN 19 A 9:58



# Newburyport Parks

## One-Day Use Permit Application

### Applicant Information

Name of organization Greater Newbury Ocean Cancer Awareness  
 Contact name Debra Green  
 Address 1 R Water St (Greetings by Design)  
 City Newburyport  
 State MA Zip 01950  
 Phone 978-225-6700  
 Email Info@greetingsbydesign.com

### Scheduling Information

Date of Application 5-19-15

### We request use of:

- |                                                                          |                                                                           |                                                                          |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Atwood Park - South End              | <input checked="" type="checkbox"/> Easting Park                          | <input type="checkbox"/> Perkins Park - South End                        |
| <input type="checkbox"/> Basketball Court                                | <input type="checkbox"/> Basketball Courts                                | <input type="checkbox"/> For ball field please use Field Use Permit form |
| <input type="checkbox"/> Tennis Court                                    | <input type="checkbox"/> Jona Park at the Sea Wall - South End            | <input type="checkbox"/> Basketball Courts                               |
| <input checked="" type="checkbox"/> Brown Square                         | <input checked="" type="checkbox"/> Jason Sawyer Playground - Plum Island | <input type="checkbox"/> Tennis Courts                                   |
| <input checked="" type="checkbox"/> Cashman Park - North End             | <input type="checkbox"/> Basketball Court                                 | <input type="checkbox"/> Moseley Woods Pavilion                          |
| <input type="checkbox"/> For ball field please use Field Use Permit form | <input type="checkbox"/> Pavilion                                         | <input type="checkbox"/> Bartlet Mall                                    |
| <input type="checkbox"/> Basketball Courts                               | <input checked="" type="checkbox"/> March's Hill                          | <input checked="" type="checkbox"/> Roll Trail                           |
| <input type="checkbox"/> Tennis Courts                                   | <input type="checkbox"/> Basketball Court                                 |                                                                          |

Date requested 9-27-15

Time slot requested AM 7:00 - 12 PM  
 (1-1/2 hour blocks)

Activity Walk, Run Number of attendees 200

Authorized Applicant Signature [Signature]

### FOR INTERNAL USE ONLY

Approval is contingent upon approval from the following authorities:

- ☐ Health Department
- ☐ Fire Department
- ☒ Police Department
- ☐ Licensing Commission
- ☐ City Council
- ☒ Harbormaster
- ☐ No further approvals needed

ADDITIONAL COMMENTS:

Submit completed form to

Newburyport Parks

Newburyport City Hall

60 Pleasant Street

Newburyport, MA 01950

parks@cityofnewburyport.com

978-465-4462

See page 2 for Rules and Regulations and contacts for use of other parks and recreational facilities

|                          |                                        |
|--------------------------|----------------------------------------|
| For Parks Commission Use |                                        |
| Date reviewed            | <u>6/8/15</u>                          |
| Approved                 | <input checked="" type="checkbox"/>    |
| Rejected                 | <input type="checkbox"/>               |
| Comments                 | <u>CONTINGENT ON FURTHER APPROVALS</u> |
| Donation received        |                                        |

# SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel.

Fax.

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application)

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 JUN 19 A 9:55

NAME OF EVENT: 5th Annual Greater Newburyport Ovarian Cancer Awareness  
Run/Walk in Honor of Jackie Poon and Paula Holm

1. Date: 9/27/15 Time: from 10:30 AM to 1 PM

Rain Date: - Time: from - to -

2. Location: Start & End at Michael's Harborside

3. Description of Property: - Public - Private -

4. Name of Organizer: Deb Green (with the support of and in collaboration with The Joppa Flats Running Club) City Sponsored Event: Yes - No X

Contact Person:

Address: 1R Water St, Newburyport Telephone: 978-325-6700

E-Mail: info@greetingbydesign.com Cell Phone: 978-304-7740

Day of Event Contact & Phone: Deb Green, cell phone 978-304-7740

5. Number of Attendees Expected: 200 - 300 (last year's walk/run had 180 participants)

6. MA Tax Number: Non Profit Organization: Ovarian for the Cure

7. Is the Event Being Advertised? yes Where? Banners: Low St., Stony Ave

8. What Age Group is the Event Targeted to? Flyers, Press Release in NBPT Daily News, website, Email, Ovarian for the Cure, Joppa Flats website, website,

9. Have You Notified Neighborhood Groups or Abutters? Yes - No X, Who? -

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending: Food - Beverages - Alcohol - Goods - Total # of Vendors N/A

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music - DJ - Radio/CD - Performers - Dancing - Amplified Sound - Stage - N/A

C. Games /Rides: Adult Rides - Kiddie Rides - Games - Raffle - Other - Total # N/A

Name of Carnival Operator: -

Address: -

Telephone: -

D. Clean Up: # of additional trash receptacles required - # of additional recycling receptacles required -  
we will provide plastic bags to collect used paper cups.

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet) N/A  
# - Standard # - ADA accessible

**FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY**

PARADE \_\_\_\_\_ ROAD RACE X and WALKATHON X

- Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: Deb Green, Co-Founder:  
Greater Newburyport Ovarian Cancer Awareness  
under the umbrella of Ovarians for the Cure (a non-profit  
organization)
- Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
Deb Green, owner: Streetwise by Design Cell: 978-304-7740  
1R Water St., Newburyport Bus: 978-225-6700
- Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_  
Deb Green Cell: 978-304-7740  
1R Water St., Newburyport Bus: 978-225-6700
- Date of Event: 9/27/15 Expected Number of Participants: 200-300 (180 participants in 2014)
- Start Time: 10:30 am Expected End Time: 1 pm
- Road Race, Parade or Walkathon Route: (List street names & attach map of route): Start: Michael's  
Harborside, Merimac to Jefferson, onto High, then Kent, onto  
Washington, The Rail Trail, and ending at Michael's Harborside
- Locations of Water Stops (if any): High & Jefferson Streets; Washington +  
Rail Trail
- Will Detours for Motor Vehicles Be Required? No If so, where? \_\_\_\_\_  
Traffic is stopped & held at the start of the race.
- Formation Location & Time for Participants: 7:30 AM is set-up time.  
Michael's Harborside, 1 Tournament Wharf
- Dismissal Location & Time for Participants: 1 pm  
Michael's Harborside
- Additional Parade Information:

- Number of Floats: \_\_\_\_\_
- Locations of Viewing Stations: \_\_\_\_\_
- Are Weapons Being Carried: N/A Yes \_\_\_\_\_ No \_\_\_\_\_
- Are Marshalls Being Assigned to Keep Parade Moving: N/A Yes \_\_\_\_\_ No \_\_\_\_\_

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE/CROSSING**

CITY MARSHAL [Signature] 4 Green St FIRE CHIEF [Signature] Greenleaf St.  
DEPUTY DIRECTOR [Signature] 1 Perry Way CITY CLERK [Signature] 60 Pleasant St

\* Walk Route: If possible, we would like the walk route to be different in order to give them a more interesting walk that would take them by the Turney's Farmers Market & down town businesses. They would begin at Michael's, turn left onto Merimac, right onto Federal, right onto Liberty, onto State, right onto High, right turn left onto Washington, onto Cashmore Park, continue along Rail Trail & end at Michael's.

## DEPARTMENT APPROVAL (For Committee members use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, & others may request cash in advance payment.

|                              |                                                               |
|------------------------------|---------------------------------------------------------------|
| <b>Approval<br/>Required</b> | <b>Date:</b> _____ <b>Signature</b> _____                     |
| _____                        | 1. Special Events: _____                                      |
| _____                        | 2. Police: _____                                              |
|                              | Is Police Detail Required: _____ # of Details Assigned: _____ |
| _____                        | 3. Traffic, Parking & Transportation: _____                   |
| _____                        | 4. ISD/Health: _____                                          |
| _____                        | 5. ISD/Building: _____                                        |
| _____                        | 6. Electrical: _____                                          |
| _____                        | 7. Fire: _____                                                |
|                              | Is Fire Detail Required: _____ # of Details Assigned: _____   |
| _____                        | 8. Public Works: _____                                        |
| _____                        | 9. Recreation Department: _____                               |
| _____                        | 10. License Commission: _____                                 |

**The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.**

### Limitations

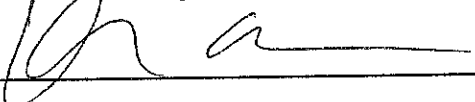
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- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
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- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

### 13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
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- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

***I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate, I accept all responsibility related to this event.***

Signed:  Date: 6-19-15

OIC Lt Stewards  
5/8/15  
to Philon

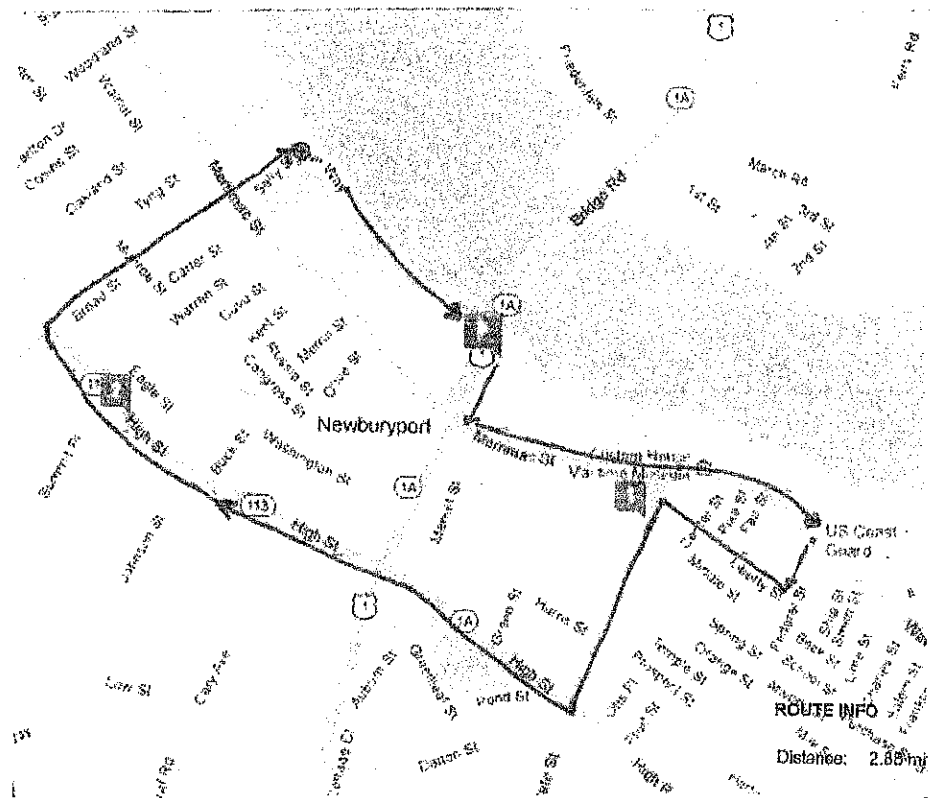
Walk MAP

Directions for walk

- ⇨ Turn left onto Merrimac St
- ⇨ Right on Federal St
- ⇨ Right on Liberty St to State St
- ⇨ Turn left on State St
- ⇨ Right on High St
- ⇨ Right on Broad
- ⇨ Cross Merrimac St to Cashman Park

Continue along Rail Trail

Ending at Michael's Harborside



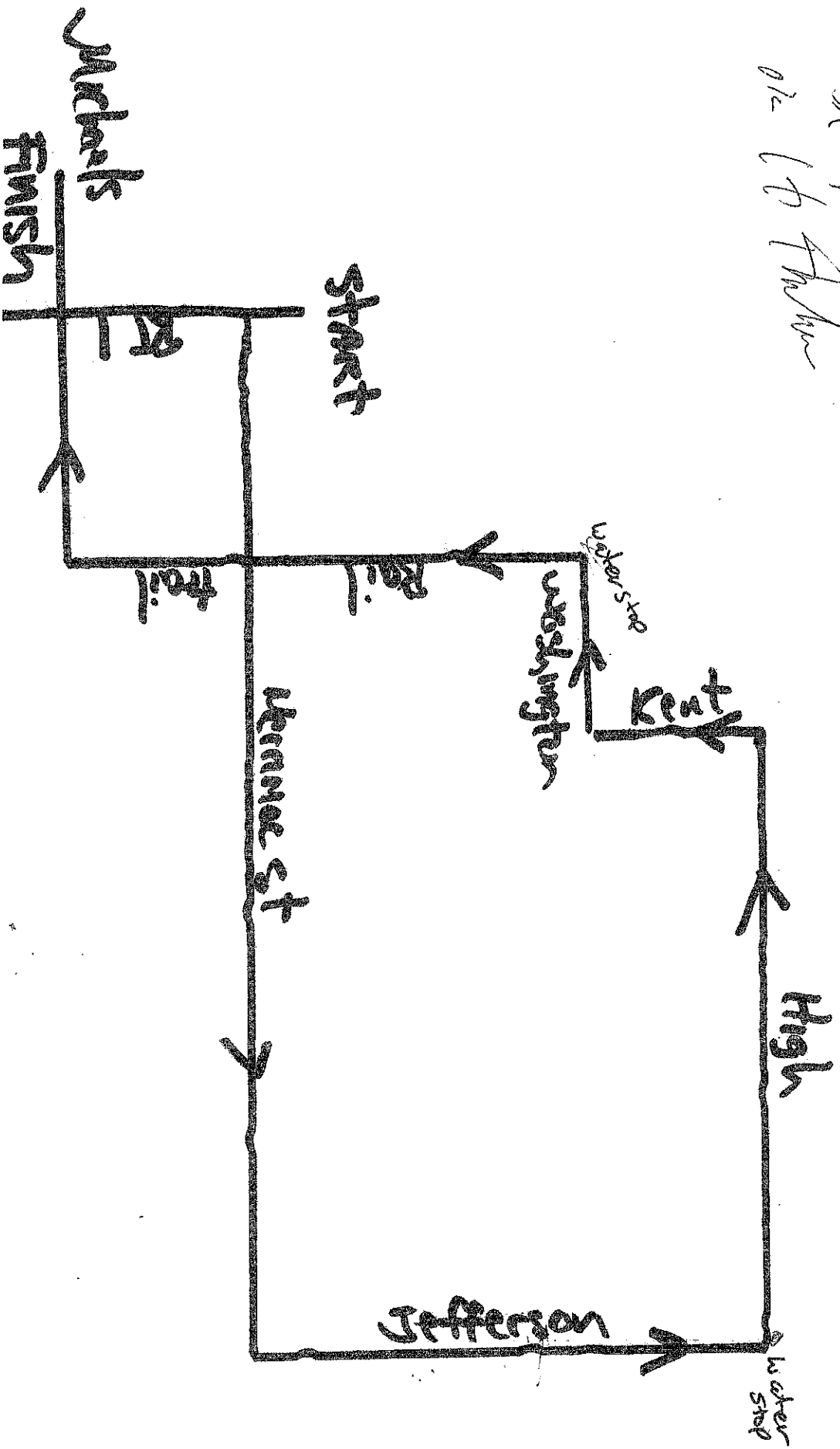


OK LT primary  
9/22/14

OK LT Semester

51615  
OK LT primary

Run Map





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/16/15

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><br>Twinbrook Insurance Brokerage<br>400A Franklin Street<br>Braintree, MA 02184  | <b>CONTACT NAME:</b> Paula Neves             |                                      |
|                                                                                                  | <b>PHONE (A/C No. Ext.):</b> (781) 843-7000  | <b>FAX (A/C No.):</b> (781) 848-6100 |
|                                                                                                  | <b>E-MAIL ADDRESS:</b> Pneves@twinbrook.com  |                                      |
| <b>INSURED</b><br><br>Ovations for the Cure<br>251 West Central St, Suite 32<br>Natick, MA 01760 | <b>INSURER(S) AFFORDING COVERAGE</b>         |                                      |
|                                                                                                  | <b>INSURER A:</b> Philadelphia Insurance Co. |                                      |
|                                                                                                  | <b>INSURER B:</b> Travelers Insurance Co.    |                                      |
|                                                                                                  | <b>INSURER C:</b>                            |                                      |
|                                                                                                  | <b>INSURER D:</b>                            |                                      |
|                                                                                                  | <b>INSURER E:</b>                            |                                      |
|                                                                                                  | <b>INSURER F:</b>                            |                                      |

**COVERAGES****CERTIFICATE NUMBER:****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 SUBR INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                  |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------|-------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | GENERAL LIABILITY<br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO. LECT <input type="checkbox"/> LOC |                    | PHPK1205792   | 8/7/14                  | 8/7/15                  | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000<br>MED EXP (Any one person) \$ 5,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COM/OP AGG \$ 2,000,000 |
| A        | AUTOMOBILE LIABILITY<br><br>ANY AUTO<br>ALL OWNED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS<br><br>SCHEDULED AUTOS<br><input checked="" type="checkbox"/> NON-OWNED AUTOS                                                                                                                            |                    | PHPK1205792   | 8/7/14                  | 8/7/15                  | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$                                                                               |
|          | UMBRELLA LIAB<br>EXCESS LIAB<br><br>DED RETENTION \$                                                                                                                                                                                                                                                                |                    |               |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$                                                                                                                                                                                                      |
| B        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                              | N/A                | 0231T92-7-14  | 8/7/14                  | 8/7/15                  | WC STATUTORY LIMITS<br>E.L. EACH ACCIDENT \$ 500,000<br>E.L. DISEASE - EA EMPLOYEE \$ 500,000<br>E.L. DISEASE - POLICY LIMIT \$ 500,000                                                                                                 |

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

Event - Newburyport Ryder - September 27th, 2015

The City of Newburyport is added as an Additional Insured for the above referenced event.

**CERTIFICATE HOLDER****CANCELLATION**City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

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

Joseph P. Rizzo/pn

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Communication #1  
July 13, 2015

ps

**The Society of St. Vincent de Paul**  
**Immaculate Conception Parish**  
42 Green Street  
Newburyport, MA 01950

July 7, 2015

City Council  
City Hall  
Newburyport, MA 01950

Council President:

We are seeking permission to hold a "Walk for the Poor" on Saturday, September 26, 2015. The walk is sponsored by the local Society of St. Vincent de Paul that helps people in the local area who finds themselves in immediate financial need. We supply help such as: food cards, gas cards, assistance with rent & utility bills and finding shelter for suddenly homeless people. There are many people in our area that are in desperate need of assistance. We do our best to help those who seek our assistance. We raise money through events such as this and private donations. The need is great and the resources are few. The walk will begin at 9:00 am and end about 11:00 am. There should be no more than 200 walkers probably less.

The route is 4K or 2.5 miles as follows:

**Start in IC parking lot; up Court St.; turn right on High St., to Broad St.; take right on Broad down to Merrimac ; take right on Merrimac St. to State St.; up State; take right on High St; then turn right on Green St. to Washington St.; take Left on Washington St.; back to IC parking lot.**

Thank you for your consideration in this matter.

Jan Kolman,  
Walk Coordinator

Contact person: Jan Kolman, Walk Coordinator  
Home 978-462-3339, cell 978-270-5128  
E-Mail [jmknana@verizon.net](mailto:jmknana@verizon.net)

# NEWBURYPORT SPECIAL EVENT APPLICATION

## SPECIAL EVENTS

Tel. (978)-465-4407 Fax. (978)-462-7936

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application)

NAME OF EVENT: WALK For the Poor - ST Vincent de Paul Inc.

1. Date: Sept 26, 2015 Time: from 8:00 AM to 11:00 AM  
Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Immaculate Conception Parish - Court St Parking Lot

3. Description of Property: Church Parking Lot Public \_\_\_\_\_ Private X

4. Name of Organizer: Jan Kolman City Sponsored Event: Yes \_\_\_\_\_ No X

Contact

Person:

Address: 4 Carlton Dr Newburyport - 978-462-3339 Telephone: \_\_\_\_\_

E-Mail: JMK NANA@Verizon.net Cell Phone: 978-270-5128 \*

Day of Event Contact & Phone: Jan Kolman 978-270-5128

5. Number of Attendees Expected: NO more than 100

6. MA Tax Number EXEMPT # 042-104-826

7. Is the Event Being Advertised? Yrs Where? Daily News, Local TV Station, RBP Radio

8. What Age Group is the Event Targeted to? Families Strollers to Adults

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No X, Who? \_\_\_\_\_

**ACTIVITIES:** (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors 0

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music / DJ / Radio/CD /  
Performers / Dancing / Amplified Sound / Stage /

C. Games /Rides: Adult Rides / Kiddie Rides / Games / Raffle /  
Other / Total # 0

Name of Carnival Operator: 0

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Clean Up: # of additional trash receptacles required N/A # of additional recycling receptacles required N/A

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

# N/A Standard # N/A ADA accessible Toilets Available in Parish Center

# FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON ☒

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: St. Vincent

de Paul Society of Immaculate Conception Parish  
County Wide Walk For ALL Parishes

2. Name, Address & Daytime Phone Number of Organizer: Jan Kolman

4 Carleton Dr Newburyport, Ma. 01950 978-270-5128

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_

Jan Kolman 4 Carleton Dr Nbrt 978 270 5128

4. Date of Event: 9-26-15 Expected Number of Participants: less than 100

5. Start Time: 9:00 Expected End Time: 11:00

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): Court, N. 9th

Broad, Merrimac, State, N. 9th, Green, Washington Sts.

7. Locations of Water Stops (if any): N/A

8. Will Detours for Motor Vehicles Be Required? NO If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: FC Parking lot Court St 8AM Register

10. Dismissal Location & Time for Participants: FC Parking lot 11:00AM

11. Additional Parade Information:

• Number of Floats: N/A

• Locations of Viewing Stations: N/A

• Are Weapons Being Carried: Yes \_\_\_\_\_ No X

• Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No X

## APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

6/19/15  
Cherry Place 6-23-15  
Director 6-18-15  
Richard B. Jones

## DEPARTMENT APPROVAL (For Committee members use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, & others may request cash in advance payment.

Approval  
Required

Date: \_\_\_\_\_ Signature \_\_\_\_\_

1. Special Events: \_\_\_\_\_
2. Police: \_\_\_\_\_  
Is Police Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_
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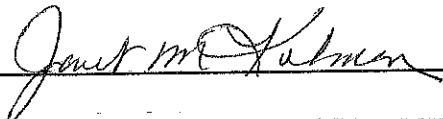
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**Signed:**



**Date:**

6-8-15



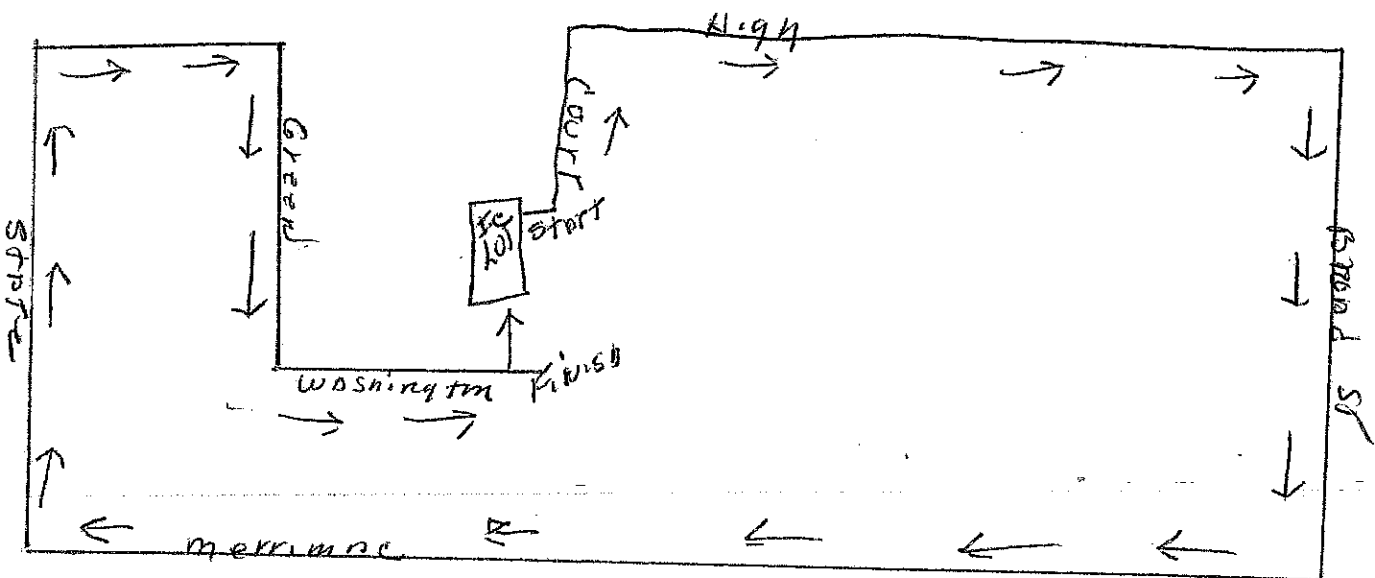
**The Society of St. Vincent de Paul**  
**Immaculate Conception Parish**  
42 Green Street  
Newburyport, MA 01950

Walk for the Poor 9/26/15

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Jan Kolman,  
Walk Coordinator  
Hm: 978-462-3339  
Cell: 978-270-5128







# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/22/2015

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|                                                                                                                 |  |                                                                                                                                                     |  |               |
|-----------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------|
| <b>PRODUCER</b><br>Roman Catholic Archdiocese of Boston<br>66 Brooks Drive<br>Braintree, MA 02184               |  | <b>CONTACT NAME:</b><br><b>PHONE (A/C, No, Ext):</b> 617-746-5742<br><b>FAX (A/C, No):</b> 617-779-4572<br><b>E-MAIL ADDRESS:</b> ormadmin@rcab.org |  |               |
| <b>INSURED</b><br>Location 479-400<br>Society of Saint Vincent dePaul<br>18 Canton Street<br>Stoughton MA 02072 |  | <b>INSURER(S) AFFORDING COVERAGE</b>                                                                                                                |  | <b>NAIC #</b> |
|                                                                                                                 |  | INSURER A: National Catholic Risk Retention Group                                                                                                   |  | 10083-001     |
|                                                                                                                 |  | INSURER B:                                                                                                                                          |  |               |
|                                                                                                                 |  | INSURER C:                                                                                                                                          |  |               |
|                                                                                                                 |  | INSURER D:                                                                                                                                          |  |               |
|                                                                                                                 |  | INSURER E:                                                                                                                                          |  |               |
| INSURER F:                                                                                                      |  |                                                                                                                                                     |  |               |

**COVERAGES** **CERTIFICATE NUMBER:** **REVISION NUMBER:**


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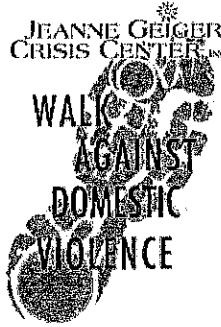
| INSR LTR | TYPE OF INSURANCE                                                                              | ADDL SUBR INSD WVD                        | POLICY NUMBER             | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                               |
|----------|------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------------|-------------------------|-------------------------|----------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                               |                                           | RCAB \$250,000.00         | 07/01/15                | 07/01/16                | EACH OCCURRENCE \$ 1,000,000                                         |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                 |                                           | RRG 10358-18 \$750,000.00 |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$                         |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:                                                             |                                           |                           |                         |                         | MED EXP (Any one person) \$                                          |
|          | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |                                           |                           |                         |                         | PERSONAL & ADV INJURY \$                                             |
|          | <b>AUTOMOBILE LIABILITY</b>                                                                    |                                           |                           |                         |                         | GENERAL AGGREGATE \$ 2,000,000                                       |
|          | <input type="checkbox"/> ANY AUTO                                                              |                                           |                           |                         |                         | PRODUCTS - COMP/OP AGG \$                                            |
|          | <input type="checkbox"/> ALL OWNED AUTOS                                                       | <input type="checkbox"/> SCHEDULED AUTOS  |                           |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$                               |
|          | <input type="checkbox"/> HIRED AUTOS                                                           | <input type="checkbox"/> NON-OWNED AUTOS  |                           |                         |                         | BODILY INJURY (Per person) \$                                        |
| A        | <input checked="" type="checkbox"/> UMBRELLA LIAB                                              | <input checked="" type="checkbox"/> OCCUR | FM 10358-18               | 07/01/15                | 07/01/16                | BODILY INJURY (Per accident) \$                                      |
|          | <input checked="" type="checkbox"/> EXCESS LIAB                                                | <input type="checkbox"/> CLAIMS-MADE      |                           |                         |                         | PROPERTY DAMAGE (Per accident) \$                                    |
|          | <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$                             |                                           |                           |                         |                         | \$                                                                   |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>                                           | <input type="checkbox"/> Y/N              |                           |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                    | <input type="checkbox"/> N/A              |                           |                         |                         | E.L. EACH ACCIDENT \$                                                |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                                         |                                           |                           |                         |                         | E.L. DISEASE - EA EMPLOYEE \$                                        |
|          |                                                                                                |                                           |                           |                         |                         | E.L. DISEASE - POLICY LIMIT \$                                       |

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

Re: 09/26/2015 Walk for Poor - Evidence of General Liability Insurance.

Certificate Holder is an additional Insured where required by written contract.

|                                                                                                           |                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CERTIFICATE HOLDER</b><br>City of Newburyport<br>Town Hall<br>Pleasant Street<br>Newburyport, MA 01950 | <b>CANCELLATION</b><br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.<br><br>AUTHORIZED REPRESENTATIVE<br> |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

2015 JUN 29 A 11:36

ps

June 22, 2015

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

Dear Mr. O'Brien and City Council Members,

On behalf of the Jeanne Geiger Crisis Center, I am writing to ask for City Council approval of our plans for the 24th Annual Walk Against Domestic Violence, scheduled for Sunday, October 4<sup>th</sup> again this year at Waterfront Park, situated directly behind the Firehouse Theater located at 1 Market Square, Newburyport, MA from 8:00 AM (registration) – noon.

For your review, I have enclosed a copy of our walk route that we used last year and will again for this upcoming walk. As in the past, we have an army of volunteers who are stationed along the route to direct walkers and we will have officers stationed at crossing points. If you have any questions, please call our Event Manager, Kelly Majewski, at 978-465-0999.

I hope you will look favorably upon this request, and please let us know if you have any questions.

Thank you for your immediate attention to this matter. We look forward to your earliest response so that we may publicize this exciting event.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Suzanne C. Dubus", is written over a horizontal line.

Suzanne C. Dubus  
Chief Executive Officer

Cc: Richard B. Jones, City Clerk

enclosure

# NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED -  
TOWN CLERK'S OFFICE  
NEWBURYPORT, MA

## SPECIAL EVENTS

Tel. (978)-465-4407 Fax. (978)-462-7936

2015 JUN 29 A 11:36

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application)

NAME OF EVENT: 24<sup>th</sup> Walk Against Domestic Violence

1. Date: Sun, October 4, 2015 Time: from 8 AM to NOON  
Rain Date: None Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Waterfront Park

3. Description of Property: Large Park behind Not your Average TOES Public ☒ Private \_\_\_\_\_

4. Name of Organizer: Jeannu Geiger CUSIS CTR City Sponsored Event: Yes \_\_\_\_\_ No ☒

Contact Kelly Majewski Person: \_\_\_\_\_

Address: 2 Harris Street, NBPT, MA 01950 Telephone: \_\_\_\_\_

E-Mail: kmajewski@jeannugeigercenter.org Cell Phone: 978-764-8162

Day of Event Contact & Phone: 978-465-0999 or 978-764-8162

5. Number of Attendees Expected: 500

6. MA Tax Number: 22-2474823

7. Is the Event Being Advertised? Yes Where? Newspaper, Chamber, Social Media

8. What Age Group is the Event Targeted to? All ages & families

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No ☒ Who? We have received approval from Trustees of the Waterfront

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending: Food ☒ Beverages ☒ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors \_\_\_\_\_

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music \_\_\_\_\_ DJ ☒ Radio/CD \_\_\_\_\_  
Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound \_\_\_\_\_ Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_  
Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Clean Up: # of additional trash receptacles required \_\_\_\_\_ # of additional recycling receptacles required \_\_\_\_\_

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)  
# \_\_\_\_\_ Standard # \_\_\_\_\_ ADA accessible # We use the town toilets

**FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY**

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON X

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: jeanne

Geiger Crisis Center

2. Name, Address & Daytime Phone Number of Organizer: Kelly Magowski

2 Harris Street, NBPT, MD 01450. 978-465-0999

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_

Kelly Magowski 978-764-8162

4. Date of Event: 10-4-15 Expected Number of Participants: 500

5. Start Time: 8 AM Expected End Time: NOON

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): \_\_\_\_\_

See Attached

7. Locations of Water Stops (if any): at March's Hill

8. Will Detours for Motor Vehicles Be Required? NO If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: Waterfront Park 8 AM

10. Dismissal Location & Time for Participants: Waterfront Park NOON

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Locations of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried: Yes \_\_\_\_\_ No X

• Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No X

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE**

CITY MARSHAL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

[Signature] 6/24/15  
[Signature]

Roads are  
not closed &  
Police detail  
is used

## DEPARTMENT APPROVAL (For Committee members use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, & others may request cash in advance payment.

| Approval<br>Required | Date: _____                                 | Signature _____              |
|----------------------|---------------------------------------------|------------------------------|
| _____                | 1. Special Events: _____                    |                              |
| _____                | 2. Police: _____                            |                              |
|                      | Is Police Detail Required: _____            | # of Details Assigned: _____ |
| _____                | 3. Traffic, Parking & Transportation: _____ |                              |
| _____                | 4. ISD/Health: _____                        |                              |
| _____                | 5. ISD/Building: _____                      |                              |
| _____                | 6. Electrical: _____                        |                              |
| _____                | 7. Fire: _____                              |                              |
|                      | Is Fire Detail Required: _____              | # of Details Assigned: _____ |
| _____                | 8. Public Works: _____                      |                              |
| _____                | 9. Recreation Department: _____             |                              |
| _____                | 10. License Commission: _____               |                              |

The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.

### Limitations

- (a) "Procedure" All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) "Exemptions" Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) "Course map", All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) "Electronic Amplifier" Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) "Road Closure" No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.

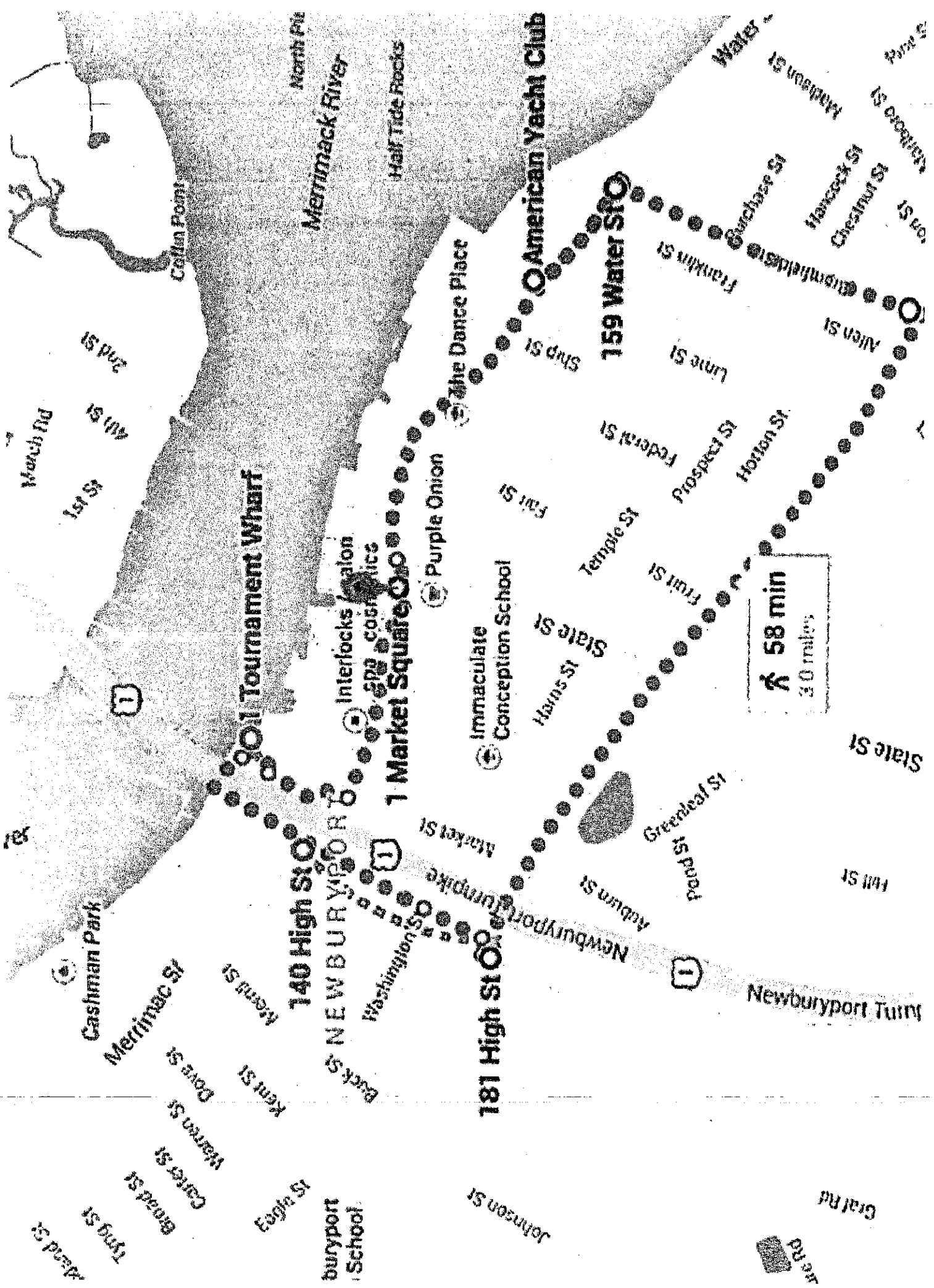
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

### 13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

***I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.***

***Signed:*** \_\_\_\_\_ ***Date:*** \_\_\_\_\_



58 min  
3.0 miles

American Yacht Club

The Dance Place

Purple Onion

Immaculate  
Conception School

Interlocks Lealon  
Spa coiffure

Market Square

Tournament Wharf

140 High St

181 High St

159 Water St

Newburyport Turnpike

Merrimack River

North Pt

Coffin Point

Cashman Park

Merrimac St

Warren St

Carter St

Grand St

Alford St

Eight St

Newburyport School

Johnson St

Griff Rd

14th St

State St

Greenleaf St

Adams St

State St

Temple St

Fair St

Prospect St

Horton St

Linne St

Allen St

Clumfield St

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JEANN-1

OP ID: LK

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/24/2015

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).

|                                                                                                     |                                                                              |        |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|--------|
| PRODUCER<br>Chase & Lunt LLC<br>65 Parker Street<br>Newburyport, MA 01950<br>James J Howlett III    | CONTACT NAME: <b>Jim Aitchison</b>                                           |        |
|                                                                                                     | PHONE (A/C, No, Ext): <b>978-462-4434</b> FAX (A/C, No): <b>978-465-6204</b> |        |
| INSURED<br>Jeanne Geiger Crisis Center<br>Suzanne Dubus<br>2 Harris Street<br>Newburyport, MA 01950 | E-MAIL ADDRESS:                                                              |        |
|                                                                                                     | INSURER(S) AFFORDING COVERAGE                                                | NAIC # |
|                                                                                                     | INSURER A: Philadelphia Insurance Company                                    |        |
|                                                                                                     | INSURER B: American Zurich Ins.                                              |        |
|                                                                                                     | INSURER C:                                                                   |        |
|                                                                                                     | INSURER D:                                                                   |        |
|                                                                                                     | INSURER E:                                                                   |        |
|                                                                                                     | INSURER F:                                                                   |        |

## COVERAGES

CERTIFICATE NUMBER:

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 INSD                    | SUBR WVD | POLICY NUMBER           | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------|-------------------------|-------------------------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER: | X                            |          | PHPK1312182             | 05/07/2015              | 05/07/2016              | EACH OCCURRENCE \$ <b>1,000,000</b><br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b><br>MED EXP (Any one person) \$ <b>10,000</b><br>PERSONAL & ADV INJURY \$ <b>1,000,000</b><br>GENERAL AGGREGATE \$ <b>2,000,000</b><br>PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b><br>COMBINED SINGLE LIMIT (Ea accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$ |
| A        | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB<br><input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ <b>10,000</b><br><input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE                       |                              |          | PHUB456997              | 05/07/2015              | 05/07/2016              | EACH OCCURRENCE \$ <b>2,000,000</b><br>AGGREGATE \$ <b>2,000,000</b><br>PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>                                                                                                                                                                                                                                                                                           |
|          | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                   | Y/N <input type="checkbox"/> | N/A      | TO BE ISSUED BY CARRIER |                         |                         | E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                                                                                                                                                                                                                                                                                               |

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

RE: Walk Against Domestic Violence  
Location: Water Front Park, Newburyport, MA, 36 Merrimac St, Newburyport MA  
Date: Sunday, October 4, 2015, from 8:00 AM - Noon  
The Newburyport Waterfront Trust is additional insured for general Liability

## CERTIFICATE HOLDER

## CANCELLATION

The Newburyport Waterfront  
Trust  
City Hall  
60 Pleasant Street  
Newburyport, MA 01950

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

© 1988-2014 ACORD CORPORATION. All rights reserved.



*rebat p 5*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

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

**THAT** the City Council of the City of Newburyport hereby approves and authorizes the installation of a dual electric vehicle charging station. Said station is to be installed in the Green Street parking lot in the area between the police vehicles and an existing handicap parking space. The existing spaces reserved for the police vehicles shall move toward Merrimac Street in order to allow the placement of the charging station and the two electric vehicle parking spaces.

The fee per hour for the use of the charging station and adjacent space shall be 50 cents.

Councillor Robert J. Cronin  
Councillor Jared J. Eigerman

*RC/EC SV*

reberto  
PS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

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

**Whereas**, the Mayor has, on occasion, the need to enter into a Location Agreement with a Producer of Film for Movies both Commercial and Fine Art, and

**Whereas**, the Location Agreement may contain the requirement to establish a 'No Parking' area and, in certain circumstances, close the public way to traffic for a period of time, and

**Whereas**, often these requests for said Agreement occurs between Council meetings and often during the summer months, and time is of the essence.

**NOW, THEREFORE** the City Council of the City of Newburyport hereby approves and authorizes the parking clerk to close said way provided the Superintendent of Public Ways, the Fire Chief and the Marshall approve the same and there is a signed Location Agreement.

Councillor Robert J. Cronin

PC/CSV

**Richard Jones**

---

from: Michael Sales <mjsales@comcast.net>  
sent: Wednesday, August 12, 2015 3:40 PM  
to: Richard Jones  
cc: Leslie Lipkind; Jared Eigerman  
subject: Request to put an informational table in front of the Library

Dear Mr. City Council President O'Brien

Les Lipkind of Newbury and I want to set up an informational table in support of Compassionate Choices in front of the Library on September 5 and 19. Compassionate Choices advocates for the right death with dignity. We would be handing out information on this topic. Please notify me if anything else is needed to advance this request at the 8/18 meeting of the Council.

Best,

Michael Sales

Michael Sales, Ed.D.

*Art of the Future*

Tomorrow in Design Today

Creating the future you want in uncertain times

<http://www.arttothefuture.com>

## **PUBLIC UTILITES**



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 JUL -7 P 2:33

TO: President O'Brien and Members of the City Council

FROM: Mayor Donna D. Holaday

DATE: July 13, 2015

RE: Water and Sewer Rates - Council Vote of June 29, 2015

On June 29, 2015, the City Council voted **not** to transfer \$450,000 and \$500,000 respectively from the Water and Sewer Retained Earnings accounts into FY16 Budget Reserve accounts. The request to transfer these funds was supported and put forward by my administration as unanimously voted on by the Water and Sewer Commission at their meeting on May 27, 2015. The effect of the City's Council's actions is a marked increase in the water and sewer rates for the City's ratepayers beginning July 1, 2015 which is precisely what my administration tried to mitigate by requesting the transfer of funds. For the average ratepayer, they will see a \$64.00 rise in water costs and an \$84.00 rise in sewer costs. Annually, that is a \$148 average increase on water and sewer bills for Newburyport's rate payers.

After the June 29 Council vote, the Water and Sewer Commission were required to convene a special meeting on July 2, 2015 to re-set the FY16 rates based upon the budget as appropriated by the Council. The new rates were set as follows:

**WATER RATE:**

1<sup>ST</sup> 3000 Cubic Feet: \$5.57/100 CF  
Over 3000 Cubic Feet: \$6.31/100 CF

**SEWER RATE:**

1<sup>st</sup> 3000 Cubic Feet: \$8.34/100 CF  
Over 3000 Cubic Feet: \$9.09/100 CF

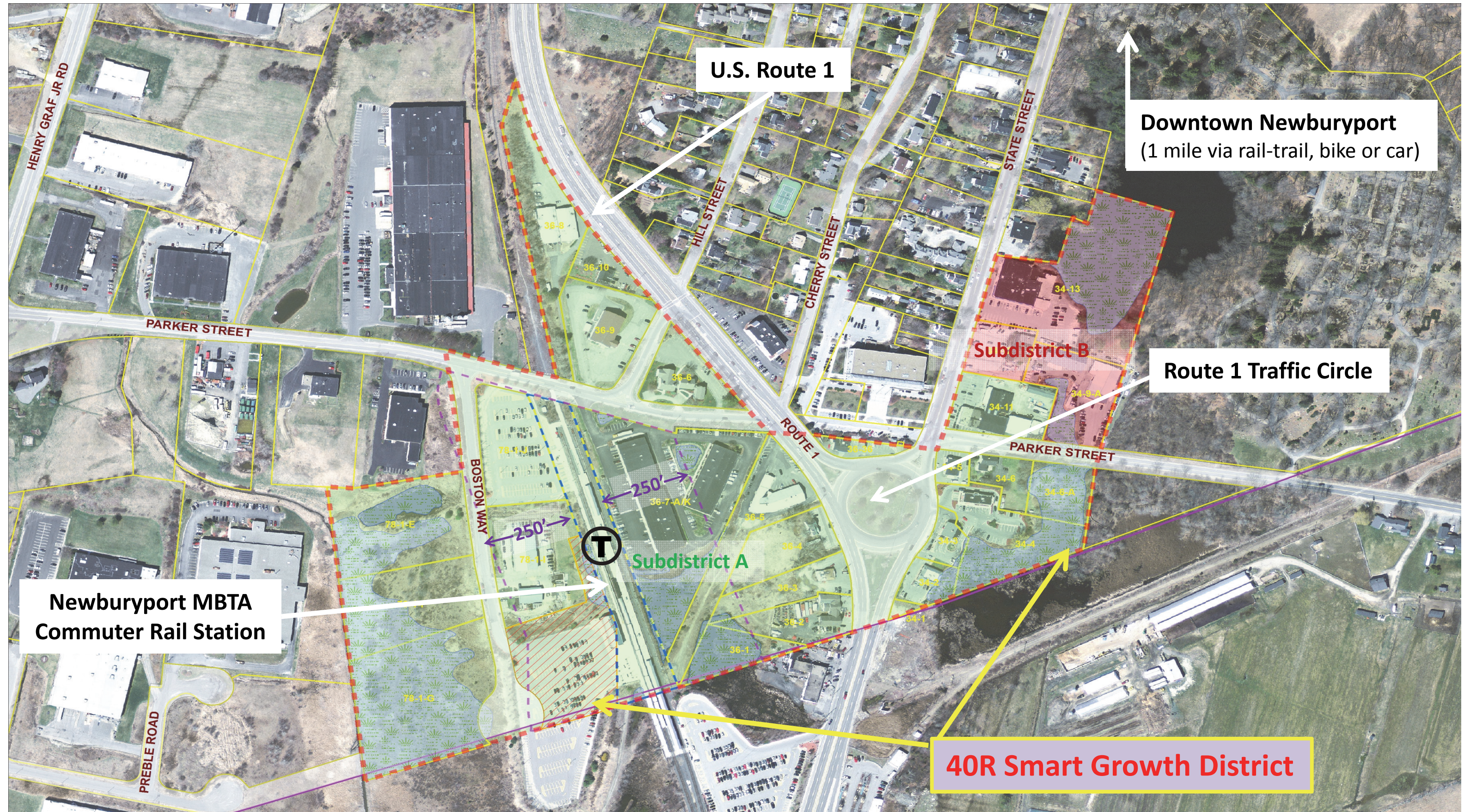
I am deeply concerned about the ability of the City's ratepayers to sustain such a dramatic increase in their water and sewer costs. As you know, we have invested in our treatment facilities within the past six years which was a long-overdue investment in this critical infrastructure. In an effort to stabilize the rates to account for the debt incurred for the capital improvements, using the retained earnings makes sense for our ratepayers. Additionally, the Water and Sewer Commission has developed a carefully determined financial strategic plan to gradually increase rates to address the cost of the renovations, and the June 29<sup>th</sup> Council vote has adversely affected this plan.

While I respect the authority of the City Council in the appropriation of funds; there has always been deference to the Water and Sewer Commission's legal responsibility to set the water and sewer rates. A rushed decision was made by the City Council without the appropriate knowledge or information based on broad statements about the odors at the plant and problems on Plum Island. I have kept you apprised of the consultants, Environmental Partners being hired with the highest reputation in wastewater odor controls as well as the settlement process with the Office of the Attorney General regarding Plum Island. Your desire to impact capital work only resulted in effectively set a higher rate and derailing the funding strategies set by the Water and Sewer Commission. There is no question that there continues to be needed infrastructure improvements within the Water and Sewer Divisions, but these needs will be met through bonding. \$500,000 is simply not enough money to address the remaining infrastructure improvements we need such as additional odor control measures, a new lift station, or fixes related to Plum Island's AirVac system. \$500,000 is, however, a sizeable amount of money to supplement the rates so that ratepayers do not have such a dramatic increase in these necessary household utility costs.

Please know that I plan to come back to the Council in the fall, again requesting a transfer from retained earnings to reserve accounts in so that the water and sewer rates can be lowered for the remaining quarters. As we are now in a new fiscal year, enterprise fund retained earnings are now frozen until recertified by the Department of Revenue. As such, it is my plan to come back to the Council following the certification of retained earnings later this fall in hopes that a portion of those balances can be used to reduce water and sewer rates for the second half of fiscal year 2016. While this certainly places an administrative burden on the City to change rates within a year, I believe this is a very important issue for our residents and business that pay for these services.



# 40R Smart Growth District - Newburyport, MA





## A ZONING ORDINANCE ESTABLISHING THE NEWBURYPORT SMART GROWTH DISTRICT (SGD)

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 XXIX: SMART GROWTH DISTRICT (SGD)

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

### SECTION XXIX: SMART GROWTH DISTRICT (SGD)

- XXIX-A Purposes
- XXIX-B Establishment & Applicability
- XXIX-C Definitions.
- XXIX-D Permitted Uses.
- XXIX-E Prohibited Uses.
- XXIX-F Dimensional & Parking Requirements.
- XXIX-G Requirements for Housing Affordability.
- XXIX-H Permitting Procedure & Criteria for Approval.
- XXIX-I Design Standards.
- XXIX-J Appeals.
- XXIX-K Severability.

#### XXIX-A Purposes.

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The purpose of this Section (XXIX) is to establish the Newburyport Smart Growth District (SGD) and to encourage “Smart Growth” and “Sustainable Development” in accordance with the purposes of M.G.L. Chapter 40R consistent with the 2001 Newburyport Master Plan, 2015 Master Plan Update, and 2004 Strategic Land Use Plan. Other objectives of this Section are to:

1. **Concentrate New Infill Development Close to the Newburyport Commuter Rail Station:** Allow for the alternative development and redevelopment of sites in close proximity to the Newburyport Commuter Rail Station characterized by a mix of residential and nonresidential uses, pedestrian-oriented design and connectivity, transportation choice, and high quality urban design;
2. **Encourage Sustainable Mixed Use Development:** Downtown Newburyport has historically contained a mix of uses: retail, office, residential, and governmental, all of which collectively contribute to the community center character. New mixed-use development within the SGD should contribute to the overall mix of uses in proximity to the Newburyport Commuter Rail Station, consistent with Newburyport’s historic pattern of development, creating a compact, sustainable, walkable and vibrant new transit-oriented neighborhood with decreased dependence on the automobile. This district comprised of new residences and commercial development in close proximity and within walking



distance to public transit will encourage people to live, work and shop within this new area of Newburyport.

3. **Increase the Range of Housing Choices within the Newburyport and the District:** Encourage the development of housing units of varied types, sizes, affordability, and the creation of rental units in high demand;
4. **Beautify and Enliven this New Center:** New development and redevelopment should create a livable and vibrant new center, greatly enhancing the character of this previously developed and underutilized area adjacent to the Commuter Rail Station and Route One Traffic Circle, with community amenities, including sidewalks, crosswalks, street trees, lighting, and pedestrian oriented spaces, making connections to open spaces and public transportation.
5. **Balance Unity & Variety & Create Legibility:** The design standards required for development within the SGD (see Section XXIX-I) are intended to ensure that new buildings are compatible with the scale, massing and overall vernacular architecture and development patterns of Newburyport while recognizing that architecture and construction should be relevant to its particular period which promotes and allows for visual variety and creativity reflected through the design and building technologies of its time. Legibility of spaces is especially encouraged by way of a clear definition of public, semi-public, semi-private, and private zones; residential, retail, commercial and public uses; usable open spaces and enclosed building volumes; and vehicular and pedestrian areas.
6. **Establish High Quality Development Standards:** New development shall be consistent with the Design Standards found in Section XXIX-I. New construction should respect the patterns of New England construction that have and continue to define historical Newburyport, including reinforcing the street line, Rail Trail and MBTA Station by moving the buildings next to the sidewalk in commercial areas, creating a pedestrian-friendly environment through an intimately scaled rhythm of human-scale facade features.
7. **Promote Sustainable Development:** Foster high-quality, compact development on existing and adequate municipal infrastructure using sustainable construction techniques and materials. Water conservation and energy efficiency should be a central goal in the selection of building components and building systems.
8. **Ensure Fair & Predictable Permitting:** Establish clear requirements, standards, and guidelines for new development and re-development, and ensure predictable, fair and cost-effective development review and permitting; and
9. **Allow for Incentive Payments from the Commonwealth:** Enable the City to receive Zoning Incentive Payments and Density Bonus Payments for encouraging Smart Growth development in accordance with M.G.L. Chapter 40R and 760 CMR 59.06.

#### **XXIX-B Establishment & Applicability.**

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1. **Establishment:** The Smart Growth District (SGD) is hereby established as an overlay zoning district consisting of all such parcels of land depicted on a map entitled “40R Smart Growth District – Newburyport, MA,” prepared by the Office of Planning and Development, and dated March 26, 2015. The Smart Growth District, hereinafter referred to as the SGD, is an overlay district having a land area

of approximately 49.56 acres in size that is superimposed over the underlying zoning district(s) and is shown on the above referenced zoning map on file in the Office of the City Clerk, which is hereby made a part of the Zoning Ordinance.

2. **Underlying Zoning:** The SGD is an overlay district superimposed on all underlying zoning districts. The regulations for uses, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district shall remain in full force except for those Projects undergoing development pursuant to this Section. Within the boundaries of the SGD, a developer may elect either to develop a Project in accordance with the requirements of this Section, or to develop in accordance with requirements of the regulations for uses, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district.
3. **Applicability of SGD.** In accordance with the provisions of M.G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the SGD may seek Plan Approval in accordance with the requirements of this Section. In such case, notwithstanding anything to the contrary in this Zoning Ordinance, such application shall not be subject to any other provisions of this Zoning Ordinance, including limitations upon the issuance of building permits related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations.

## **XXIX-C Definitions**

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For purposes of this Section, the following definitions shall apply. To the extent that there is any conflict between the definitions set forth in this Section or the Enabling Laws (M.G.L. Chapter 40R and 760 CMR 59), the terms of the Enabling Laws shall govern.

***Affordable Homeownership Unit*** – An affordable Housing unit required to be sold to an Eligible Household.

***Affordable Housing*** – Housing units that are affordable to and occupied by Eligible Households, for which affordability is assured for a period of no less than 30 years through the use of an Affordable Housing Restriction.

***Affordable Housing Restriction*** – A ~~permanent~~ deed restriction of Affordable Housing meeting the requirements of Section XXIX-G(5), the statutory requirements in M.G.L. Chapter 184, Section 31, the standards set out in 760 CMR 56.03(2) and the Massachusetts Department of Housing and Community Development's (DHCD's) applicable guidelines for eligibility on Newburyport's Subsidized Housing Inventory (SHI).

***Affordable Rental Unit*** – An Affordable Housing unit required to be rented to an Eligible Household.

***Applicant*** – The individual or entity that submits a Project for Plan Approval.

***As-of-right*** – A use allowed under Section XXIX-D without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the Plan Approval Authority (PAA) pursuant to Sections XXIX-H through XXIX-I shall be considered an As-of-right Project subject only to the requirements of this Section.

**Building/Structure Height** – The vertical distance between the mean grade elevation (average grade around perimeter of building) and the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a feature not excluded, but excluding common rooftop appurtenances such as stairwells, elevator shafts, and mechanical penthouses. Each rooftop appurtenance shall be properly screened from public view and for noise control, located no closer than ten (10) feet from the parapet or exterior wall of the supporting building/structure, and may extend no more than ten (10) feet above the maximum Building/Structure Height. The sum of the area of all rooftop appurtenances to any one building/structure shall not exceed twenty percent (20%) of the total footprint of such building/structure.

**Developable Land** – All land within the SGD that can be feasibly developed into a Project. Developable Land shall not include:

- (1) Substantially Developed Land
- (2) Open Space
- (3) Future Open Space;
- (4) Rights-of-way of existing public streets, ways, and transit lines;
- (5) Land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or
- (6) Areas exceeding one-half acre of contiguous land that are:
  - (a) protected wetland resources under federal, state, or local laws;
  - (b) rare species habitat designated under federal or state law;
  - (c) areas of steep slopes with an average gradient of at least 15%; or
  - (d) land subject to any other local ordinance, by-law, or regulation in effect as of the effective date of this ordinance, that would prevent the development of a Residential Project at the As-of-right Residential densities set forth in this Section.

**Eligible Household** – Individuals and households whose annual income is less than eighty percent (80%) of the Area-wide Median Income (AMI) as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size and using HUD's rules for attribution of income to assets

**Enabling Laws** – G.L. Chapter 40R and 760 CMR 59.00.

**Live-Work Unit** – A dwelling unit, located within a Multi-Family building, that combines a commercial activity allowed in the zone with a Residential living space for the owner or operator of the commercial business and that person's household.

**Mixed Use** – For the purposes of this Section, mixed use shall mean a combination of multi-family Residential and Non-Residential Uses, listed in Section XXIX-D(1)(b), where the Non-Residential Uses are primarily on the first floor of a multi-story structure or in a separate structure on the same site as a multi-family residential structure.

**Monitoring Agent** – A qualified housing entity designated by the Plan Approval Authority pursuant to this Section for the purposes of reviewing, implementing and monitoring the affordability requirements affecting Projects permitted under this Section. The Monitoring Agent may be recommended by the developer, but shall be designated by and answerable to the PAA.

**Multi-family Residential Use** – For purposes of this section, "multi-family residential use" shall mean apartment or condominium units in buildings that contain or will contain more than three such units.

**Non-Residential Uses** – For purposes of this Section, all uses that are not defined under this Section as Residential Uses shall be deemed to be Non-Residential Uses.

**Open Space** – Land dedicated in perpetuity to protect one or more of the following: land for existing and future well fields, aquifers, and recharge areas; watershed land; agricultural land; grasslands; fields; forest land; fresh and salt water marshes and other wetlands; ocean, river, stream, lake and pond frontage; beaches, dunes, and other coastal lands; lands to protect scenic vistas; land for wildlife or nature preserves; land for recreational use; parklands, plazas, playgrounds, and reservations; and cemeteries. Open Space may be in public, private, or nonprofit ownership. Any land subject to protection under Article 97 of the Massachusetts Constitution shall be deemed Open Space for the purposes of 760 CMR 59.00.

**Plan Approval** – Standards and procedures that a Project in the SGD must meet under the procedures established herein and in the Enabling Laws.

**Plan Approval Authority** – For purposes of reviewing Project applications and issuing decisions on development Projects within the SGD, the Newburyport Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the "PAA"), and is authorized to approve Projects consistent with this Section.

**Project or Development Project** – A development project undertaken within the SGD in accordance with the requirements of this Section.

**Public and Semi-Public Common Space** – Plazas, courtyards, gardens, and similar quasi-public spaces intended for use by residents and the general public.

**Residential Uses** – For purposes of this Section, the following seven (7) uses: One-family; Two-family; Multi-family Residential; Lodging House; Rehabilitation residence; Congregate elderly housing; and In-law apartment.

**SGD** – The Smart Growth District established in accordance with this Section.

**Smart Growth** – means a principle of land development that furthers, on balance, the following goals set forth in M.G.L. c. 40R, § 1 and 760 CMR 59.00:

- a) Increasing the availability of Affordable housing by creating a range of housing opportunities in neighborhoods;
- b) Emphasizing mixing land uses;
- c) Taking advantage of compact design;
- d) Fostering distinctive and attractive communities;
- e) Preserving open space, farmland, natural beauty and critical environmental areas;
- f) Strengthening existing communities;
- g) Providing a variety of transportation choices;
- h) Making development decisions predictable, fair and cost effective; and
- i) Encouraging community and stakeholder collaboration in development decisions.

***Sprawl*** – Inefficient and irresponsible low density development patterns that create artificial geographic barriers between normal daily activities, are auto-dependent, destroy green space, overextend infrastructure, increase traffic and air pollution, unnecessarily segregate land uses, reduce transportation and housing choices, and threaten a community’s cohesiveness and sense of place.

***Substantially Developed Land*** – Land within a District that is currently used for commercial, industrial, institutional, or governmental use, or for residential use consistent with or exceeding the densities allowable under the Underlying Zoning, and which does not qualify as Underutilized Land.

***Sustainable Development*** – Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development calls for a departure from “Sprawl” development patterns and a return to more historic growth patterns in the region – focused growth in city centers, near transit and existing infrastructure. By focusing growth in areas equipped to support it, the region helps preserve both environmental and financial resources that would be lost to sprawling, low-density development. Sustainable development means developing and preserving land in a way that provides high-quality neighborhoods for all residents; preserves our built and natural heritage; expands choice and opportunity in housing, jobs, and transportation; and is fair for people of all backgrounds. The Commonwealth of Massachusetts has identified the following Sustainable Development Principles for the purposes of characterizing “Smart Growth” development:

- a) Concentrate Development and Mix Uses
- b) Advance Equity
- c) Make Efficient Decisions
- d) Protect Land and Ecosystems
- e) Use Natural Resources Wisely
- f) Expand Housing Opportunities
- g) Provide Transportation Choice
- h) Increase Job and Business Opportunities
- i) Promote Clean Energy
- j) Plan Regionally

***Underutilized Land*** – Developable Land within a District that would otherwise qualify as Substantially Developed Land, but which:

- a. is characterized by improvements that have a marginal or significantly declining use, as measured by such factors as residual Floor Area Ratio (FAR), vacancy rates, extent of operation, current and projected employment levels, market demand for the current uses or the uses to which the existing improvements could readily be converted, and low value of improvements in relation to land value; and
- b. as demonstrated by existing or anticipated market conditions, may have reasonable potential to be developed, recycled, or converted into residential or mixed-use development consistent with Smart Growth.

***Zoning Ordinance*** – The Zoning Ordinance of the City of Newburyport, Massachusetts.

## XXIX-D Permitted Uses.

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1. The following uses are permitted as-of-right with Plan Approval for Projects within the SGD subject to the requirements of this Section, including compliance with the Design Standards:
  - a. Multi-family Residential Uses, including so-called “Live-Work” Units pursuant to Section XXIX-D(1)(e) below.
  - b. Hotel/Inn, including conference and meeting facilities (South of Parker Street only), and Bed and Breakfast.
  - c. Public parking and Public school.
  - d. Mixed-use Development Projects incorporating Multi-family Residential Use and any of the following Non-Residential Uses, such Non-Residential Uses to be primarily located on the first floor of proposed buildings:
    - i. Church
    - ii. Library/museum
    - iii. Private education
    - iv. Retail trade
    - v. Retail services, including banks
    - vi. Health/recreation, including gym/fitness centers
    - vii. Entertainment/clubs (South of Parker Street only)
    - viii. Nursery School/day care
    - ix. Radio/T.V. studio
    - x. Professional/social service/office, including medical offices
    - xi. Theater assembly
    - xii. Meeting space
    - xiii. Neighborhood bakeries/Delis
    - xiv. Restaurant
    - xv. Outdoor Café

The City’s intent in requiring that Non-Residential Use of the first floor of the building or adequate design therefor is to encourage redevelopment that will generate pedestrian activity and complement the existing mix of uses in the neighborhood.

- e. Live-Work Units: The PAA may allow a portion of both ground floor commercial and/or upper level residential areas to be used for live-work units, which combine personal living space with professional workspace in such a way that neither is compromised. Proposals to include live-work space in a Project shall be reviewed by the PAA on a case-by-case basis.
  - f. Parking accessory to any of the above-permitted uses, including surface, underground garage and/or structured parking at any level;
  - g. Accessory uses customarily incidental to any of the above-permitted uses.
2. **Consistency with State Requirements:** Any Project undertaken within the SGD in accordance with this Section shall comply with the requirements of the Smart Growth Zoning Overlay District Program

created by M.G.L. Chapter 40R and the regulations administered by the Massachusetts Department of Housing and Community Development (DHCD) in 760 CMR 59.00, as any of them may be amended, from time to time.

3. **Compliance with Design Standards:** Any Project undertaken within the SGD in accordance with this Section shall comply with the Design Standards found in Section XXIX-I.

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#### **XXIX-E Prohibited Uses.**

1. Except as provided in Section XXIX-D (Permitted Uses) any other use of land or buildings in connection with a SGD Project is hereby prohibited.

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#### **XXIX-F Dimensional & Parking Requirements.**

##### **1. Residential Density Requirements**

- a) Multi Family Residential Use and Mixed Use Projects in the SGD may be developed as-of-right at a minimum density of twenty (20) dwelling units per acre up to thirty (30) units per acre of Developable Land or Substantially Developed Land in Subdistrict “B”, and up to forty (40) units per acre of Developable Land or Substantially Developed Land in Subdistrict “A”.
- b) Where a Project involves multiple parcels of land, minimum and maximum densities shall be calculated on the development of the Project area as a whole, provided that affordable units required pursuant to Section XXIX-G shall be represented proportionately across a Project’s Subdistricts, in accordance with Section XXIX-F(1)(a).
- c) The minimum allowable as-of-right density requirements for Residential Use specified in Section XXIX-F(1)(a) shall apply proportionately to the residential portion of any Mixed-use Development Project.
- d) No less than ten percent (10%) of the required Affordable Housing units within a Project shall have three bedrooms or more.

##### **2. Lot Area, Frontage, and Yard Setbacks.**

- a) Each lot within a Project shall comply with the following requirements:

|      |                            |                                                                                       |
|------|----------------------------|---------------------------------------------------------------------------------------|
| i.   | Minimum lot (Project) area | 10,000 square feet                                                                    |
| ii.  | Minimum length of frontage | 40 feet                                                                               |
| iii. | Minimum front yard setback | no requirement                                                                        |
| iv.  | Maximum front yard setback | 10 feet <i>(except where existing utility easements make this setback infeasible)</i> |
| v.   | Minimum side yard setback  | no requirement                                                                        |
| vi.  | Minimum rear yard setback  | 10 feet                                                                               |
- b) For the purposes of this section, frontage shall be determined with respect to public and private streets, as well as to private ways providing similar access.

- c) For the purposes of this section, front yard setbacks shall be determined with respect to public and private streets, or private ways providing similar access. For Projects abutting the Commuter Rail Station and/or Clipper City Rail Trail front yards may be located along such rights-of-way in lieu of street rights-of-way.
- d) Individual buildings or parcels within a Project site shall have coordinated street access. There shall be not more than one driveway (curb cut) per 100 feet of frontage.

### 3. Undeveloped Area.

At least 20% of the Developable and/or Substantially Developed Land shall be left undeveloped as public or semi-public common space, or vegetated landscape, and such undeveloped areas shall not include buildings, structures, parking areas, or internal landscaping in parking lots, but may include wetlands, wetland buffer areas, and floodplains. Landscaped areas intended for public use shall have direct access to any adjacent pedestrian or bicycle network. The PAA may allow reductions to the minimum area required under this subsection where a developer proposes the use of certain low impact development techniques and/or improvements to adjacent public spaces such as the Rail Trail or MBTA Station.

### 4. Building and structure height, bulk, and separation.

Buildings and structures in a Project shall comply with the following requirements.

#### Maximum Building/Structure Height:

Within Subdistrict A\*: *4 stories and 45 ft*

Within Subdistrict B: *3 stories and 35 ft*

\*Within 250 feet of the MBTA Rail Right-of-Way, south of Parker Street: *5 stories and 55 ft*

Maximum Building/Structure Footprint: *10,000 sq. ft.\*\*\**

*\*\*\*Within 250 feet of the Commuter Rail Station and Clipper City Rail Trail building footprints may be a maximum of 22,000 sq.ft.*

- 5. **Non-Residential Floor Area.** The total gross floor area devoted to Non-Residential Uses within a Mixed-use Development Project shall not exceed 33% of the total gross floor area of the Project. For purposes of calculating the gross floor area of Non-Residential Uses, the following uses shall not be considered a Non-Residential Use, and so shall not count toward the maximum 33% of total gross floor area within the Project: (a) Live/Work; (b) Hotel/Inn, including conference and meeting facilities (south of Parker Street); (c) Bed and Breakfast; (d) Public parking; and (e) Public school.



## 6. Parking Requirements

- a) **Number of Parking Spaces.** Unless otherwise approved by the PAA, the following minimum number of off-street parking spaces for each Project shall be provided in surface parking, underground garages, and/or structured parking:

| Use            | Minimum Requirement                                                                                      |
|----------------|----------------------------------------------------------------------------------------------------------|
| Residential    | 1 per studio or one-bedroom unit<br>1.3 per two-bedroom unit<br>1.5 per unit with three bedrooms or more |
| Hotel/Inn      | 0.7 per guest bedroom, plus 1 per 1,000 sq ft. GFA of conference and meeting facilities                  |
| Restaurant     | 1 per six (6) seats of the occupancy rating                                                              |
| Outdoor café   | 0.7 per guest table                                                                                      |
| All other uses | 2 per 1,000 sq. ft. GFA                                                                                  |

Parking requirements may be met by off-street parking, and/or by on-street parking on private streets within the Project site.

- b) **Shared Parking Spaces.** Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies). The Project may also share parking with neighboring developments with approval from the PAA.
- c) **Reduction in Number of Parking Spaces.** Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced upon a demonstration to the reasonable satisfaction of the PAA that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that a lesser amount of parking will provide positive environmental or other benefits.
- d) **Size of Parking Spaces:** Standard parking spaces shall be 9 feet x 18 feet and parallel spaces shall be at least 9 feet x 20 feet. Up to 35% of the parking spaces may be designated as compact spaces (at least 8 feet x 15 feet). An applicant may propose compact spaces (at least 8 feet x 15 feet) for all designated and/or assigned Residential parking spaces.
- e) **Bicycle Parking:** Covered bicycle parking facilities shall be integrated into all components of the Project and shall be provided at the rate of 3 bicycle spaces per 10 vehicle parking spaces.

## XXIX-G Requirements for Housing Affordability.

1. **Marketing Plan.** An Applicant for Plan Approval of a Project within the SGD must submit a narrative document and affirmative fair housing marketing plan that establishes that the proposed development

of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly, and, ~~to the extent possible, giving preference to eligible households who are residents of the City of Newburyport.~~ there shall be a local preference applied in the selection of residents for a Project to the extent allowable by applicable laws, regulations, and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project. These documents, to be submitted with a Plan Approval application, the form of which must be approved by DHCD pursuant to the 40R program, shall include details about the design and construction of units that are accessible to the disabled.

2. **Number of Affordable Housing Units.** For each Project that contains ten (10) or more dwelling units, not less than twenty-five percent (25%) of the housing units constructed as part of the Project shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be rounded up to the nearest whole number. Unless the PAA provides a waiver on the basis that the Project is not otherwise financially feasible, twenty-five percent (25%) of rental dwelling units constructed in a Project containing rental units must be affordable Rental Units. Projects shall not be segmented to evade this requirement for affordability.

3. **Affordable Housing Requirements.** Affordable Housing shall comply with the following requirements:

- a) The monthly rent payment, including utilities and parking, for an Affordable Rental Unit shall not exceed thirty percent (30%) of the maximum monthly income allowable for an Eligible Household assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
- b) For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income allowable for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- c) Affordable Housing required to be offered for rent or sale shall be rented or sold and occupied only by Eligible Households.

4. **Design and Construction:**

- a) With respect to the minimum percentage required, units of Affordable Housing shall be equitably and proportionately dispersed throughout the Project of which they are part, including by each unit type offered, in accordance with the fair housing marketing and selection plan approved by DHCD. Units of Affordable Housing must be comparable in initial construction quality and have interiors and exteriors that are equivalent in design and materials to the other housing units in the Project.
- b) The average number of bedrooms in the Affordable Housing units shall be no less than the average number of bedrooms in all the units in the Project of which the Affordable Housing is part.

5. **Affordable Housing Restriction:** Each Project and unit of Affordable Housing therein shall be subject to an Affordable Housing Restriction which is approved by DHCD specifically with regard to conformance with M.G.L. Chapter 40R and 760 CMR 59.00 and recorded with the Essex County Registry of Deeds or district registry of the Land Court and which contains the following:
- a) specification of the term of the affordable housing restriction which shall be in perpetuity, or for the life of the permitted Project, whichever is shorter, so long as it is no less than 30 years;
  - b) the name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
  - c) for Affordable Homeownership Units, the address and number of bedrooms;
  - d) for Affordable Rental Units, the initial unit assignments, the total number of units, the total number of bedrooms, and a breakdown of the number of units by the number of bedrooms;
  - e) the restriction shall apply individually to the specifically identified Affordable Homeownership Unit;
  - f) the restriction shall apply to a percentage of each unit model/type within a rental Project or the rental portion of a Project without specific unit identification beyond the initial assignments.
  - g) reference to a housing marketing and resident selection plan to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for local preferences in resident selection for the Affordable Housing Units. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such unit shall be given to a household of the appropriate size;
  - h) a requirement that buyers or tenants will be selected at the initial sale or rental and upon all subsequent sales or rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan, and ~~that, to the extent possible, preference shall be given to eligible households who are residents of the City of Newburyport~~ there shall be a local preference applied in the selection of residents for a Project to the extent allowable by applicable laws, regulations, and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project.;
  - i) reference to the formula pursuant to which rent of an Affordable Rental Unit or the maximum resale price of an Affordable Homeownership Unit will be set;
  - j) a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any Affordable Rental Unit shall be given to the Monitoring Agent;
  - k) provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
  - l) provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the municipality in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household.
  - m) provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
  - n) provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the Affordable Housing provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure affordability;
  - o) a requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

6. **Monitoring Agent:** The Monitoring Agent shall be a qualified housing entity designated by the PAA. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, such duties shall devolve to and thereafter be administered by a qualified housing entity with approval of the PAA. In any event, such agency shall ensure the following:
- a) prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
  - b) income eligibility of households applying for Affordable Housing is properly and reliably determined;
  - c) the housing marketing and resident selection plan conforms to all requirements, has been approved by DHCD specifically with regard to conformance with M.G.L. Chapter 40R and 760 CMR 59.00, and is properly administered;
  - d) sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.
7. **Costs of Housing Marketing and Selection Plan:** The housing marketing and selection plan may provide for payment by the Applicant of reasonable costs to the Monitoring Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.
8. **Age Restrictions:** Nothing in this Section shall permit the imposition of restrictions on age upon Projects throughout the entire SGD. However, the PAA may, in its review of a submission under this Section, allow a specific Project within the SGD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units.
9. **Project Phasing:** For Projects that are approved and developed in phases, the percentage of Affordable Housing Units in any single phase shall not be less than the overall minimum percentage required for the Project under Section XXIX-G(2).
10. **Computation:** Prior to the granting of any building permit for the Residential component of a Project, the Applicant for such building permit must demonstrate, to the satisfaction of the PAA, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the City of Newburyport.
11. **No Waiver:** Notwithstanding anything to the contrary herein, the affordability provisions in this Section shall not be waived.

## XXIX-H Permitting Procedure & Criteria for Approval.

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### 1. Application for Plan Approval:

- a) Pre-Application Guidance. Prior to the formal submittal of a Project site plan, a Concept Plan may be submitted to the Office of Planning & Development for review in order to help guide the development of the definitive site plan for Project buildout and individual elements thereof. For each Project the Concept Plan shall show the following:
  - i. A description of the proposed project indicating proposed uses, number of Residential units, and total square footage devoted to Non-Residential Uses
  - ii. Schematic site plan indicating the location of building footprints, parking areas, public and semi-public common spaces, natural resource areas, site improvements and amenities;
  - iii. Schematic building floor plans and elevations.

The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project will be consistent with the Design Standards and other requirements within the SGD.

- b) Pre-Application Meeting: Prior to a formal submission to the PAA, all applicants are encouraged to schedule an informal meeting with Director of Planning & Development.
- c) Application Submission. Applications for Projects within the SGD shall be submitted to the PAA through the Office of Planning & Development. Applications shall be submitted to the PAA on the standardized form provided by the PAA and Office of Planning & Development, along with application fee(s) which shall be established by the PAA, subject to approval by DHCD. Applicants shall provide to the office of planning and development an electronic copy of all required submittals in PDF, Word or other native file formats, along with a CAD drawing format for all site and architectural plans.
- d) Required Submittals. The Office of Planning and Development shall develop a standardized application form for Projects within the SGD for use by the PAA and applicants, and for the purposes of determining the completeness of all applications in accordance with this section. The application form and any amendments thereafter must be approved by DHCD. No information or submittals not explicitly required under this Section or in the application form can be required without DHCD approval. Each application for Plan Approval within the SGD shall be submitted electronically to the Director of Planning & Development along with hard copies of the entire application as indicated on the application form. All applications must include the following:
  - i. Completed Application Form.
  - ii. Application & Advertisement Fees, such fees to be established by the PAA, based upon the associated administrative costs. Such fees and any subsequent

increases shall not take effect until approved by DHCD and filed with the City Clerk.

- iii. Development narrative including a description of the proposed Project, including all uses, breakdown of square footage for each use, number of housing units, number of bedrooms per unit, square footage per unit type and a zoning summary. Any application shall show the full proposed buildout of a Project (both Residential and Non-Residential Uses) and whether the Project will be phased or not.
- iv. Certified list of abutters
- v. Building Floor Plans – all levels including basement and roof
- vi. Building Elevations – all sides including courtyards and interior lot elevations (Scale shall not exceed 1/4 inch equals one foot nor less than 1/8 inch equals one foot.)
- vii. Three dimensional (3D) massing perspective sketches or perspective renderings illustrating the proposed building(s) and other key elements of the development proposal within its neighborhood context
- viii. Storm water management plan and report with drainage calculations and proposed Operation and Maintenance (O&M) Plan.
- ix. Existing Conditions Plan: Existing Site plan, including all existing structures, parking, driveways, trees, topography, utilities and easements, prepared by a licensed surveyor.
- x. Project Plans: Plans of the proposed Project at a minimum scale of one inch equals 40 feet and a maximum scale of one inch equals 20 feet. The Plans shall contain:
  - a. Date of Plan with all revisions noted and dated. Title of development; North arrow; scale; map and lot number; name and address of record owner; name and address of person preparing the Plan.
  - b. The names of all owners of record of adjacent properties, and the address, map and lot number of the properties and all buildings.
  - c. Zoning district boundaries and flood zone boundaries shall be shown as they affect the property, including delineation of required setback lines.
  - d. Boundaries of the property and lines of existing street, lots, easements and areas dedicated to public use, including rights-of-way.
  - e. A locus map with lot and address identifications in relation to adjacent streets and rights-of-way showing the location of the property with reference to surrounding area, including the building footprints of adjacent buildings, if any.

- f. A table indicating all calculations necessary to determine conformance to the requirements of this Section and applicable Design Standards.
- g. Square footage of property to the nearest 10 square feet.
- h. Proposed site plan, indicating project boundaries, building footprints, onsite and remote parking areas (where applicable), and topography
- i. Location of existing and proposed buildings, walls, fences, culverts, parking areas, loading areas, walkways and driveways.
- j. Location and dimensions of utilities, gas, telephone, electrical, communications, water, drainage, sewer and other waste disposal.
- k. Location, type and dimensions of landscaping and screening.
- l. Proposed exterior lighting plan with photometric information
- m. Location of existing rock outcroppings, high points, vistas, ponds, depressions, wetlands and buffer zones, major trees (twelve-inch caliper and over) and any other significant existing features.
- n. Two-foot contours where slopes are less than 15% and five-foot contours when 15% or more. Existing contours shall be indicated by dashed line. Proposed contours shall be indicated by solid line.

All site plans shall be prepared by an architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped.

- xi. Evidence that the Project complies with the affordable housing requirements of Section XXIX-G;
  - xii. A form of Affordable Housing Restriction that satisfies the requirements of Section XXIX-G(5).
  - xiii. Peer review fee in accordance with the Fee Schedule adopted by the PAA.
- e) Waivers: The PAA may waive any of the above submittal requirements if it determines that the applicable materials will not aid the PAA in its deliberations. Any such waiver of submission requirements must be requested by the applicant and subsequently approved in writing by the PAA prior to submission of a formal application under this Section.

## 2. Procedures:

- a) Plan Approval Authority: For purposes of reviewing Project applications and issuing decisions on Projects within the SGD, the Newburyport Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority, and is authorized to approve a Project consistent with this Section.

- b) Circulation to Other Boards: Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Health, Conservation Commission, Affordable Housing Trust, Fire Department, Police Department, Building Commissioner, Department of Public Services, and other municipal officers, agencies or boards as designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within thirty (30) days of its receipt of a copy of the plan and application for approval.
- c) Public Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of M.G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the City Clerk, within one hundred twenty (120) days of the receipt of the complete application by the City Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the City Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and Plan Approval application.
- d) Peer Review & Employment of Outside Consultants. The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to M.G.L. Chapter 40R, Section 11(a). Such fees shall be held by the City in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

### **3. Decision:**

- a) Plan Review: A Plan Approval application shall be reviewed for consistency with the purpose and intent of this Section, and with the dimensional, parking, Design Standards and other requirements applicable to the SGD. Such Plan Approval application shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.
- b) Consistency with Design Standards: To ensure that Projects shall be of high quality, and shall meet the standards envisioned by the City of Newburyport in adopting Smart Growth Zoning, the physical character of the any Project within the SGD shall comply with, and the PAA shall enforce, the Design Standards of Section XXIX-I in the issuance of Plan Approval for any Project within the SGD. A Project shall be approved by the PAA upon a finding of consistency with the Design Standards, unless otherwise waived pursuant to Section XXIX-H(3)(c). Conditions may be added to a Plan Approval as may be necessary to ensure consistency with the Design Standards through project construction prior to occupancy.
- c) Waivers: Upon the request of the Applicant, the PAA may waive or reduce the dimensional and/or parking requirements of Section XXIX-F and Design Standards of Section XXIX-I, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character preferred under this Section.



- d) Plan Approval: Plan Approval shall be granted where the PAA finds that:
- i. the Applicant has submitted the required fees and application materials as set forth in Section XXIX-H(1)(d); and
  - ii. the proposed Project meets the requirements of Section XXIX-G (Requirements for Housing Affordability); and
  - iii. the proposed Project meets the requirements of Section XXIX-F (Dimensional and Parking Requirements) and Section XXIX-I (Design Standards), or a waiver has been granted therefrom; and
  - iv. Adverse potential impacts of the Project on nearby properties have been adequately mitigated.
- e) Plan Disapproval: A site plan may be disapproved only where the PAA finds that:
- i. the Applicant has not submitted the required fees and/or application materials as set forth in Section XXIX-H(1)(d) necessary for an adequate and timely review of the design of the Project or potential project impacts; or
  - ii. the proposed Project fails to meet the requirements of Section XXIX-F (Dimensional and Parking Requirements) and/or Section XXIX-I (Design Standards) and a waiver has not been granted therefrom; or
  - v. the proposed Project fails to meet the requirements of Section XXIX-G (Requirements for Housing Affordability); or
  - iii. it is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.
- f) Form of Decision: The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans and documents that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of a failure of the PAA to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.
- g) Timeline for Approval or Decision: The PAA shall file a decision on the application for Plan Approval within one hundred and twenty (120) days from the date of original filing of the application with the PAA. An Applicant who seeks approval because of the PAA's failure to act on an application within the one hundred twenty (120) days or extended time, if applicable, must notify the City Clerk in writing of such approval, within fourteen (14) days from the expiration of said time limit for a decision, and that a copy of that notice has been sent by the Applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to Mass. Gen. Laws Ch. 40R and shall be filed within twenty (20) days after the date the City Clerk received such written notice from the Applicant that the PAA failed to act within the time prescribed.

#### 4. Modifications to Projects and Permits after Initial Approval by PAA:

- a. Minor Change. After Plan Approval, an Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor changes to building materials or design, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the City Clerk.
- b. Major Change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application, with all required submittals, for Plan Approval pursuant to this Section XXIX-H(1)(c).

#### 5. Project Phasing:

- a. The PAA, as a condition of any Plan Approval, may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. Any requirement for Project phasing shall not apply to the installation of utilities.
- b. An Applicant may voluntarily elect to develop a Project in phases, subject to Plan Approval by the PAA.
- c. When a Project is developed in phases, each phase shall comply with the requirements of Sections XXIX-F (*Dimensional & Parking Requirements*) XXIX-G (*Requirements for Housing Affordability*), and Section XXIX-I (*Design Standards*) so that at all times such requirements shall be met as applied only to those portions of the Project for which building permits have been issued; such requirements shall be met prior to the issuance of certificates of occupancy for such buildings.
- d. The applicant shall provide the following information for each phase of the Project:
  - i. Anticipated construction timeline with start and end dates;
  - ii. Residential unit count, including a bedroom count and number of affordable units;
  - iii. Square footage of commercial space; and
  - iv. Landscaping details.

#### XXIX-I Design Standards.

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1. **Authority:** The following Design Standards are adopted to ensure that new development shall be of high quality, and shall be compatible with the character and scale of Newburyport's building types and streetscapes, without limiting creativity through innovative architectural design. These Design

Standards are adopted pursuant to the authority of M.G.L. Chapter 40R “Smart Growth Zoning” and 760 CMR 59.00 (Smart Growth Zoning Overlay District). Under the Enabling Laws, the SGD (Section XXIX), including these Design Standards, may not be amended without the approval of DHCD. The Design Standards provide the City of Newburyport and interested developers with a regulatory framework that will define the site and building design requirements for development within the City’s Smart Growth District (“SGD” or “District”).

2. **Applicability:** These Design Standards apply to all proposed development within the Smart Growth District (SGD) undertaken pursuant to this Section. An application for Plan Approval shall not be subject to Design Standards that have not been approved by DHCD and filed with the City Clerk. The PAA, at its discretion, can approve waivers from the Design Standards. Any Project undergoing the Plan Approval process within the SGD shall be subject to and shall adhere to the design standards set forth in this section, except where a specific waiver of compliance is granted by the PAA in its deliberations in accordance with Section XXIX-H(3)(c) upon a finding that, in its opinion, such deviations contribute to the Guiding Principles in Section XXIX-I(4) more effectively than literal compliance with specific requirements or that waiver of compliance will ensure the overall viability of a proposed Project in order to achieve the broader purposes identified in Section XXIX-A. Applicants should clarify how requested or proposed deviations further the goals of the City as defined by the Guiding Principles therein, including any references to overall feasibility of the proposed project.
3. **Compliance:** The Design Standards shall be used by the PAA in their review and consideration of development proposals within the SGD pursuant to this Section. All Projects permitted under this Section shall adhere to the following Design Standards, mandatory for all projects (including as-of-right uses), but which standards may be waived by the PAA pursuant to Section XXIX-H(3)(c) on a case-by-case basis.
4. **Requirements:** It should be noted that the Design Standards include a mixture of requirements – indicated generally by the use of the words “shall” and “must” with regard to a specific standard – and guidelines which are more advisory in nature – indicated generally by the use of the words “should” and “may”. Where appropriate the Design Standards are supplemented with “Acceptable” and “Unacceptable” graphic examples for illustrative purposes.
5. **Guiding Principles:** The standards set forth in this section are intended to ensure that the physical character of projects in the SGD will comply with the following guiding principles:
  - a. Projects should further the overarching goals identified in Section XXIX-A;
  - b. Building styles and materials should be consistent with the character of Downtown Newburyport and should reflect, but need not match, the vernacular styles of traditional development forms as they pertain to scale, massing and proportions while allowing design creativity and the use of modern construction methods and materials;
  - c. Development should be environmentally sustainable and should incorporate to the degree practical low impact development techniques, energy efficiency, use of renewable energy and best practices for stormwater management;

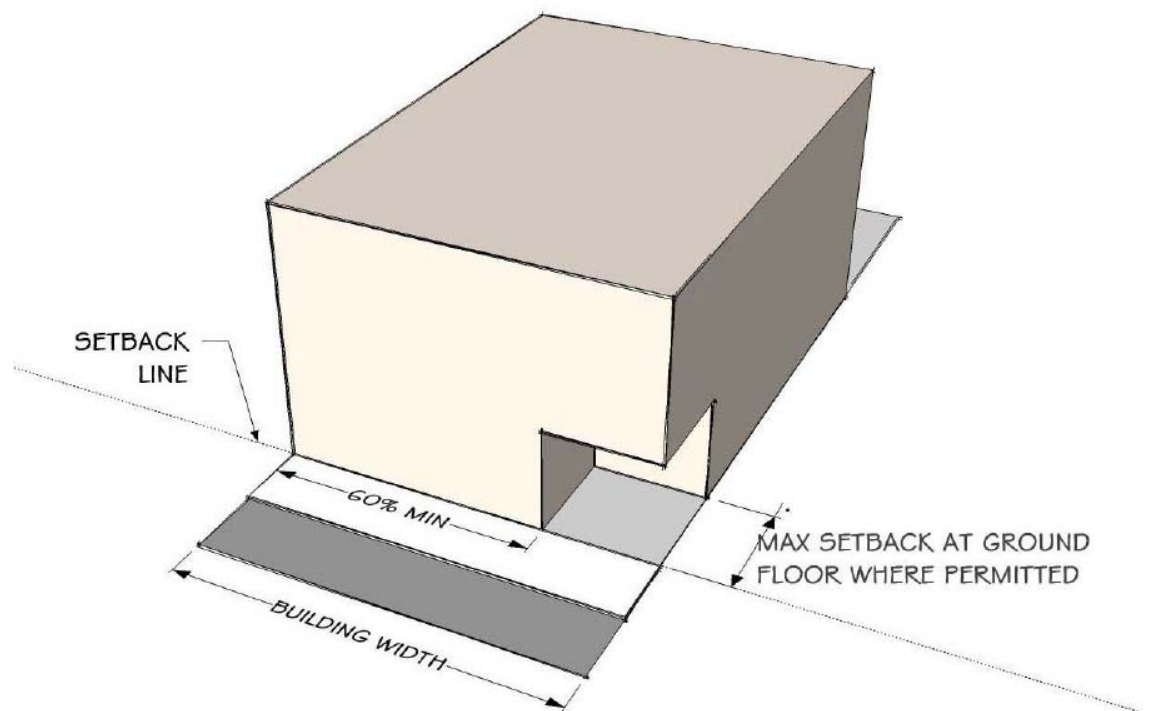
- d. Development shall be designed to encourage pedestrian and bicycle travel to and within the site and provide a safe and aesthetically attractive pedestrian and bicycle environment to the greatest extent practical;
- e. Development shall protect adjacent wetlands and the Little River to the greatest extent practical; and
- f. Existing natural resources, native vegetation, and the natural topography of the site shall be preserved and integrated into the site design to the greatest extent practical.

6. **Organization:** This subsection is organized into subject headings based on the subject matter of regulation. Where it provides greater clarity regarding desired design outcomes, illustrative images have been used to complement these Design Standards. Captions have been added to images as necessary to clarify the intent of the illustration and to reinforce the Design Standards included in the text. These Design Standards establish the requirements for review of Projects within the Smart Growth District (SGD).

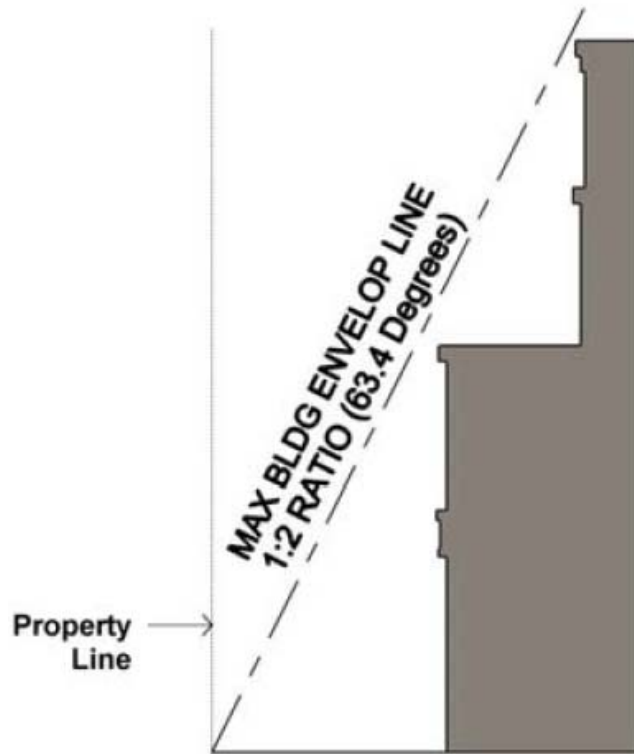
7. **Architecture:**

a. **Massing, Scale, Height, Proportions, Orientation & Organization**

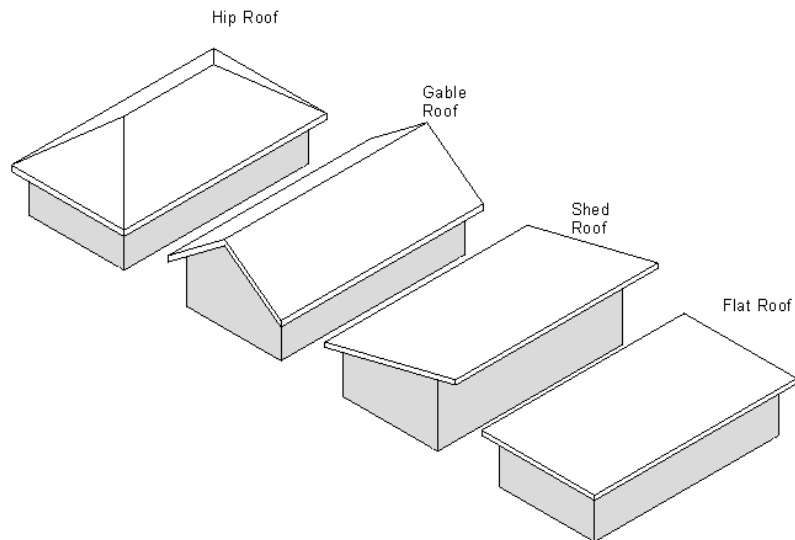
- i. A minimum of 60% of front facades at ground level shall be located at the required setback line to reinforce the adjacent street or right-of-way line. When the space between the façade and setback line is specifically designed for pedestrian uses, such as outdoor dining, the maximum setback shall be permitted.



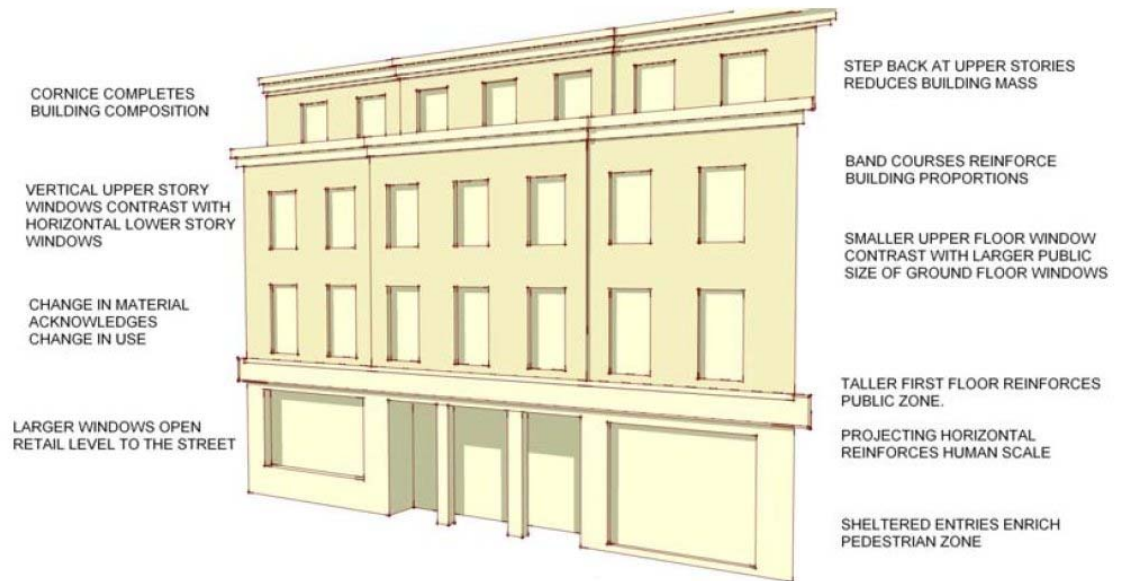
- ii. For buildings fronting on State Street, the front yard step-back of upper floor facades shall be such that the maximum building envelope is bounded by a plane projected from the property line at a 1 to 2 ratio (63.4°).



- iii. Within Subdistrict B, all buildings shall have pitched rooflines with gables and dormers in lieu of flat rooflines.



- iv. Mixed use buildings shall use proportions – a dominant horizontality in architectural elements for commercial, and a dominant verticality for Residential – to give legibility to building uses.



- v. Building footprints shall be located roughly parallel with (within 10 degrees of) existing public streets, the MBTA Commuter Rail line, or the Clipper City Rail Trail, as applicable to the Project site, in order to reinforce the street line and other pedestrian access areas.
- vi. Wherever it abuts an existing or previously approved Project, new Projects should incorporate design transitions between new buildings and existing buildings, using comparable materials, roof design, fencing materials and landscaping as the existing or previously approved Project.
- vii. A new building may have an inconsistent setback from neighboring buildings if the front setback is to be used for landscaped public or semi-public space. Where differing front setbacks are approved, design elements such as a wall, fencing or landscaping of a minimum height of three (3) feet shall be used to reinforce the street line.

#### **b. Exterior Style, Articulation & Appearance**

- i. To reduce a building's perceived mass, buildings shall be divided into smaller scale horizontal and vertical components. Building façades over forty feet (40') in length are required to have a change in plane every thirty (30') horizontal feet, articulated by projecting or recessed bays, balconies, or setbacks and should be broken into a series of smaller varied elements by incorporating projections or recesses, canopies, trellises or awnings, doorways or windows to vary the facade and emphasize architectural features. Projecting bays, recesses, and cornices are encouraged at all floor levels. A change in plane shall be accompanied by a change in color, material, texture and/or expressed joints and details. Recesses and projections of the building facades shall be a minimum of one (1) foot deep.



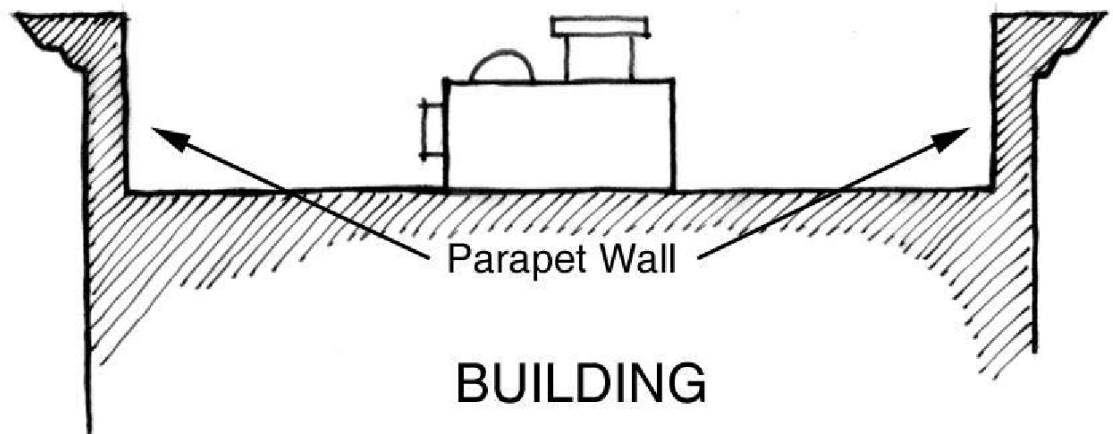
- ii. Windows, wall panels, pilasters, and building bays should be carried across building walls to relieve blank surfaces. False commercial storefronts are not permitted.
- iii. The architectural style of the primary façade shall be continued on all publicly visible sides of the building. Façade elements shall continue around to all sides of buildings visible from the street. Blank side and rear wall surfaces greater than twenty (20) linear feet are prohibited on walls that are visible from streets or other public areas. Elements may be simplified at the rear of buildings to clarify a front/back hierarchy.
- iv. Horizontal elements such as belt courses, projecting cornices, canopies, and step backs should be combined with vertical elements such as recesses, projecting bays, parapets and vertically aligned windows, to create facades that provide depth and visual interest.



- i. Rooftop mechanical equipment, including metal chimneys, shall be set back from building facades so that it is not visible from street views, screened from view behind parapets or enclosed within architectural elements that integrate it into the building design. Screening elements shall incorporate sound control devices or construction that mitigates equipment noise such that the noise level, measured at any lot line, shall not exceed the following octave band sound pressure levels:

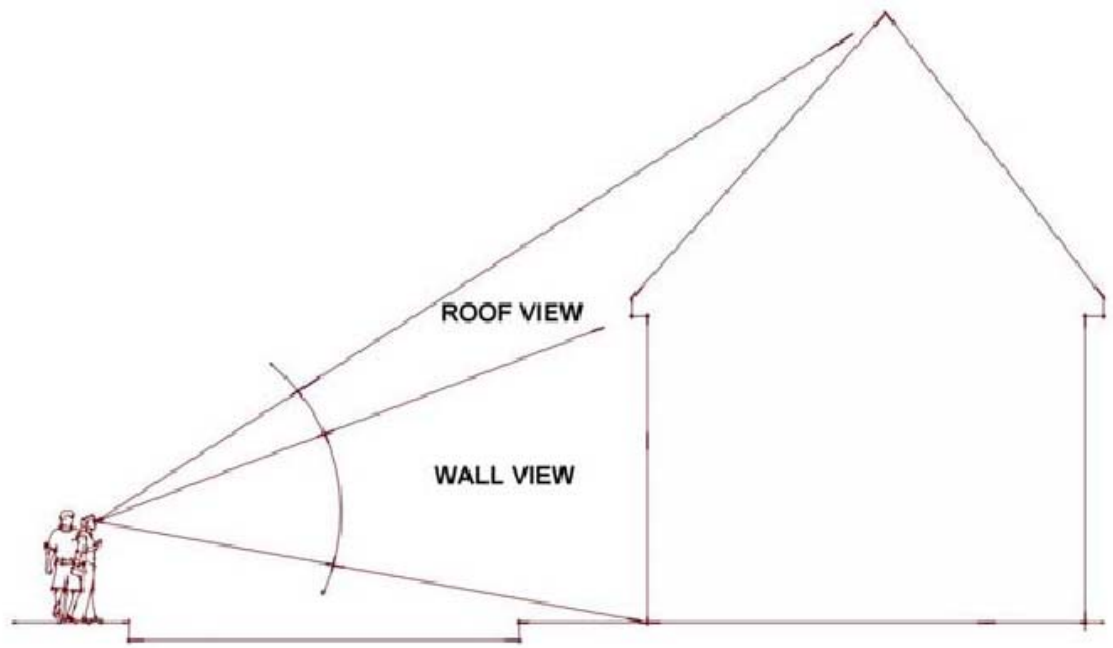
| Octave Band Center<br>Frequency Measurement (Hz) | Daytime | Other Times |
|--------------------------------------------------|---------|-------------|
| 31.5                                             |         |             |
| 63                                               |         |             |
| 125                                              |         |             |
| 250                                              |         |             |
| 500                                              |         |             |
| 1,000                                            |         |             |
| 2,000                                            |         |             |
| 4,000                                            |         |             |
| 8,000                                            |         |             |
| Single Number<br>Equivalent (dB(A))              |         |             |

- v. All mechanical equipment shall be screened from view from streets and from structures on adjacent lots using parapets, fencing, landscaping or similar measures; or they shall be integrated into the overall design of the building by use of materials, placement, roof shape or form, or other means deemed acceptable to the PAA upon their review of a screening plan.



- vi. For all buildings, visible roofs shall not exceed walls in their respective visible proportions from street views.





- vii. New construction should incorporate design detail through a combination of architectural elements (particularly on first floor facades), materials, varying setbacks and rooflines to ensure that buildings are visually interesting and to prevent monotony.
- viii. Any side of a building that has frontage on a sidewalk, street or right-of-way shall include a predominance of windows, doors, or other signs of human occupancy, such as porches or balconies.
- ix. Building design for multi-story buildings shall create or maintain a visual distinction between the first floor and upper floors through materials selection and articulation of the facade.



- x. The first floor of buildings within all Projects shall be designed with heights of twelve (12) feet floor to floor, to accommodate commercial or Non-Residential Uses in the future, even if such uses are not proposed as part of the initial Project undertaken by the applicant. The design of walls and structural elements on the first floor of buildings shall demonstrate the ability to allow modification of Residential spaces to accommodate such commercial or Non-Residential Uses (i.e. storefronts) with relative ease in the event that such uses are substituted therefore in future years.
- xi. Accessory buildings shall be designed with the same materials and design elements as the primary building.

### c. Entries, Windows, Doorways & Balconies

- i. Primary ground floor commercial building entrances shall orient to plazas, parks, transit stops, or pedestrian-oriented streets.
- ii. Stepped back portions of the front façade at ground level are encouraged to articulate entries and provide variety.
- iii. Entries shall be clearly articulated with projecting canopies or recesses for convenience, way-finding, and to activate the street front and pedestrian spaces. Residential and commercial entries shall be separated. Primary building entrances shall be accentuated through such other pronounced architectural forms as covered porches and porticos.
- iv. Retail and commercial entries shall face a publicly accessible sidewalk and are to be primarily transparent to reinforce the public nature of the ground floor uses, and they are to be flanked by primarily transparent façade elements to reinforce this perception.

- v. Lighting and signs should be integrated into the entry design to reinforce the public nature of the entry.
- vi. Entries to upper floor Residential and Non-Residential Uses are encouraged on public streets, but shall not interrupt the perceived continuity of the commercial streetscape.
- vii. In general, all windows should be taller than they are wide. A ratio of 1:1.6 is encouraged. This is true of windows on the first as well as upper floors. Street front windows that are horizontally oriented may be broken up with the use of muntins or similar elements. Double hung windows are generally preferred over casement windows for all Residential units. Use of stone or masonry lintels above - and sills below - all windows is encouraged.



- viii. Recessed doorways are preferred, in order to break up the building façade, provide a welcoming space, and provide protection from sun and rain. Where a recessed doorway is not used, an awning can have a similar effect. Lighting for the doorway shall be provided at night.
- ix. Balconies and porches are encouraged to generate connection between the buildings and the streets and public spaces provided they do not extend over a public right-of-way, and shall be designed to provide functional use by the resident of the dwelling unit, and should not be simply decorative. Juliet Balconies may be permitted at the discretion of the PAA.



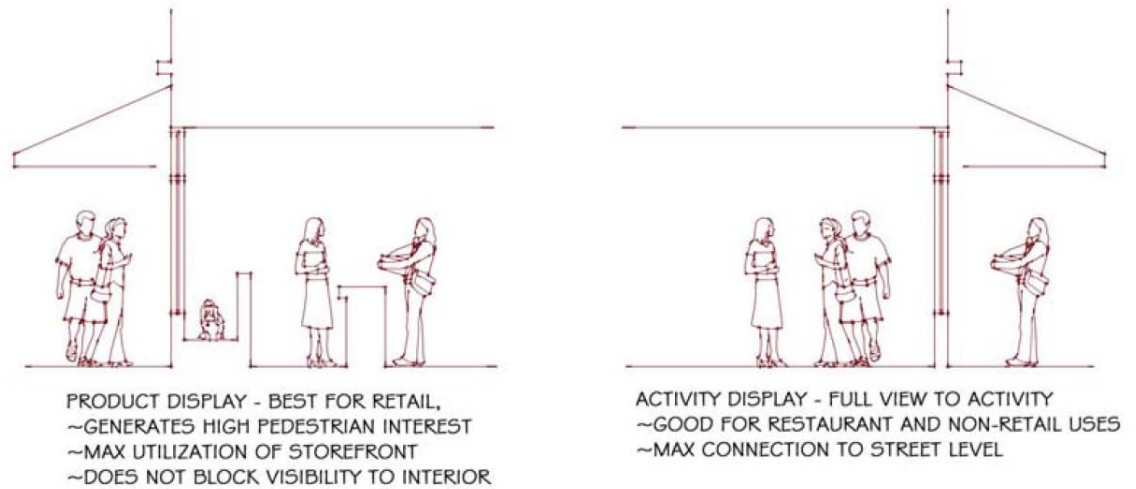
- x. All buildings shall have at least one primary entrance facing each pedestrian-oriented street, right of way or transit area.

#### d. Fenestration

- i. For ground floor uses, at least 60 percent (60%) of the right-of-way or street-facing building façades between two feet and eight feet in height shall be comprised of transparent windows that allow views of indoor space or product display areas for all Non-Residential Uses.



- ii. The view into the first floor commercial or retail windows shall be maintained with a view into the sales floor or seating area. View windows shall not be blocked. Merchandise displays shall not include full-height backdrops that block the view.



- iii. Transom windows above view windows and doors are encouraged as are side lights around doorways. Upper floor Residential and Non-Residential Uses shall have relatively less glass area to emphasize the public nature of the street-front uses. Glass shall be clear, or reflective only to the extent that such reflectivity reduces interior heat. Mirror glass is not permitted. No appliques or other such deliberate screening shall be permitted.
- iv. Protecting ground floor fenestration and defining commercial street fronts with overhanging awnings or canopies is encouraged. Operable windows and doors onto balconies and terraces at upper floor uses are encouraged.

#### **e. Materials, Texture & Color**

- i. Allowed exterior building finishes include, but are not limited to brick, brick veneer, stone, cast stone or other finished masonry, cementitious panels, glass, metal, wood, and cellular PVC trim. A combination of these materials shall be used in order to create visual interest. Simulated materials including but not limited to vinyl, synthetic siding, aluminum siding or large unarticulated expanses of Exterior Insulation Finishing System (EIFS) are prohibited. EIFS is allowed only on the upper stories of a building, shall not exceed thirty percent (30%) of a structure's facade on any side, and shall be detailed and articulated using scoring lines, patterns or other techniques. Reflective materials such as porcelain enamel, tinted glass or sheet metal are prohibited. Fluorescent colors, smooth-faced painted concrete masonry block, and vinyl and plastic awnings are prohibited.
- ii. Changes in materials are encouraged to reinforce the massing requirements noted above. When change in material or colors occur, they should articulate the difference between public and private uses, upper floors and lower floors. Building design should maintain a distinction between the first floor and upper floors.
- iii. Where more than one material is used, traditionally heavier materials (stone, brick, concrete, etc.) should be located below lighter materials (wood, metal, glass, etc.). The change in material should occur along a horizontal line, preferably at the floor level.



**f. Energy Efficiency**

- i. All buildings shall incorporate environmentally responsible design and construction practices as governed by the Energy Star Program to the extent feasible and applicants are strongly encouraged to receive US Green Building Council LEED (Leadership in Energy and Environmental Design) rating or other industry accepted program for all buildings. As previously adopted by the City, all projects shall meet or exceed the Commonwealth of Massachusetts Board of Building Regulations and Standards Stretch Code.
- ii. Applicants are strongly encouraged to incorporate the use of Solar Canopies in surface parking lots to provide electricity for the proposed building(s), site lighting or other purposes, and to provide shade and protection for parked vehicles.

**8. Site Design Standards**

**a. Placement, Alignment, Width and Condition of Sidewalks**

- i. New sidewalks shall be consistent with existing sidewalk materials and dimensions. Widened sidewalks devoted to outdoor uses are encouraged.
- ii. Amenities that increase the comfort of pedestrian movement along sidewalks such as lighting, projecting canopies, benches and street trees are encouraged.
- iii. Usable public and semi-public common spaces adjoining sidewalks that create activated pedestrian areas for dining or similar social activities are encouraged, especially those in the vicinity of public uses such as the commuter rail station.



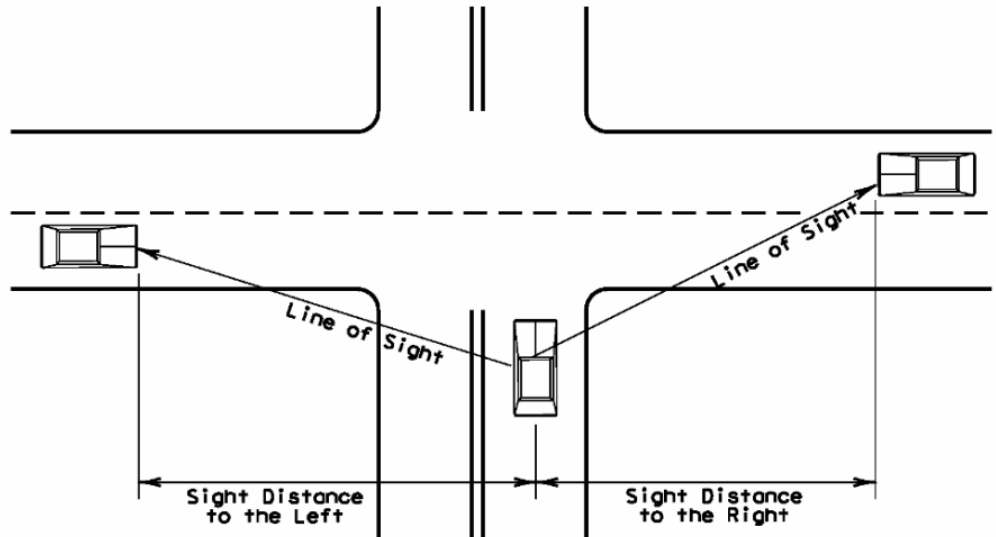


- iv. Each Project shall provide lighted pedestrian access to and through the site. Continuous sidewalks shall be provided along the frontage of a site adjacent to any public or private way except where adequate public walkways already exist. Pedestrian access shall be provided to link buildings with public and semi-public spaces, parking areas, recreation facilities, and sidewalks on adjacent properties.
- v. Where the proposed development abuts streets or public ways that lack sidewalks, or where sidewalks abutting the proposed development are cracked, broken, uneven or do not meet applicable standards (including the Americans with Disabilities Act, the Rules and Regulations of the Massachusetts Architectural Access Board, and standards issued by the Newburyport Department of Public Services), Applicants may be required to install, improve or relocate these connecting sidewalks (within 250 feet of the Project) as a condition of Plan Approval.
- vi. All elements of the pedestrian network, including parking areas and sidewalks, shall be accessible to the physically disabled in accordance with the Americans with Disabilities Act and the Rules and Regulations of the Massachusetts Architectural Access Board.
- vii. Where provided, sidewalks shall connect proposed buildings with parking intended to serve the proposed uses.
- viii. Sidewalks shall be a minimum width of five (5) feet.

**b. Location of Building & Garage Entrances**

- i. New curb cuts should be avoided where access from existing streets or driveways is feasible. Further, The PAA may require the reduction, replacement or relocation of existing curb cuts.
- ii. Building entrances shall provide direct access to sidewalks or paths to emphasize pedestrian ingress and egress as opposed to accommodating vehicles.

- iii. Access drives shall maintain sight lines for pedestrians and motor vehicles. Adequacy of vehicular sight distance shall be reviewed and determined in accordance with accepted AASHTO (American Association of State Highway and Transportation Officials) methodology based on posted or observed speeds on adjacent roadways.



**c. Vehicular Access**

- i. All curb cuts should be limited to the minimum width necessary for safe entering and exiting, and shall not exceed 24 feet in width except where mandated by MassDOT.
- ii. The developer shall make improvements on the adjacent public way for vehicular turning movements in or out of the site necessary to ensure public safety.
- iii. Vertical granite curbing shall be used at driveway entrances as they connect to a public way. Cementitious concrete curbing may be substituted for granite curbing in all internal roads, driveways, parking areas and private ways. The use of bituminous asphalt curbing is prohibited.
- iv. The location of motor vehicle entrances should provide for the convenience and safety of motor vehicle, bicycle and pedestrian movement within the site. All proposed entrances should be designed to afford pedestrians, bicyclists and motorists exiting to public ways with safe sight distance.

**d. Pedestrian & Bicycle Circulation, Amenities & Connections:**

- i. Sidewalks shall be constructed of brick, stone, pre-cast pavers or (subject to PAA approval of a materials sample prior to installation) cast-in place textured concrete.

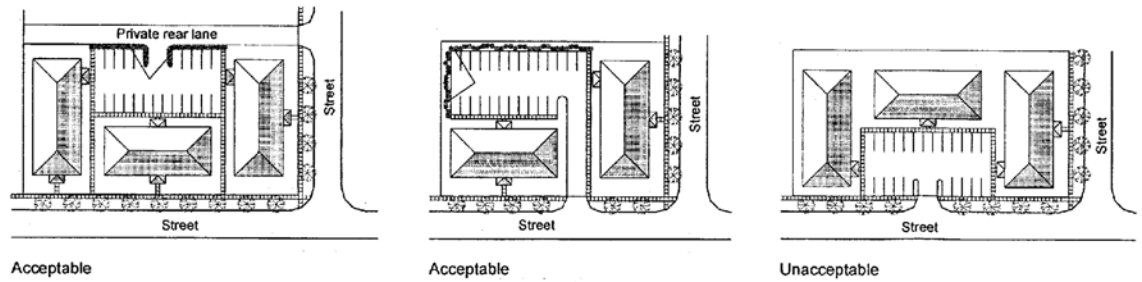




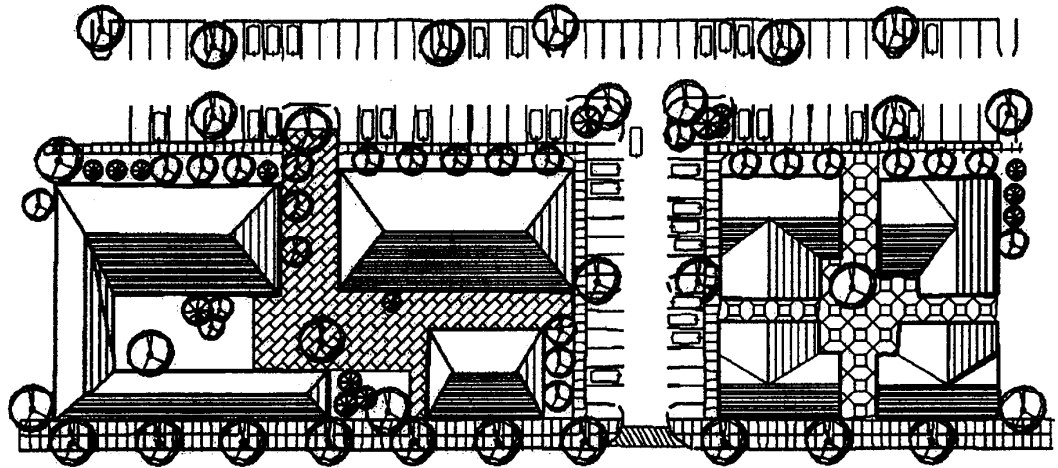
- ii. Pedestrian traffic areas shall be clearly distinguished from motor vehicle and bicycle traffic areas through the use of paving materials, landscaping buffers, or other means.
- iii. Safe and convenient pedestrian and bicycle linkages shall be provided to abutting properties and adjacent public rights-of-way.
- iv. Pedestrian access shall be provided to link buildings with outdoor spaces, parking areas, and sidewalks on adjacent properties wherever practical.
- v. Site planning shall include consideration of future access to bike paths, parks, playgrounds, residential neighborhoods, other businesses, and transportation facilities.
- vi. Pedestrian paths through parking areas shall be clearly defined by curbing, material changes, textures, striping or a continuous 4-season landscape area at a minimum of 3 feet wide on at least one side of the path.
- vii. Where necessary for public safety, site design shall include bollards or vertical curbing to prevent access to pedestrian areas by motorized vehicles.

**e. Driveways & Off-Street Parking**

- i. Driveway openings shall maintain the continuity of sidewalks and pedestrian spaces. Curb cuts shall be located away from the primary commercial streets whenever feasible, preferably on side streets and alleys.
- ii. Parking lots shall not be located in front of buildings or facing the public right-of-way. Parking areas shall be located behind buildings unless deemed infeasible by the PAA.



- iii. Parking lots behind buildings shall be connected and aggregated across property lines wherever feasible to maximize the efficiency of the paved space and minimize the number of curb cuts and driveways.



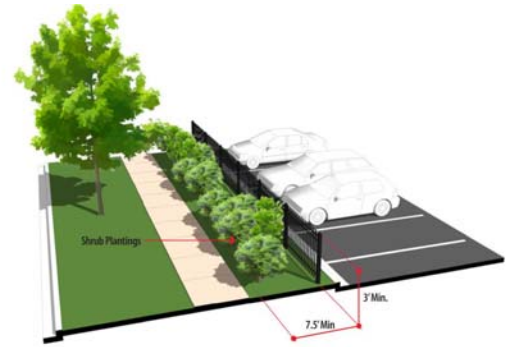
- iv. Below grade parking is encouraged, especially where existing changes in grade make on-grade access feasible while allowing economical structuring of buildings above. Ramping must be incorporated within the building envelope or below grade but shall not be located on the building's primary pedestrian-oriented facade.
- v. Parking areas shall be screened from view on public and private right-of-ways by wrought iron fencing, berms, plantings and/or low stone, brick and masonry walls. Chain link fencing is not acceptable for screening purposes.



**Acceptable**



**Unacceptable**



**Acceptable**

- vi. All parking areas and driveways must be designed to maximize pedestrian and vehicular safety. No driveways are to be located within 50' of an intersection unless required by the Massachusetts Department of Transportation (MassDOT).
- vii. Wherever feasible, off-street parking lots shall be set back a minimum of 10 feet from applicable property lines along public rights-of-way in order to provide a landscaped buffer.
- viii. Parking layouts shall minimize glare from car headlights through the use of visual screening such as plantings and/or low stone, brick and masonry walls.
- ix. All surface parking lots should be designed and constructed with industry standard Low Impact Development (LID) techniques and Best Management Practices (BMPs) to the extent feasible.

#### **f. Public and Semi-Public Common Space**

- i. Design and location. The overall site design shall include common public and/or semi-public common space which shall be accessible and visible from the building. The plans and any necessary supporting documents submitted with an application for Plan Approval shall show the size and location of any proposed public or semi-public common space, including plazas, courtyards, parks, gardens and similar site amenities.





- ii. The PAA may require as a condition of Plan Approval a commitment to adequate long-term maintenance of all public or semi-public common space constructed as part of the Project, whether such space is located on or off the Project site.
- iii. Wherever feasible, all public or semi-public common space shall have direct access to the pedestrian network, including the Clipper City Rail Trail, if applicable.

**g. Landscaping**

- i. Unless designated as protected open space or wetland resource areas, all open and disturbed areas within a project shall be landscaped. Bare soil is not permitted. Container planting is acceptable when used to accentuate architectural features or enhance pedestrian areas, including within landscaped parking areas.
- ii. Landscaping shall consist of a combination of grass, flowers, vines, groundcovers, trees and/or shrubs and use a combination of climate tolerant plant material and protective ground cover with a mixture of deciduous and evergreens for visual effect 12 months of the year. During plant selection, particular attention shall be paid to tolerance to potential road salt and other deicing treatments. Unplanted mulch is not considered a ground cover.
- iii. Landscape plant selections shall consist of a blend of native and non-native indigenous plant species that minimize the need for regular mowing, trimming, irrigation, or fertilizer application. Planting of invasive species is prohibited. Plant materials shall be chosen to withstand seasonal weather cycles in New England and for compatibility with existing plantings in the surrounding neighborhood, with consideration for resistance to infestations, resilience to climate exposure, drought tolerance and drainage conditions.

- iv. Ground-covers shall be spaced to cover the applicable planting bed within 3 years of initial planting.
- v. Tree species shall be selected and located so as to mature to a height and canopy to provide shade during the warm months, assure safe patterns of internal pedestrian and vehicular traffic, and not interfere with parking spaces or snow removal. All trees shall have a minimum caliper size of 3-1/2 inches measured at a point four (4) feet above grade at time of planting. Tree selection shall consider canopy spread, branching, root depth, and mature height so as not to interfere with buildings, impede pedestrian travel, sidewalks, and motor vehicle travel.
- vi. Street trees shall be provided at intervals of no more than thirty (30) feet along streets and major pedestrians walkways.
- vii. Parking lot design and layout shall incorporate landscaping to break up large areas of pavement and to minimize their visual impact on the lot and upon adjacent public and private properties. Surface parking lots shall have at least one shade tree per five (5) surface parking spaces, located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least 9 feet in width with no more than 10 parking spaces between each island or plot. Trees and shrubs shall be used to the maximum extent feasible.



- viii. Landscaping along the perimeter of parking areas shall include a combination of trees, shrubs, and groundcover vegetation that provides a continuous vegetated buffer that does not project into or otherwise interfere with parked cars, passenger entry to and from parked vehicles, and pedestrian connections within and along parking areas.

- ix. All required landscaping must be installed before issuance of an occupancy permit for buildings within a Project. At the discretion of the PAA the installation of any required landscaping may be deferred during the fall or winter months to the next planting season, but never for more than 6 months. If a project is built in phases, all required landscaping for a given phase must be installed before issuance of an occupancy permit for that phase.
- x. Maintenance of landscaping shall include the removal and replacement of dead or diseased plant materials with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are approved by the Newburyport Office of Planning & Development. Such maintenance shall take place yearly each growing season for all Projects after initial approval.
- xi. Landscaping at retail frontages should not interfere with the connection between the sidewalk and interior uses. Landscaping to define commercial entries or outdoor dining areas shall not interfere with the continuity of the sidewalks. Landscaping to define Residential entries should not compete with or overwhelm the continuity of the retail frontages.
- xii. To the extent feasible, any healthy existing trees with a minimum 6" caliper and large canopy shall be preserved.
- xiii. Site design shall include a variety of landscape elements such as trees with irrigation grates, planters, and seasonal plantings. Landscaping improvements shall be combined with site amenities such as street furniture, and trash receptacles.
- xiv. To minimize water consumption, the use of low water vegetative ground cover and ornamental grasses other than turf is strongly encouraged.
- xv. Landscaped islands within parking areas may be in any shape or configuration, provided that they shall be at least one hundred (100) square feet in area and at least four (4) feet in width.
- xvi. The PAA may require the developer to maintain any proposed landscaping in good condition after construction and for the life of the Project.

#### **h. Fencing, Screening and Buffering in Relation to Adjacent Properties**

- i. All dumpsters, utilities, mechanical equipment, and storage areas shall be screened from view from adjacent streets and from structures on neighboring lots in existence at the time of Plan Approval through the provision of architectural screening, landscaping, fencing, or made an integral part of the overall design of the applicable building(s) through the use of decorative walls of masonry or wood. Use of chain link and stockade fencing is prohibited. Screening may be required by the PAA to include plantings and/or landscape structures.



- ii. Trash receptacles shall be located and designed for ease of trash service to the site. Trash receptacles shall be located in the garage of buildings or in freestanding trash houses or enclosures.
- iii. All service, loading and trash collection areas shall be screened by a combination of decorative walls of masonry, wood and landscape plantings. Utility and service enclosures shall be designed to be compatible with the architecture of the adjacent building.
- iv. Fences may be used to provide continuity to a streetscape, privacy for homeowners and their guests from passersby, to help differentiate private space from public space, and to screen parking or service areas and utilities. Types of fencing may include ornamental metal fencing or decorative wood fencing.

#### **i. Exterior Lighting**

- i. Lighting should be provided at a scale and intensity that creates a comfortable, attractive and safe evening environment for pedestrians as well as vehicles.
- ii. In general all lighting shall be oriented downward and otherwise conform to “dark sky” standards. The use of uplighting is permitted in the following situations:
  - a. To light a primary entrance when the light fixture is mounted under an architectural element (e.g. roof, cornice, walkway, entryway or overhanging non-translucent eaves) so that the uplighting is captured;
  - b. To illuminate the United States flag or public monuments;
  - c. To accent building facades or landscaping provided that the light is targeted at the feature to be illuminated and reflected light is the only upward lighting.

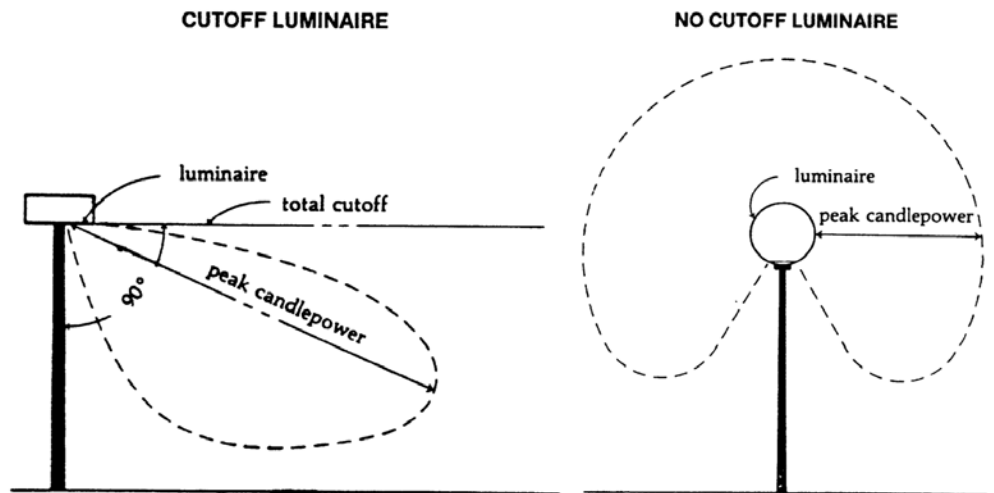




The PAA may waive these requirements only upon a determination that such waiver is in the public interest in light of the unique character or aesthetic benefit of a particular landmark, architectural or landscape feature.

- iii. Exterior lighting shall be shielded to direct lighting to its targeted feature and so that glare is not visible from a public way or abutting property.
- iv. Façade lighting and architectural lighting shall highlight and articulate building uses and entries and reinforce the public nature of the sidewalk and building frontage.
- v. Lighting along street fronts and public ways shall reinforce rather than compete with the continuity of the City's street lighting. If the sidewalk includes street trees, streetlights shall be located between the trees so that the tree canopy does not interfere with illumination coverage.
- vi. Lighting in parking areas and at the side and rear of buildings abutting adjoining properties should be designed with cutoff fixtures to cut off light at the property line.





- vii. Prohibited lighting includes neon or other edge-glowing sources, mercury vapor, low pressure sodium, high pressure sodium, searchlights, and flashing or changing light sources. Motion-sensitive lights may be used when necessary for security purposes. Lighting shall be metal halide and/or LED or similar to provide a natural uniform quality of light. The use of mercury vapor, low pressure sodium, high pressure sodium and high wattage quartz lamps over 100 watts is prohibited.
- viii. Pedestrian areas shall have poles no more than 12 feet high and parking areas shall have poles no more than 22 feet high.
- ix. Parking and pedestrian light fixtures shall be compatible with the building lighting to provide for a consistent appearance of the Project.
- x. Building and signage lighting must be from an indirect light source hidden from the pedestrian, motorist and adjacent view of public and private property.
- xi. Cobra-head lights and unfinished metal poles are not allowed.
- xii. Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties.

#### **j. Utilities & Service Areas**

- ii. Where feasible, shared loading areas, dumpsters, and mechanical equipment shall be incorporated into the building and landscape design.
- iii. All new and relocated utility services, wires, conduits, and cables shall be located underground. No new above ground electrical lines or utility cables will be permitted.
- iv. All mechanical equipment, loading and service areas within the Project shall be screened from view and shall incorporate sound control devices or construction methods that mitigate equipment sound and vibration, and ensure noise attenuation,

such that the noise level, measured at any lot line, shall not exceed the following octave band sound pressure levels:

| Octave Band Center<br>Frequency Measurement (Hz) | Daytime | Other Times |
|--------------------------------------------------|---------|-------------|
| 31.5                                             |         |             |
| 63                                               |         |             |
| 125                                              |         |             |
| 250                                              |         |             |
| 500                                              |         |             |
| 1,000                                            |         |             |
| 2,000                                            |         |             |
| 4,000                                            |         |             |
| 8,000                                            |         |             |
| Single Number<br>Equivalent (dB(A))              |         |             |

- v. All electrical and mechanical devices, boxes, and structures shall be located within buildings or screened with landscaping or architectural screens when outside.

**k. Protection of Public Safety**

- i. Site design shall include adequate water supply for distribution and fire protection. Vehicular circulation shall meet the access needs of emergency and public safety vehicles. The adequacy of the foregoing public safety measures will be based on the reasonable requirements of the Newburyport Police Department and Fire Department, in their respective fields.
- ii. All pedestrian paths and entry areas shall be lighted and entry areas to buildings should provide protection from adverse weather through the use of porches, awnings or entryways.

**l. Water & Sewer Infrastructure Standards**

- i. Each Project shall be designed in accordance with the Department of Public Services (DPS) regulations and standards with regard to water and sewer infrastructure.

**m. Drainage and Storm Water Management**

- i. All systems which deliver, treat, infiltrate, and/or discharge stormwater runoff to ground or surface waters shall be sufficiently treated and monitored to achieve all applicable effluent standards of the Newburyport Board of Health, Department of Public Services, Conservation Commission and the Massachusetts Department of Environmental Protection (DEP), as applicable.

- ii. Stormwater management systems shall not increase the volume or rate, or further degrade the quality of, existing discharges/ runoff. Post-development peak runoff shall be maintained at or below pre-development peak runoff rates.
- iii. All development shall incorporate “Best Management Practices” (BMPs) as prescribed by the DEP, in addition to employing Low Impact Development (LID) strategies throughout the site to intercept, treat and infiltrate stormwater using landscaping, natural features and source control methods. BMP/LID means and methods should be carefully integrated within the site design approach with a goal of decentralizing storm water management systems to the greatest extent practical and minimizing environmental impact of new development. The specific goals of the BMP/LID measures should be mitigation of post-development downstream impacts and achieving the highest level of water quality for all storm water runoff.
- iv. The designed approach for storm water management systems should include elements such as bio-retention basins, landscaped swales, vegetated rain-gardens, landscaped swales, infiltration trenches, infiltration chambers, dry-wells, settlement forebays, level spreaders, filter strips, tree boxes permeable pavements and other runoff controlling features that in combination serve to achieve BMP/LID goals. Retention and detention ponds are prohibited.



- v. A Stormwater Operations and Maintenance Plan shall be submitted at the time of application for all Projects. The plan shall include a map of the proposed system, specify the parties responsible for the system, indicate easements required, and provide a schedule for maintenance tasks. The stormwater management plan shall be developed by a professional engineer registered in the Commonwealth of Massachusetts, and shall be reviewed and approved by the PAA, which reserves the right to retain a consultant engineer to review said plan, at the applicant’s expense.

- vi. Where feasible, water shed from roofs and paved areas should be collected into a recovery system for use as on-site irrigation and/or gray water flushing or otherwise retained on site and recharged into the ground.



- vii. Pervious paving is recommended, along with landscaping and pervious landscaped areas. Sites shall be graded as necessary to prevent ponding of water.
- viii. Infiltration systems shall be designed to control hazardous material spills, remove contamination, and avoid sedimentation of leaching facilities.

## 9. Signs

### a. Exterior Signs in General

- i. All proposed signs shall clearly identify and distinguish between Residential and Non-Residential Uses.
- ii. A Residential-only development or the Residential component of a mixed use Project where the building does not front on a public street shall be permitted one free-standing sign at each principal entrance to the site. The sign shall identify the name and address of the Project and shall not exceed six (6) feet in height or sixteen (36) square feet in surface area.
- iii. Each mixed-use development project in the District may include a primary storefront sign (or awning that is used to provide signs) and a storefront cantilevered sign, for



each commercial tenant. Signs should be standardized by height above grade, type, size, materials, colors, illumination and method of installation, across the building façade and within the surrounding block to the largest extent practical.



- iv. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors of any business, industry or residence. Such signs shall not carry the name of any business or product.
- v. Signs on buildings should not obstruct elements such as cornices, arches, lintels, pediments, windows, pilasters, etc.
- vi. Signs in the District should be designed primarily to be visible to pedestrians or slow moving vehicular traffic. Wording should be kept to a minimum and the use of simple graphics or iconic logos is encouraged.



- vii. No signmaker labels or other identification (including UL label), are permitted on the exposed surfaces of signs, except as may be required by the building code. If required, such labels or other identification shall be in an inconspicuous location.

- viii. All sign illumination shall be shielded or directed in such a way as to prevent spillage off the building or onto streets, parking, driveway areas or surrounding properties. Signs shall be illuminated only by an external source of steady, stationary white light, of reasonable intensity, shielded and directed solely at the sign, and not casting direct or reflected light off the premises. The use of neon or gas filled tubes is prohibited. No sign shall be illuminated internally or from behind a translucent sign face. All light fixtures shall either be decorative (such as goose-neck lights) or camouflaged. Wiring shall be concealed within building molding and lines. White halo lighting may be permitted behind lettering at the discretion of the PAA.



- ix. No sign or other advertising device, or part thereof, shall be more than 20 feet above ground level, unless otherwise approved by the PAA.

#### **b. Primary Storefront Signs**

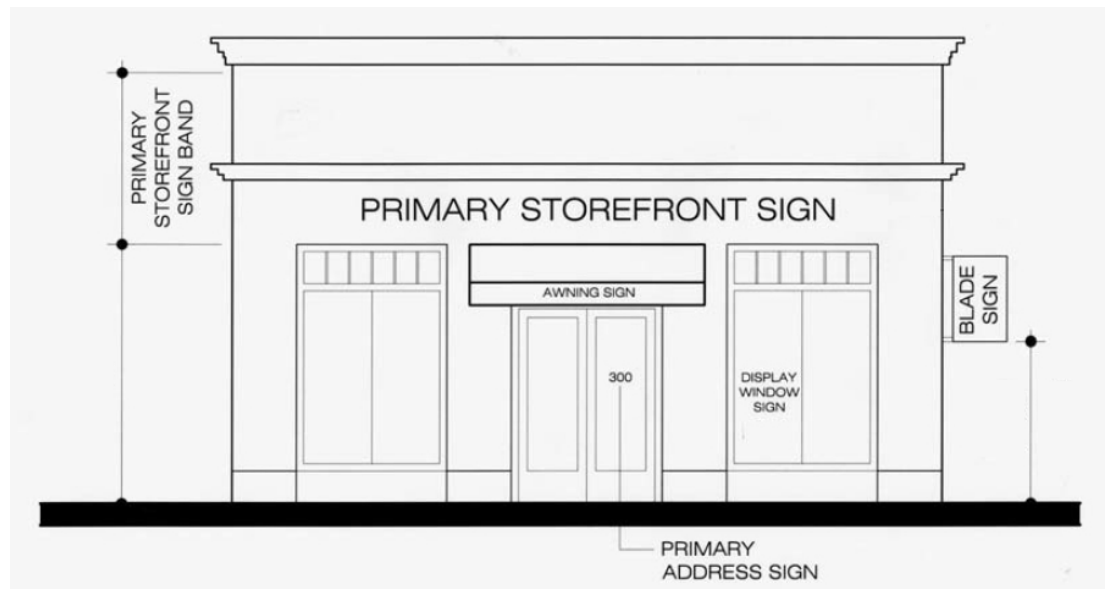
- i. A primary storefront sign for each commercial use shall be located within a sign band along the face of the building between 8 to 15 feet above the finish floor level projecting no more than six (6) inches from the adjacent facade. When a tenant has storefronts on multiple sides of a building, the tenant may have a primary storefront sign on each façade. Wall signs in multi-tenanted buildings shall be placed within the same sign band. The placement of wall signs on individual buildings should respect the sign band on adjacent buildings.



- ii. The total sign area for a primary storefront sign shall not contain more than two square feet of sign area for each linear foot of storefront. Sign area shall be calculated by creating a rectangular box around the main body of the primary sign. The storefront leaseline width multiplied by two equals the maximum sign area in square feet, however, no sign shall exceed twelve (12) square feet in area.
- iii. Signs above the sills of the second story windows shall be confined to painted or applied letters on the window glass, provided that such signs advertise the organizations therein. Signs are not permitted on continuous, horizontal “curtainwall” type windows in upper stories. These second-story signs shall not exceed fifty percent (50%) of the total glass area of the window.

### c. Storefront Cantilevered Sign

- i. Each commercial tenant shall be allowed to construct and install a cantilevered (“blade sign”), installed perpendicular to the building façade, not in excess of eight (8) square feet as measured on one face of the sign. Any such storefront cantilevered sign shall not count toward the total allowable area of signs on a single façade.



- ii. One storefront cantilevered sign will be allowed per tenant on each elevation of a building with a customer entrance. The sign shall be attached to the tenant storefront between 8 to 10 feet above the finish floor level. Storefront cantilevered signs shall project no more than four (4) feet from the adjacent building facade.
- iii. Each storefront cantilevered sign may be externally illuminated with two integrated lights (one light on each sign face or panel). The sign may be square, round, elliptical or other shape. Complex shapes and three-dimensional letters or figures are encouraged. Formed plastic, injection molded plastic, and internally illuminated panels are prohibited.



- iv. Signs on the inside or outside surface of ground floor display windows may be permitted provided, however, that such signs shall not cover more than ten percent (10%) of the display window area and shall be lighted only by building illumination which is white and non-flashing.

**d. Awnings**

- i. Awnings that are used to provide signs should be standardized by height above grade, type, size, materials, colors, illumination and method of installation, across the building façade and within the surrounding block to the largest extent practical.
- ii. Awnings shall be made of fire resistant, water repellent marine fabric (e.g. canvas) or may be constructed of metal or glass. Vinyl or vinyl-coated awning fabric will not be permitted.
- iii. Continuous, uninterrupted awning spans are not permitted. Fixed awnings shall not span numerous bays, windows or store fronts. The awnings should delineate storefronts on a multi-tenant building.



- iv. Internally illuminated awnings are not permitted, except that down lighting that is intended to illuminate the sidewalk may be provided under the awning. All lighting under a canopy shall be cutoff or recessed, with no lens dropping below the horizontal plane of the canopy. The light source shall not illuminate or cause the awning to “glow”.



#### **e. Temporary Signs**

The following additional signs are permitted in a Project:

- i. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six (6) square feet in surface area.
- ii. Temporary signs announcing an “open house” event for the prospective lease or sale of a Residential unit or property are allowed, provided that such signs are erected no more than three hours prior to the commencement of the event and are removed within one hour of the close of the event.
- iii. One unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed eight (8) square feet in surface area.

#### **f. Prohibited Sign Types**

The following sign types are prohibited:

- i. Signs employing luminous plastic or neon (extremely bright) colored letters.
- ii. Advertising flags, feather banners and A-frame signs.
- iii. Box style cabinet signs or “can” signs are prohibited, whether internally illuminated or not.
- iv. Signs or lights that move, change, flash animated or intermittent illumination, have reader boards or make noise are prohibited. Such prohibition shall include commercial balloon devices, high powered search lights and signs expressed or portrayed by emitted light, digital display or liquid crystal display. Where permitted by the PAA, indicators of time or temperature may move.
- v. Signs utilizing paper, cardboard, particle board, plastic, highly reflective metal Styrofoam, stickers or decals hung around, on or behind storefronts, or applied to or located behind the storefront glazing. This restriction shall not apply to carved high-density sign foam, foam board or similar material when the finished surface has a matte (non-glossy) finish.
- vi. Any imitation of official traffic signs or signals, or use of such words as “Stop,” “Look,” “Danger,” “Slow,” “Caution,” or “Warning” is prohibited.
- vii. Red or green lights or any lighting effect utilizing such colors used on any sign if, in the opinion of the Police Department, such light or lighting would create a hazard to the operation of motor vehicles.
- viii. Directories located outside of the buildings, except for unified “wayfinding” signs approved by the PAA.
- ix. Roof, pole or pylon signs, other than those allowed pursuant to Section XXIX-I.8(a)(ii).

- x. Inflatable figures and/or signs, whether movable or stationary.

#### **XXIX-J Appeals.**

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In accordance with M.G.L. Chapter 40R Section 11, an appeal of any decision made by the PAA under this Section may be made by any aggrieved party to any court authorized to hear appeals under section 17 of Chapter 40A. Such appeal may be brought within twenty (20) days after the decision has been filed in the office of the City Clerk. Notice of the appeal, with a copy of the complaint shall be given to the City Clerk so as to be received within such 20 days. Such appeals shall be governed by the applicable provisions of M.G.L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of M.G.L. Chapter 40A.

#### **XXIX-K 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 and the application thereof shall continue to be in full force and effect. The invalidity of any provision of this Section shall not affect the validity of the remainder of this Section or the Newburyport Zoning Ordinance.