

**Newburyport Redevelopment Authority**  
**July 25, 2007**

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

***Public Comment:***

Dominique Dear said that she had the opportunity to review NRA materials in the basement of City Hall but ultimately found some information at the library. She and Bill Harris will get whatever information the land court has.

Bill Harris said that he found that all land is supposed to be conveyed under the settlement. 5 out of 6 r.o.w.s were conveyed in 1990 from the City to the Waterfront Trust. Railroad Ave. went on both sides of market. East conveyed to Waterfront Trust. In the 1993 supplemental agreement, all agree to give the City for the firehouse 8' because they built it already. In 1993 also agreed that the way on the west side of the firehouse would be conveyed to trust w/ right to lease it out to City or whatever. He said that he believes that a determination of eligibility provides 50% public trust and tidelands duties that Chapter 91 requires. Lot w/ custom house is waterfront dependent, leased land including statues. Some is subleased or mislabeled on Oak plan but are protected voluntarily by the NRA. When all added up taking out 60 parking spaces, still over 50% protected land for public/water dependent use. The NRA has a viable case that space is properly reserved. Hasn't fulfilled Rivers Act requirements. Most parking has to be 100' back or whatever DEP requires. Could not find exhibit 209 showing high water mark. Need it for Cecil Group's plan to determine obligation. In 1982 when confirmation of title was issued by land court he refers to the illusive exhibit 209. He said that he and Ms. Dear will search land court.

Minutes of 5/23 – Mr. Fowler motioned, Ms. Dorfman seconded, Mr. Brennan and Mr. Taintor abstained

***Signs –***

1) Lively Girls – The NRA was previously concerned with colors. The applicant made some changes and simplified the design. The applicant said that similar colors are used around town. The blue color is Robin's Egg in the California paints color swatch. Same as Lively Kids, Life is Good, and Soak. The applicant said that the store is geared towards 7-12 year olds and they were trying to attract them. The proposed pink color is Coral from the historic color palette. Green is same as Soak, which was already approved. The sign would be the same size as existing using the same bracket. "Teen and tween" will remain on the sign in white letters. Sign is in back of store now and decal on the front door. Mr. Taintor thought the revised design was better. Mr. Brennan motioned, Ms. Dorfman seconded, and the application was approved unanimously.

2) Trumbell and Campbell – Mr. Sidford denied the application as it is a second floor business. Signs are not allowed for above 1<sup>st</sup> floor businesses. Directory signs are allowed. One square foot door signs are also allowed. The applicant will need a variance from the Zoning Board for this sign. Ms. Dorfman motioned to deny, Mr. Taintor seconded, and all members voted to deny the application.

3) Angie's – Replacement sign. The colors would be gold leaf and dark green. It would be the same as original design from when the restaurant first opened. Ms. Dorfman motioned, Mr. Fowler seconded. All voted in favor.

Mr. Taintor suggested adding a contingency to Lively Girls that historic colors will be used.

***Waterfront Use Applications:***

A Waterfront Use request was received from Dick Kaplan, Mr. Norton will forward on to Standard Parking. Dianne Eppa will have people contact Nat to reserve parking spaces in the future.

The C10 foundation submitted info to NRA as requested along with their insurance binder. Were also supposed to get back to NRA about the fence and police permission. They said the area would be entirely fenced in. Mr. Fowler was concerned about the potential of people sneaking in. The Custom House had previously asked for approval on the same day but the NRA had already given approval to Brew Fest. A member of C10 called Mr. Norton and said that they have had an extensive dialog with the Maritime Society. Has already agreed to conditions with them. Seems to be well coordinated between the two groups. Brew Fest is on the 1<sup>st</sup>, and the site will be cleaned on the 2<sup>nd</sup>. Mr. Fowler said that he was not prepared to vote w/o police department approval because of problems they had in the past. Police should weigh in on the event. Mr. Norton said that the NRA has already approved the application at a previous meeting and no conditions were made. Mr. Fowler will call police department to discuss the issue. He wanted to be sure they are aware and have no problem with it. Ms. Dorfman said that it is a tasting and the tickets only allow for (8) 4oz. pours which was a different policy than the past. Mr. Brennan said that they also limited the number of tickets. Mr. Fowler wanted to see proof that the Liquor Commission has approved a permit also. Ms. Dorfman said that in order to get insurance, permits must be presented. Mr. Fowler said that Tony Furnari does not have the time to erect the fence. He wanted to go on record that he was opposed. Mr. Taintor said that it was a condition of the approval to fence in the area, and use a ticket system, etc. as it was actually in the application. They included a check and a sketch of where they wanted 9 spaces. Mr. Norton would coordinate with Standard Parking and the C10 to get the additional funds. Mr. Fowler will also speak with Licensing Commission.

Mr. Norton will ask Dave Zinck to have a meeting to discuss the electrical situation and try to determine what belongs to whom.

***Correspondence:***

The NRA's CPA application was denied. Mr. Taintor thanked Mr. Norton for presenting the application.

An article in the Daily News on 6/30 noted the new configuration of the lot. Another article the week of 6/4 described the poor conditions of the ways to the water. The article appeared to be that the NRA is being critical to the Waterfront Trust but Mr. Norton assured him that was not what he said. The writer corrected this in a follow up article.

The Chamber is trying to arrange a meeting with the NRA and Waterfront Trust to get involved with plantings and to explain how to go about getting involved in the fundraising to pay for the flowers. The meeting is not scheduled yet.

Request for reserved space for band members. Will forward on to Standard Parking.

***Treasurer's Report:***

Tim Brennan prepared an YTD report. Current balance is \$34,119.74. Paying off line of credit has saved monthly mortgage payments. Future expense of \$25K to be expected to be paid to the Cecil Group. Mr. Norton said that he would remind Standard Parking that the need to increase their fee by \$16 for every deposit. Mr. Fowler motioned to approve, Ms. Dorfman seconded, all voted in favor of accepting the Treasurer's Report.

Cash receipts for the parking lot were handed out. Appears that on the 4<sup>th</sup> of July they left the rate at \$8 for the whole weekend. Mr. Norton would question Standard Parking about this. Mr. Fowler said that the reconfiguration seems to be working.

***DEP notice of non-compliance –***

The NRA had 60 days to respond but have not received info requested from DEP that could be turned over to an LSP. Carol Powers spoke with DEP, they assured her that they were backlogged but said that they had time. Carol's recommendation was that nothing was needed in writing stating that DEP would be giving the NRA more time to respond. NRA has been on notice, it was in the records, and it was just not received by the current members.

Mr. Taintor asked what role Carol Powers was playing. There is still a question over façade review. Mr. Norton said that Atty. Powers felt that the NRA may be better served by another attorney at this point since the park planning is starting. She would be backing off as lead counsel and would continue being available for historical references. All files have been indexed at her office.

***Parking Lot –***

Standard Parking news – Standard Parking has agreed to do placards for seniors. Friday collection hours allow them to charge on Fridays at 8am in the west lot, and 9am in the east lot. No enforcement for overnight parking. Mr. Fowler said that the NRA can give the police department permission to enforce overnight parking on the site. Mr. Norton would ask Richard Jones how it could be enforced. Mr. Brennan questioned how overnight parking could be enforced.

Four abandoned cars were already removed and two more are set to be towed.

Vendors – Mr. Fowler chased an ice cream truck out twice that had Maine plates. Mr. Norton suggested ask the police what else could be done.

Storage – haven't discussed w/ Standard Parking yet.

Mr. Norton reported a tragedy at Standard Parking. The Senior VP and his wife drown while on vacation. Prior to his untimely death he was arranging to offer the City free consultations on the parking plan.

Reconfiguration – had been done. Found a little extra space. Only 55' instead of 60' as required between lanes. Two additional spaces have been added near bathroom.

Weeding and mulching was completed and Joe Spaulding has been cut a check. Already weeds growing where the weed blocker was supposedly placed. Should come up with a plan to stay on top of things. A maintenance program and budget should be considered. Difficult to put in weed blocker after plantings were already done. Joe Spaulding submitted another proposal for the East Lot. The memorial has been cleaned up also. Mr. Spaulding submitted a \$1,400 quote. Mr. Norton suggests drawing on a survey or plan and letting him know what they want done in certain areas before getting quotes. Need to clarify needs prior to approving a quote. Waterfront mows most of the entire property. May be able to help out since NRA is taking care of a way to the water. Maybe Cousins' crew could come again to clean up the lots. Ms. Dorfman suggested using the chamber meeting to also discuss sharing of the responsibilities. Waterfront Trust has hired Charlie Nichols to oversee WFT lots. Want to discuss pooling resources and paid parking. Mr. Fowler will call Joe Spaulding to say they will be in touch with something in writing.

Handicapped parking signs don't exactly fit in front of the spaces after the reconfiguration. Tony Furnari said that he would have them moved. Dianne will research the number of handicapped spaces required for the lots.

Signage – Nat posted the signs, will pay Erford back next month. Rick will look into what signs are needed.

Policy for paying for reserved spaces – The NRA has negotiated with the Chamber, paid more than the daily rate but less than the turnover rate. Should come up with a policy. Huge value in reserving a space. Going through trouble marking off spaces, should be more than daily rate. On the other hand, brings in more people and increases revenue. Mr. Norton suggested stacking parking during Yankee Homecoming. Mr. Taintor suggested figuring out the cost in the multiplier basis and waiving the City's share. Mr. Norton said that a similar occurrence happened last year. (ex – an \$8 space x 2 multiplier – NRA's share = \$5, same as last year.) Then would need to determine who gets charged. Maybe private fundraisers should be charged the multiplier rate. Chamber events and Yankee Homecoming the NRA is willing to work with. For these few requests, will allow donation of NRA's share. Will write out a policy for next year.

### ***Park Planning –***

Stakeholders meeting tomorrow. Ann Ormand will not attend. Bill Harris, Nancy Colbert, Jay and Cliff of the sculpture park, would attend. Ann Lagasse was aware of the meeting but Mr. Taintor was not sure if she was attending. Bob Cronin of the Water Commission told Mr. Brennan he would also be in attendance.

On their behalf, Mr. Harris requested that the SEED barbeque be allowed to be held on the Custom House lawn for bicyclists. Maritime Society is OK with the use. Mr. Norton suggested allowing the Maritime Society to have the authority to approve the use of the lawn that they are maintaining. Any other use of the parking lot would require the regular application. Will discuss at the next regular meeting. Ms. Dorfman questioned whether liability insurance would be required. Agree that Maritime Society is sponsoring the event and must be covered under their insurance. Mr. Brennan seconded. All in favor. Form should be updated.

Dominique Dear submitted historical documents to members referring to the Urban Renewal Plan.

The meeting adjourned at 9:20 PM.

Sincerely,

Dianne Eppa  
Note Taker