

Newburyport Redevelopment Authority
July 2, 2008

Present: Nat Norton, Rick Taintor, Erford Fowler, Patty Dorfman, Tim Brennan

Public Comment:

Carl Panall of 44 Oak Street came to the meeting to discuss his concerns about allowing fueling on the Boardwalk. He explained that allowing fueling of vessels, in particular commercial fishing vessels, was prohibited through an agreement with EOEA in 1989. He said it was a hard fight to allow commercial fishing vessels to even tie up in the embayment as any commercial use should be prohibited. Mr. Panall said he was the former chair of Waterfront Trust and said the City was denied two grants because commercial fishing boats refused to leave the embayment. Mr. Panall said he made an extensive memo to the Harbor Commission and they more or less agreed with his view. The Harbor Commission is on record saying that fueling of commercial vessels can be done at the fish pier. He said it is false that only commercial boats can tie up at the fish pier. The Harbor Commission has tried to limit area to fishing in the past as it's the last remaining spot to unload and load. Many vessels cannot even come into river because of the need for dredging and business has to be conducted on the tide. Fisherman work around it. Mr. Panall felt a prudent captain would make arrangements to conduct business at the proper tide. Mr. Panall said that the argument that the whale boat needs to fuel there is also not true, they can also use the fish pier. He noted that the fish pier is hot top, not porous, and the Boardwalk is not. Fueling was never allowed in the past due to safety concerns. Mr. Goudey did not share info that fish pier could be used until after his proposal. He was mostly concerned that they may be endangering grant monies. Mr. Norton said that the NRA approved the Waterfront Trust's agreement with the agreement that NRA would not have any liability and it wouldn't affect parking. Whether fueling should or shouldn't happen wasn't the debate, as they were only asked for access across the property.

Sign/Façade Applications:

Aurora – 1 Merrimac Street: An application was received for a replacement sign. It was approved by Mr. Sidford. Ms. Dorfman motioned to approve the sign, Mr. Taintor seconded, and all voted in favor.

Runway Salon – 1 Merrimac Street: An application was received for a 12 s.f. sign. Ms. Sidford asked members to review the reflective white sample material. Ms. Dorfman motioned to approve the sign, Mr. Taintor seconded, and all voted in favor.

Petit Bijou – 10 State Street: The application was approved by Mr. Sidford and the building owner. Carla Ciampa of the Sign Center showed depictions of the proposed sign. They were also requesting signage in the rear of the business. They proposed using pressure sensitive vinyl on the back windows. It would have two red stripes and the logo in the middle. Mr. Taintor said that signs that don't face a public street are not permitted. He said that the signs in the back of Merrimac Landing were illegal. Mr. Taintor said window signs are prohibited under the zoning ordinance. (Mr. Brennan arrived.) Mr. Shanley questioned why Inn Street wouldn't be considered a public street. Mr. Norton felt Inn Street was intended on being a public way. Ms. Dorfman motioned to approve the application, Mr. Taintor seconded, and all approved.

Nicole Marie, 12 State Street – An application for a new sign with a scroll bracket was received. Mr. Brennan motioned to approve the application, Ms. Dorfman seconded, and all voted in favor.

Oregano's – 12 Pleasant Street – Mr. Sidford recommended a certain model lamp, as it would aim at the building, not the patrons. Three lights would be installed on the Inn Street side of the building. Mr. Norton suggested approving as submitted as they don't have any regulations on lighting types. Mr. Brennan motioned to approve the application with a recommendation that the applicant consider using the lamp suggested by Mr. Sidford. Mr. Shanley seconded and all voted in favor.

Treasurer's Report:

Mr. Brennan submitted a treasurer's report with YTD income and expenses. Mr. Norton asked Mr. Brennan to remind Standard Parking about the \$16 transfer charge the NRA is incurring. Mr. Brennan said that paying off the line of credit was a good idea. Mr. Brennan said he could look into better investments to see if the NRA could get a better return on their funds. He will check into options. Members also noted that Standard Parking would be depositing only once a month. Mr. Norton noted that the 50/50 split wasn't noted on the spreadsheet. Mr. Taintor motioned to approve the Treasurer's Report, Ms. Dorfman seconded, and all voted in favor.

Newburyport Maritime Society – A meeting was held on 6/4. Mr. Norton said he met with Maritime Society to look at the park planning concept to make sure that their intentions for an addition were being accurately reflected on the Cecil Group's plan. They discussed the importance of the features they were looking to build like public restrooms and a café. They discussed the need for something in writing to give the both the NRA and Maritime Society assurance that the features would be built. Mr. Taintor said that they wanted to differentiate between allowing them use of the lawn and the plans for the addition. Mr. Norton said that the NRA should consider writing a letter to the Maritime Society noting their willingness to lease the land so they can move forward with fundraising and design. Mr. Brennan noted his concern of tying up the property with a lease at this stage. He noted that they were all on the same page now but any lease with conditions was a matter of concern. He said he would rather have a general understanding giving them first rights to use the lawn, etc. He added that the redevelopment has been held up for many years and he didn't want to risk holding it up further by being tied down to a lease. Mr. Norton said they discussed a Memorandum of Understanding for use of the lawn where the NRA would refer all requests to the Maritime Society. Mr. Norton agreed that they shouldn't be signing a lease. He suggested writing a letter of intent instead saying that if the Maritime Society meets the criteria, they would be given a lease in the future. Mr. Brennan noted again that he was concerned with any promises or written documents that might later become an obstacle to making progress on improving the NRA properties. He offered a hypothetical example of a situation that he wants to avoid. He described a hypothetical future situation under which the NRA might be just about to receive full funding from the federal government to build a Coast Guard Museum that contains all the facilities we desired on this part of the property, but the funding is suddenly withdrawn because of some question over another party's right to lease the same property. Ms. Dorfman said she thought that in the original lease it designates that the lawn is to be used for maritime purposes only. She said the NRA and the Maritime Society need to show a collaborative effort between parties, and this would be a good

opportunity to start on that angle. She thought it may help both parties rather than tie them up in terms of collaborating for funding. Mr. Norton said that Atty. Powers has been fairly consistent in recommending that a lease not be signed. Mr. Taintor thought that some stakeholder meetings should be held to discuss emerging issues. Mr. Norton said that this letter would allow them to take the next step forward. Mr. Norton will ask Atty. Powers about the existing lease agreement and ask about a letter of intent.

Mr. Norton received an email from Paul at the Maritime Society asking to erect a sign on the lawn for the Custom House. They were seeking the NRA's approval as the property owner. The Maritime Society will contact the Building Department.

NRA Correspondence/News:

Mr. Taintor said he received a phone call from Atty. Lisa Mead about the 30 parking spaces that go with the East Row Condominiums. Mr. Norton said it was his understanding that the 30 or so parking spaces will be not exclusive to the East Row but there would be that many spaces required somewhere in the proximity. Mr. Norton thought there was no covenant on the NRA land but it was in the deeds of the East Row condos. Mr. Norton will ask Atty. Powers to explain that provision.

Mr. Taintor said they spoke with the Maritime Society about the moving about the lighthouse. They indicated that they did not necessarily want the lighthouse to go on their lawn. They wanted to be included in future discussions. They expressed that they did not want any park features competing with each other.

Parking Lot:

Mr. Norton signed the lawn maintenance contract with MND. Mr. Norton thanked members for their help in cleaning up the site. Mr. Brennan asked if there were any nice looking ash receptacles they could consider purchasing. He noted how many cigarette butts he picked up. Mr. Taintor talked about other recycling programs he has seen too.

Standard Parking revenues are about \$8K behind where they were in the previous year for total revenue and 32% behind last year at this time. Mr. Norton noted 169 senior citizens in the West Lot and 95 in the East Lot. If you compare that to last year, a total of 4 seniors for one weekend in both lots. Total numbers are fairly close but senior citizen use has risen. Mr. Norton questioned the attendant on duty and was told it would be looked into. Mr. Norton said that someone told him in their observations that several patrons were not getting tickets after they paid for parking. The person who told him this is a police officer by profession. Mr. Norton wrote a letter to the boss at Standard Parking, it was looked into, and Mr. Norton did not receive a satisfactory explanation. Mr. Norton has a meeting scheduled to discuss the issues of having 32% less revenue, the increase in seniors parking on the lots, and the inconsistencies with spreadsheet. He said there have been far too many issues lately. Mr. Norton also said that fees were accidentally charged on the previous Friday. The last two years have been smooth but this year the NRA has run into too many problems. Standard Parking management has changed. Mr. Norton would meet him on Friday on site to straighten out charging of spaces.

Waterfront Trust inclusion of paid parking:

Mr. Norton presented the agreement that had been changed to reflect members' concerns. The agreement allows NRA and Waterfront Trust to come back to the table to renegotiate at any time. If the agreement doesn't work, it can be changed. Mr. Goudey was in attendance. He said that that Waterfront Trust voted to approve the agreement. Mr. Goudey said that the Waterfront Trust spaces fill up first so that's why they agreed to the 50/50 split of revenue. It would allow them to control the area with cones to force more turnover in the dirt lots. The Waterfront Trust is confident that the NRA has managed their parking well in the past few years. Mr. Brennan noted that both parties must agree in order for any changes to be made to the agreement, and thought that was appropriate. However, Mr. Brennan believed that we intended to allow either party, alone, the ability to terminate the agreement if they no longer wanted to continue with it. He suggested the language be revised to be clear that "either party" has the right to terminate the agreement; the agreement of "both parties" is not required. Ms. Dorman motioned to approve the agreement with the suggested wording change, Mr. Taintor seconded, and all voted in favor of the agreement.

Parking booths have been installed on each of the parking lots.

Signage – Mr. Norton suggested that members should consider changing the large sign on the East Lot.

Park Planning:

The latest plan shows the Waterfront Trust parking as part of the plan, brick as opposed to greenery, expansion of plaza to west of Firehouse as an entry, relocation of bike path, relocation of boat servicing area, access to the embayment area, and the range light in north corner. The approach is to decide if members like the plan and then schedule a public meeting. The must convey the fact that some elements from each plan would be combined into one final plan. Mr. Taintor noted the two different bike path approaches, one would require getting off, the other riding through. Mr. Brennan requested some display of a formal garden on the plan (now being called the sculpture park/event space.) Mr. Brennan also wanted at least one of the plans to display a pavilion capable of handling two to three times the size of the proposed pavilion. He thought a larger facility might be more functional and provide a greater source of revenue (e.g., from weddings or other events). He also thought it might allow for greater year round use (e.g., could include a café with large fireplace). Mr. Norton thought the intent was for a smaller gathering than that. Mr. Shanley agreed with some of Mr. Brennan's comments and thought they should try to maximize the utility of the space. He felt everything done should be self sustaining. Mr. Shanley asked to see the plan depicted in brown instead of green as it appears to be a summertime plan. He wants to see what the space has to offer while it's in its crumminess. Mr. Taintor asked if members thought buildings on the West Lot should be included on both plans. Mr. Norton said he was fine with it being on one plan. The Cecil Group would also be doing the next public presentation. Mr. Norton noted that they should be clear that if a feature is on both plans it doesn't mean it's a given and that anything missing is not ruled out. Mr. Norton also requested that the East Row parking be color coded to show it wasn't public. Mr. Brennan asked to show one pavilion larger than the other. Mr. Norton suggested keeping it as is and asking the public what was preferred. Mr. Brennan said it was not much more to ask and would provide a choice. Mr. Taintor said they should increase both if that was the decision, but said he didn't

have a strong feeling about the size. Mr. Brennan suggested increasing the size but not showing the number of seats. Ms. Dorfman agreed with Mr. Brennan. Mr. Shanley agreed that he would like to see a different building on the second plan. Mr. Taintor said they have asked Cecil many times to tweak the plans and thought it would cost several thousand dollars to make this change. Mr. Brennan asked to see a formal garden, increase the size of the pavilion, and to show parking in a different color. Mr. Brennan requested a 200 person capacity facility. Ms. Dorfman thought this would provide an opportunity for revenue and didn't feel it could pay for itself with only a 70 person capacity. Mr. Shanley said he could measure Nicholson Hall for a comparison in size. Mr. Brennan also felt the facility should be used in the winter and a small space wouldn't allow for anything like that. Mr. Shanley suggested looking at the train station problem. Mr. Taintor thought the Waterfront West project would be adding function space too. Mr. Norton said that they've pulled away from the idea of restrooms and a café b/c of the museum addition. He thought they were getting into final design type ideas instead of concept planning and said they can do more homework during the final design phase. They would not be binding themselves to this plan. Mr. Norton said he didn't need to see it on paper and it was a question on whether there would be a pavilion or not. Ms. Dorfman suggested discussing it at the next public meeting. Mr. Norton suggesting asking Cecil how they came up with the 70 person capacity pavilion and asking what a double sized capacity building would look like. Mr. Brennan said he would prefer to see the expanded park areas showing other uses such as formal gardens rather than appearing simply as green lawns everywhere on the plan. Ms. Dorfman said she expected to see more around the sculpture park. Mr. Norton will ask about the scale of the pavilion and if it's depicted accurately on the plan. Mr. Taintor said he did not want to go outside of what was discussed at a public meeting. Mr. Brennan said that some usable space in the winter would be provided and space for weddings. Mr. Brennan questioned the resistance. Mr. Taintor said that they are asking for new things that weren't asking for before and this was a big change to the plan. Mr. Brennan said they never discussed a 70 person capacity either. Mr. Taintor said that Rose Wharf was suggested and that holds about 70 people. Mr. Brennan said that it was easy to increase the size of the circle on a CAD drawing. Mr. Taintor said it would also affect other things on the plan. The Cecil Group will be asked to confirm it will fit 70 people, and to submit a proposal for a large size pavilion and two different sizes. Mr. Shanley noted that in Scenario B the pavilion is about the size of the tot lot ship, which doesn't correspond to a 70 person capacity pavilion. The \$5K in contingency funds have already been spent. Mr. Norton suggested asking if it could be done for \$1,500. Mr. Taintor said that formal gardens were not mentioned previously. Mr. Panall confirmed that vehicular access is not allowed on Railroad Avenue and it was absolutely against the agreement with EOEA. Geordie Vining of the Planning Office previously was the one that asked for access. Members agreed to take the notation off the plan. Mr. Norton suggested removing the red line that appeared to be a property line on the west side of the plan. Mr. Shanley motioned to approve \$1,500 for additional items, Mr. Brennan seconded, and all voted in favor.

Ms. Dorfman will look at the Firehouse schedule to see if the public forum can be booked there. Mr. Taintor will check Cecil's availability. The public meeting will be sometime in September.

Mr. Taintor handed out a flyer on wind turbines that appear to look more artistic. Mr. Shanley noted that you can't send electricity across a public way without selling it back to the grid.

The Cecil Group still hasn't submitted the clarifications of their bills.

Michelle Landers of the Chamber of Commerce requested 25 parking spaces in the corner of the East lot, 2 spaces next to the electrical box, and 4 spaces for portable toilets for Riverfront festival on July 12th. Mr. Norton requested the applicant to write down which spaces would be required and the NRA's share would be donated. It rounds down to \$5 per space. Members already approved the event at a previous meeting. Mr. Norton noted that they did not approve the use of toilets on the site.

4/29 minutes - Mr. Brennan motioned to approve the minutes with his previous corrections, Mr. Taintor seconded, and all voted in favor. (Mr. Shanley abstained.)

5/28 minutes – Mr. Brennan motioned to approve, Ms. Dorfman seconded, and they were approved 3-0. Mr. Taintor and Mr. Shanley abstained.

Mr. Norton said the extension was filed with the DEP. The next step was to hire someone to write the RFP. The work should be a 3-4 month process. Don't need to hire until 2009. Should look into grant funding. He received an email from Nancy Colbert regarding MVPC funding and found they may have funds available for the project. She said she would keep the NRA posted. Mr. Norton will ask the LSP to get the list of funding opportunities.

Mr. Brennan motioned to adjourn, Ms. Dorfman seconded. All voted in favor.

The meeting adjourned at 9:40pm.

Sincerely,

Dianne Eppa
Note Taker