

**Newburyport Redevelopment Authority**  
City Hall Auditorium  
April 24, 2013  
Minutes

**1. Call to Order**

A regular meeting of the Newburyport Redevelopment Authority was called to order at 7:10 p.m. by Chair Tom Salemi.

**2. Roll Call**

In attendance were members Tom Salemi, Patty Dorfman and Adam Guild. Carol Powers was also in attendance.

**3. Reading of Mission Statement**

Patty Dorman read the mission statement.

**4. Minutes**

The approval of the minutes of the February 28, 2013 meeting was tabled until the May 22 meeting.

Adam Guild moved to approve the minutes of the March 14, 2013 meeting as submitted. Tom Salemi seconded the motion. The motion unanimously approved.

**5. Clipper City Rail Trail Phase II**

Geordie Vining presented the revised plans for the terminus of the Rail Trail at the boardwalk. In the previous proposal the transition was accomplished with a granite planter and brick plaza at the end of the Custom House lawn. It is now proposed that the trail cross Custom House Way and continue into the NRA parking lot. The Waterfront Trust, Historical Commission and Maritime Society have approved the revision. Patty Dorfman moved to approve the revised preliminary plan for the terminus of the Rail Trail. Adam Guild seconded the motion. The motion was unanimously approved.

**6. RFP Status Report**

**Legal Items**

Carol Powers said that while more work remains to be done on the RFP, progress has been made. She has been working Andy Port and Barry Abramson on the RFP and with the special council on 30B compliance. Tom Salemi noted the document under which the firm of Anderson and Krieger was hired to assist with the RFP has not yet been signed.

**Regulatory Items**

Carol Powers said there is an assumption that when the waterfront project has been completed the NRA will go out of business and the land under its control will be deeded to the City and then to the Waterfront Trust. The NRA owns land that is underwater, beyond the boardwalk. This would be considered at the conclusion of the park development. There are two main statutory requirements for dissolution. One is a vote for dissolution that would be approved by the City. The second is the closeout process,

which is the same as would be followed for a corporation. The dismembering of the NRA would take place over a three-year period.

### **Zoning and Planning Items**

Carol Powers said statutory compliance issues would not receive much attention until the plan is more complete.

### **Construction, Environmental & Geotech Items**

Adam Guild said the contract with GZA for the borings has been reviewed by Carol Powers and is ready to be signed. In order that the NRA might be fully reimbursed for the work, the borings will not be done until after an application to Mass Development has been reviewed and signed.

### **7. Plan by Citizens for an Open Waterfront**

Tom Salemi said the alternate plan for the waterfront by the Citizens for an Open Waterfront has been completed and will be presented at the public library on April 25 at 7:00 p.m. He had invited the group to present its plan to the NRA at tonight's meeting. He said because the proposed plan involves public land, he believes it is best presented in a posted public meeting. He extended an invitation to COW to present its plan at the May 22 meeting.

### **8. Treasurer's Report**

Adam Guild said the balance in the checking account is \$4,579.80 and the balance in the money market account is \$181,630.91. He said a check dated April 1 in the amount of \$250 was received from Not Your Average Joe's for dumpster rent.

Patty Dorfman moved to approve an invoice dated April 13 from Barry Abramson in the amount of \$3,650 for 18.25 hours of work from February to mid April. Tom Salemi seconded the motion. The motion was unanimously approved.

Patty Dorfman moved to approve a payment to National Grid in the amount of \$177.33 for service between February 22 and March 22. Tom Salemi seconded the motion. The motion was unanimously approved.

Patty Dorfman moved to approve a payment to W. B. Mason in the amount of \$1,598.00 for filing cabinets. Tom Salemi seconded the motion. The cabinets will be placed in City Hall and will be used for the documents that were previously stored by Carol Powers. The motion was unanimously approved.

Patty Dorfman moved to approve a payment in the amount of \$150 for minute taking for the April 24 meeting. Tom Salemi seconded the motion. The motion was unanimously approved.

## **9. New Business**

### **Waterfront Trust / NRA Boundary Survey**

Doug Locy said the Waterfront Trust is close to finalizing the survey. He said Everett Chandler must have authorization from the NRA conveying a triangle of land on Ferry Wharf Way in order to add the information to the survey. Carol Powers said Ferry Wharf Way was one of the ways required by the stipulation but has not yet been located on the ground. The deed description did not indicate that the way extends to the street, which left a triangular piece between the building and the way. The way should be widened to include the triangle. Ms. Powers said she wants to have the title background and a plan reference before the NRA votes to convey the land. She said one concern might be that the widening of the way could potentially result in it becoming a public way that could support buildings. She also said that she does not like to convey property that does not have to be conveyed, although the triangle appears to be a negligible piece of land. She said before she could make a recommendation, a draft deed and plan reference would be needed.

Bill Harris said the land should have been conveyed in 2005 and the NRA has a limited life, which is not the case for the Waterfront Trust. He is concerned the triangle would become a “no mans land” that would be taken out of public use and absorbed by the abutter. He also said if the way were to be widened, there would be more flexibility in retaining the required view of the water. It would also allow the Waterfront Trust to decide at some time in the future if one-way traffic might be allowed on the way. Carol Powers said she must determine from the surveyor that the title records support the ownership of the land by the NRA. The NRA might vote that the land be conveyed at a subsequent time but she recommended that this not be done in the abstract. She will work with the surveyor to prepare a plan on which the NRA might base its vote. She intends to make a recommendation at the next meeting. It might be possible for the land to be conveyed directly to the Trust rather than first being conveyed to the City.

## **10. Custom House Deed Restriction**

Greg Colling, chair of the building committee for the Custom House Maritime Museum, said the NRA, which is the leaseholder on the property, must sign a preservation restriction for the Custom House in order for a \$40,000 grant from the Massachusetts Historical Commission to be received. Two facades of the structure are being re-pointed and the ferric metal, which breaks up the stone, are being removed. After this work has been completed, the observatory is to be re-roofed. A deed restriction was recorded in 2003 but as it was never signed by the NRA or reviewed by MHC, it is invalid. The document must now be amended.

Carol Powers asked for a copy of the deed restriction. She said she had been asked last year to give an opinion letter as a part of the restriction process. In it she wrote indicated that the Custom House could be made the subject of a preservation restriction either through the ratification of the existing agreement that is signed by the NRA and MHC or a new preservation restriction agreement with the prior agreement subordinated to it. She does not believe the prior restriction to be completely void and she therefore will prepare a subordination agreement. The authorization letter, preservation restriction and subordination agreement would be delivered in escrow, requiring all three to be

recorded together. Adam Guild moved to authorize Tom Salemi to sign the authorization form, the preservation restriction and the subordination agreement. Tom Salemi seconded the motion. The motion was unanimously approved.

#### **11. Correspondence**

Tom Salemi said the following items were received:

- an invitation from the Citizens for an Open Waterfront to the presentation of its plan at the public library on April 25 at 7:00 p.m.
- a letter from Tom Freund about the Union Studio plan and the approach of the NRA to the development of the waterfront.
- a letter indicating a book would be donated on the behalf of the NRA in recognition of the presentation he and Patty Dorfman made to the Rotary.
- a letter from Wolfe Associates regarding the concerns raised by the Citizens for an Open Waterfront about the open meeting laws. Carol Powers will respond that no violations have occurred. She will distribute a manual prepared by the Office of the Attorney General to the NRA members.
- the Officers and Directors Liability Insurance Policy
- the Workers' Compensation insurance related to the work on the Custom House
- the annual report prepared by the Waterfront Trust

#### **12. Public Comment**

Mary Carrier, 4 Rawson Hill Road, asked if members plan to attend the Citizens for an Open Waterfront presentation on its alternative plan for the waterfront. She said it would be a good idea to have the plan presented to the NRA. Adam Guild said he plans to attend the presentation.

Dave McFarland, 48 Warren Street, asked about which flood zone the waterfront is in. Andy Port will email him the FEMA maps.

Gillian Chatfield, 67 Federal Street, asked if the height and footprint of the proposed buildings might be delineated in order that a better understanding could be gained about the visual impacts of the project. Patty Dorfman said the NRA is engaged in a process and has as of yet only approved a concept for the development. The conceptual plan would be used for developing a responsible and marketable RFP. The size of the structures has not yet been determined. Their height would not exceed that allowed by the City's building code. The geotechnical survey would determine the feasibility of including condos in the development and the number of condos that might be possible. More information on the size and height of the buildings will be presented as the process moves forward.

Peter Fitzsimmons, 7 Arlington Street, asked about a State law that would require 25% of the units to be affordable. Andy Port clarified that 40b permits would supercede local zoning ordinances provided that long-term affordability restrictions are placed on 20-25% of the units.

**13. Adjournment**

Patty Dorfman moved to adjourn the meeting at 8:25 p.m. Adam Guild seconded the motion. The motion was unanimously approved.