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**Minutes of the Newburyport Parks Commission**  
**Joint Meeting with Commission on Disabilities (two items)**  
**October 20, 2022**  
*Zoom meeting*

Call to order: 6:00 p.m.

A quorum was present

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

Also in attendance: Parks Manager Mike Hennessey, Manager of Special Projects Kim Turner, Co-Chair of COD Kristen Farrell, Co-Chair of COD Lisa Rowan, COD Commissioner Sophie Korpics, COD Commissioner Omni Raimo, COD Commissioner Debbie Campbell, COD Commissioner Jacob Majahad, Planning Director Andy Port, Senior Project Manager Geordie Vining, Colin Boutin, Will Conroy, Robert Watts, Paula Katkin, Karen Claggett, Stewart Lytle, Leslie Eckholdt, Anita Greenwood, James Jones

**MEETING MINUTES APPROVAL**

**Motion by Commissioner Swindlehurst to approve the minutes of the September 29 Parks Commission meeting, seconded by Commissioner Whelan. So voted on a unanimous roll call vote.**

**NEW BUSINESS**

*Bartlet Mall inclusive playground—ME O'Brien & Sons (Colin Boutin & Kim Turner)*

Ted Boretti introduced Colin Boutin from ME O'Brien & Sons, the playground designer. Colin stated there is a big push for inclusivity in playgrounds around the country. He said it is important that inclusive structures are incorporated throughout a playground, to support a wide range of abilities, rather than separate features for different age groups and abilities that are segregated apart from one another. Such playgrounds will invite children with different abilities to visit the playground and socialize with one another. The design he presented includes two spinners, one that is wheelchair accessible, and one that allows for transition out of a wheeled device. It also includes a structure with accessible ramping that incorporates multiple sensory panels with visual, tactile and auditory elements. Other elements include swings, climbing structures, and a roller slide that has a transition bench at the bottom to allow children to exit the equipment at their own pace. Commissioner Swindlehurst stated this is the first time the Commission has seen this equipment schedule and asked if the COD had seen it prior. COD Co-Chair Farrell stated they were involved 2 years ago, and that members are familiar with these pieces of equipment. PC Chair Boretti asked if the COD was happy with the design and equipment. COD Commissioner Rowan stated that she is excited about this playground. COD Co-Chair Farrell said she thought the design was well thought out and far more engaging and exciting than previous iterations of

the plan from years prior. She also believes this is compelling visually and suitable for the prominent corner of Auburn and High Streets. PC Commissioner Ellsworth asked about the orientation of the playground. Answer: basketball court to the left in the plan. PC Commissioner Ellsworth asked if the grant money covers the cost of the playground. Answer: yes. PC Commissioner Ellsworth asked what will happen to the old equipment. Answer: while you can offer up old equipment to other locations, there is inherent risk in damaging equipment as it is being removed. This equipment is old and recommended to be disposed of. PC Commissioner Ellsworth asked who will remove it. Answer: DPS/Parks. PC Commissioner Ellsworth asked about the warrantee. Answer: Landscape Structures has one of the best warrantees in the industry. Posts and non-moveable pieces are guaranteed for 100 years, and moveable pieces for 5-10 years. COD Co-Chair Farrell asked what the poured in place surface will abut and how it weathers in NE. Answer: with proper preparation, it will withstand New England weather very well. There have not been issues in other parts of the country with harsh climates, nor in New England. Poured in place surfacing is permeable so it will not puddle. The playground is adjacent to the basketball court so there will be smooth access onto the playground. COD Co-Chair Farrell asked if there will be fencing. Answer: yes. COD Commissioner Raimo asked if there will be any communication boards. Answer: Can provide a communication board that is custom, based on the needs of the City. PC Commissioner Swindlehurst asked what a vote would mean. Answer: suggest that each commission take their vote separately. The Parks Commission is jurisdictional over the park so a positive vote would mean that the installation of the equipment can go out to bid. The equipment does not need to go to bid, because it is nationally approved from a procurement standpoint. PC Commissioner Swindlehurst asked when can it be installed. Answer: next season. PC Commissioner Griffin stated he thought this was a wonderful scheme, needs fence and to be level with the basketball court, and is excited about it. PC Chair Boretti asked how this project fits within the larger Bartlet Mall restoration project. Answer: number of projects happening including frog pond cleanup, NW corner, fountain restoration. This playground installation, due to the extent of its footprint, won't impact the other work. Bob Watts asked if there will be benches. Answer: yes, that is part of the overall NW corner project, which includes extension of the promenade and grading work from Auburn St to the pond. Question on chat: is this the color scheme? Answer: there are many color options. PC Chair Boretti asked about the Rotary Club donation. MSP Turner stated that the Rotary Club approached City because they are entering their 100-year anniversary and want to donate an accessible piece of equipment to a playground within the City. Turner suggested Bartlet because the grant received by LWCF is a match grant, so their dollars would go further. The Club will approach the Parks Commission at a future agenda in order to determine how to memorialize the donation. **Motion by Commissioner Swindlehurst to approve the design of the Bartlet Mall inclusive playground as presented, seconded by Commissioner Griffin. So voted on a unanimous roll call vote. Motion by Commissioner Rowan to accept the plan as presented, seconded by Commissioner Majahad. So voted on a unanimous roll call vote.**

*Lower Atkinson inclusive playground—ME O'Brien & Sons (Colin Boutin & Kim Turner)*

Colin Boutin presented the project: looking to find balance of inclusivity without separating and segregating equipment into categories of ages and abilities. This project has more space and a larger budget. The design includes a structure for 2 to 5 year-olds, a large spinner, a baseball park theme with baseball shades, poured in place surface, a ramping structure with play panels, two climbers, two slides—one roller and one double slide. PC Chair Boretti welcomed the COD to comment. COD Co-Chair Farrell asked where the playground was within the park. Answer: would be relocated from Merrimac Street to an internal location between the two lower baseball diamonds, behind the clubhouse. Baseball netting would be installed 15' tall to protect kids from fly balls, as well as fencing around the playground. COD Co-Chair Rowan stated she thought this was an excellent design. PC Commissioner Ellsworth asked if it was fully funded. Answer: yes, \$525K of CPC funding, which will cover the

playground, surface, screen, fence, and site work. PC Commissioner Ellsworth asked if this is close to the drainage issues. Answer: working with City Engineer to remedy stormwater issues in the park. All stakeholders including Community Action, Pioneer League, and abutters have been involved. PC Commissioner Ellsworth stated he does not like the baseball shades. Response: baseball shades can be removed. COD Co-Chair Farrell agrees the baseball shades are large. Response: can make baseballs smaller or remove them. PC Commissioner Whelan asked if the spinners can be painted like baseballs. Answer: they are molded, so may not be able to. COD Co-Chair Rowan asked if there are lots of houses that will see this. Answer: some along Merrimac Street. PC Commissioner Ellsworth would like to tone down the baseball shades or have just one. PC Commissioner Griffin asked if the narrowness of the playground, with fencing around it will feel claustrophobic. Answer: Community Action will require fencing, which will be low (4' ht.) so shouldn't feel invasive. **Motion by Commissioner Ellsworth to approve the design of the Lower Atkinson inclusive playground as presented with consideration for removing or reducing the baseball shades, seconded by Commissioner Griffin. So voted on a unanimous roll call vote. Motion by Commissioner Rowan to accept the plan as presented, seconded by Commissioner Majahad. So voted on a unanimous roll call vote.**

*PARC Grant acceptance for Market Landing park— (Andy Port)*

Chair Boretti introduced the request to accept the grant and sign it. Planning Director Port presented the request, which is an agreement with the State, to ensure the land will always be used as a park, and will ensure access for public. This is a standard request from the State for grants like these that the Parks Commission and Mayor must sign and accept. This grant is a \$400K grant for Phase 1 of Market Landing Park. Two copies will be made available for a majority of the Commission to sign at the Planning Office counter. Commissioner Swindlehurst asked what parcel this was related to. Director Port showed a visual of the overall waterfront park. Phase one includes the shared use path, the two green wings with associated plazas and new walkways from Merrimac Street to the waterfront. Parking areas and visitor's center will be deferred to a later date. Commissioner Swindlehurst stated that none of this is under the jurisdiction of the Parks Commission. Response: correct, PC does not have jurisdiction but City Council does. This agreement is about recognizing this area as a park by the Mayor and the PC. PC is not gaining jurisdiction over this area by signing the agreement. Commissioner Swindlehurst asked if the Mayor is signing the agreement as well. Answer: yes. Commissioner Swindlehurst asked when signatures are needed. Answer: by next Friday. **Motion by Commissioner Griffin to accept the grant document and sign by next Friday as requested by Director Port, seconded by Commissioner Ellsworth. So voted on a unanimous roll call vote.**

*Bench policy— (Mike Hennessey)*

Chair Boretti stated there is a request for a more formal policy for memorial benches. Parks Manager Hennessey suggested that tonight's discussion is to formulate a policy that can be brought before the Commission at a later date for a vote. He is looking for input on what he drafted for the packet. Manager Hennessey stated that many of the older benches in the City are starting to show significant wear and minor rot, and he is receiving calls from people who have sponsored these benches to ask the City to renovate them. The Department does not have the budget nor capacity to restore these benches. Hennessey feels the plaques should be 2"x10" composite metal with a limited menu of simple wording selections including 'in loving memory of', 'in memory of' or 'in honor of'. The next line would list the name, and the final line would list the dedication year, so the City can track it along a timeline. Most benches that are about 10 years old are now in need of renovations. Manager Hennessey suggests charging \$3000 for a bench that may be leased for 10 years. The bench would still be owned by the City, but the plaque would belong to the sponsor. After 10 years, the sponsor may renew the agreement for a similar sum of money, in order to allow renovations to occur, and if denied, the City could lease it to

someone else. Commissioner Swindlehurst stated there is a lack of opportunity for benches in the City. Manager Hennessey stated the Department is putting together an inventory. He said there is a question as to what to do with current benches since there are no records. He suggests letting existing bench owners renew under the new bench policy, and if they do not wish to do so, then current bench owners may take their bench off City property, so the City has the ability to purchase a new one under this new policy. Commissioner Ellsworth asked if we can even find these people. Manager Hennessey said there is one bench in Market Sq for a business that no longer exists. Commissioner Swindlehurst suggested the Department complete the inventory first so we can size the problem. He feels we should not grandfather people in, since there is no agreement, but instead, give thoughtful consideration as to how long the current 'owners' of the benches may keep them, and eventually they will phase out. Chair Boretti suggested the Commission continue to work on the policy to be approved soon, after the inventory is completed, and then come up with a solution for existing benches. Manager Hennessey said that Commissioner Swindlehurst emailed policies from other Cities to consider, and those policies included how to deal with vandalism and theft. Chair Boretti said he likes the standard plaque idea with a date, and that perhaps the price can change after 10 years. Commissioner Whelan asked if Manager Hennessey can categorize the bench timeline based on the material it is made out of. Answer: yes. Chair Boretti said the inventory should help with this. Commissioner Ellsworth said he agrees with the plan, and to size the problem first, and suggests rating the benches condition based on a sliding scale. Chair Boretti asked when the inventory will be completed. Answer: will try to get that information and a draft ready for the November meeting. Question from the chat: would this apply to stones with inscriptions on them. Answer: this is for benches, not stones. **No action was taken.**

## **OLD BUSINESS**

### *March's Hill— Powderhorn LLC (Will Conroy & Kim Turner)*

Chair Boretti introduced the item as an informational session in which Powderhorn LLC would be presenting the current conditions and recommendations at March's Hill. Will Conroy provided his background and stated that he would be giving an outside perspective on the current conditions and recommendations. Site analysis: showed topographic map and survey by the Parks Department. Existing hiking trails, also some new biking trails in recent years. Soils are entirely classified 'Gravel Pit' meaning previous industrial use, not a pristine environment. Zoning is Agricultural/Conservation and Demo Control overlay—areas that were previously industrial, now open for public recreation and agriculture. Current site status: since pandemic, increased use by bikers who asked if they could build informal facilities, not uncommon in New England. Grassroots of mountain biking. Not detrimental because mostly natural surface but can lead to questions about who controls it and how to manage it, and also might cause concern from stakeholders and abutters. Question is how to meet the needs of all these groups. Three goals: how to create something safe, fun & sustainable. Objectives: facility is built to industry standards, maximizes offerings, is sustainable environmentally, functionally and communally, community (users, City and abutters) is behind the project. Most successful projects occur when all parties involved are engaged, want to maintain the facility, and want it to succeed. Possible solutions for March's Hill: install a barrier between the existing area and abutters (manmade or vegetative), adjust or remove current zone that is closest to the residential lots to reduce conflict, combination of both of these. Recommendations on process: look at goals of each of the parties and involve all of them during public input sessions, lay out goals and how to move forward together, then create a design, determine costs and how to execute project. Chair Boretti thanked Will for the presentation and asked for questions. Commissioner Ellsworth asked if the images in the report that show parks in open areas was intentional for safety and line of sight, and if there are other parks in woods. Also asked if biking could be relocated across the rail trail along the power lines. Answer: that land is owned by the utility

company, can't be used because ROW of high-tension power lines. Used the open photographs because they are better images to show projects, but facilities can be put in woods, would need minor clearing of smaller trees and brush. Commissioner Ellsworth asked if this location is a viable location for trails. Answer: yes, more surveying needed, shade is good for natural surface trails to prevent degradation of trails. Commissioner Ellsworth asked what is the opinion on current state of trails? Answer: complicated question because it is a user-built facility, has seen better and worse. Some of the construction methods (dirt on brush with sticks and stones) is not sustainable. Mountain biking has inherent risk, but there are things that can be changed to make it safer. Gap jumps can be filled in with safer material. However, when you get to a certain difficulty level, you want it to appear dangerous to prevent unqualified users from attempting the jumps. Commissioner Whelan asked for clarification on whether the 'red zone' shown on the map could be shut down and moved to yellow, or second option to keep red zone and add yellow zone. Answer: correct, yellow area currently does not have any trails. Commissioner Whelan: curious how abutters would feel about moving trails further away from their property and if this area would be safer. Commissioner Swindlehurst asked how many communities Powderhorn has engaged. Answer: installed 3 or 4, but has done this type of consulting and feasibility studies for more than 10 communities and is discussing projects in Arlington and Salem. Is also currently working on project in Pittsfield. This is something that is trending in communities since the pandemic. Commissioner Swindlehurst: site is remote, what have you learned about how to supervise projects like this? Answer: most successful facilities are when large community is involved, including a local bike club or shop, and user involvement, who will want to maintain and protect the trails. Best practice to involve all the parties. Supervision and oversight are not possible for most municipalities. Commissioner Swindlehurst: correctly characterized the 3 groups and natural tension among them, how can these three groups resolve tensions? Answer: with different levels of success, compromise is important. All groups have legitimate issues. Can't speak to specifics of history of this project, but can find a solution that serves all users needs. The positive is that these facilities have natural surface, so can remediate without great expense. Chair Boretti: there are other areas in Newburyport where this activity is occurring, March's Hill is the only place where bikers asked for permission. How do we know this is the best area for this activity? Should we execute a feasibility study to look at other locations? Is this location too remote for access? Commissioner Ellsworth: need to do our due diligence to look at other sites, but doubts it will eliminate the use at March's Hill as one location. Manager Hennessey: neighbors asked for a feasibility study. Paula Katkin: Coffins Court neighbor, concerned about access and need for parking, does not want parking on Coffins Court because it's too narrow. Also witnessed a motor bike drive from High St, down March's Hill to trails, concerned about supervision. Kids are not self-policing the trails, they are unsafe. City needs to take ownership. Karen Claggett: Coffins Court, thanks the City for having someone come and do a report and open up the issue. Supports the idea of a feasibility study to look at other areas. Concerned about parking. Chair Boretti suggested the Commission/City conduct a feasibility study of other locations to determine next steps. **No action was taken.**

#### *CPC application consideration— (Kim Turner)*

Ted Boretti reminded the Commission that the CPC applications are due Dec 16. MSP Turner stated that the Commission asked the Administration to provide a list of candidates for CPC during their last meeting. Parks Manager Hennessey and MSP Turner began with the list created by the Parks Commission two years ago, added in requested information including population served, historical asset, safety concerns, resiliency, etc. and then highlighted top priorities. City is anticipating upwards of \$1M in CPA funds this year. Introduced Senior Project Manager Geordie Vining who had another project for consideration that is not a parks project. Vining introduced the I-95 corridor project which is a Planning project. 50 acre property that is 1 mile long and 40' wide, along interstate from Story Ave to Hale St. Former interstate, was abandoned when interstate was rebuilt adjacent to it, land given to the

City. Informally used as recreational area, volunteers have put in effort to clean it up. Part of coastal trails network which passes through 4 towns. CPC application would be to pay for a feasibility study to look at how to make it more accessible, functional and inviting. Chair Boretti thanked Geordie for presentation. MSP Turner reminded that applications due Dec 16, so direction from the PC on which projects are priorities are welcome. Commissioner Ellsworth: paving of Atkinson tennis is a priority. Response: should be funded in full by Morrill's. Commissioner Ellsworth: Atkinson rock tower and coping around the lily pond are a priorities for him. Chair Boretti: agrees. Also, Cushing park has been neglected. Commissioner Whelan: Atkinson tower is a big undertaking and is an historical asset, but how useful is it? Commissioner Ellsworth: not much money has gone into it since 1930. Chair Boretti: if the tower was restored, people would love and use it. Commissioner Ellsworth: fundraisers could be hosted there if it was restored. Manager Hennessey: what is the City's ADA responsibility for the tower? Can we get a waiver or is it necessary? Commissioner Ellsworth: similar to a lighthouse, would fall into category where ADA compliance not a necessity. Commissioner Ellsworth: Skateboard park is a priority for him. MSP Turner: that is being funded from free cash. Chair Boretti: Inn Street which is used by many people should be at the top of the list. Commissioner Ellsworth: how bad is it? Manager Hennessey: bad, people trip there all the time, would like to see granite steps repaired, would like to see it on a high priority list. Moseley should be high as well because it's one of the gateways to the city. Chair Boretti: is Moseley that bad? Manager Hennessey: it's an opportunity to make it beautiful. Commissioner Ellsworth: multi-sport court at Lower Atkinson should be a priority. MSP Turner: between the Morrill's and a private donor, we should have most if not all of the funding to complete the project. MSP Turner: Brown Square should be a priority. Chair Boretti: agree, need to get rid of the wood decking. Manager Hennessey: Department will remove the decking before winter. Commissioner Ellsworth: did Mission Oak use it this year? MSP Turner: no, they applied for a parklet out front of their building, in the street. Chair Boretti: trying to balance historic assets and smaller, more neglected assets. How many people use Woodman? MSP Turner: \$50K would make the playground more accessible. Chair Boretti: do we have any objections to what has been prioritized? Would add Cushing. MSP Turner: what would you do at Cushing? Chair Boretti: talk about redoing the playground? Testing the turf on the parking lot. Manager Hennessey: there are higher priorities than to rip up asphalt and experiment with reinforced lawn, would rather try that at Moseley where cars are already parking on lawn. Would take Cushing parking off the list. Commissioner Whelan: talk of adding fence at rear of Moseley. Manager Hennessey: that area is Water Dept land. Commissioner Whelan: thought we were having special meeting to talk about priorities? MSP Turner: that meeting is for the strategic plan, different from this. Commissioner Whelan: concerned about making decisions without Swindlehurst and Griffin in attendance (they left the meeting during this agenda item). Manager Hennessey: can we start with 2-3 now? Answer: yes, start with 2-3 now, maybe add 2-3 in November. Commissioner Ellsworth: can we add a feasibility study for bike park? Chair Boretti: great addition. Inn St, Atkinson, bike feasibility study, wall for Moseley, fit court? MSP Turner: no location identified yet for fit court. Chair Boretti: Can Inn St and Patrick Tracy Square repaving and LED lighting be combined? MSP Turner: City electrician trying to renovate light posts with LED fixtures, and is requesting the Commission try to get funding from CPC for parks lights. Manager Hennessey: there is a million dollars in funding, ask for as much as we can. MSP Turner: clarified the list to include Atkinson tower and lily pond, Woodman accessibility, Inn St/Patrick Tracy Square paving and LED lighting, Brown Square renovation, bike facility feasibility study. Chair Boretti: should we add Moseley Woods? Commissioner Whelan: why not? Chair Boretti: should we add Fuller Field irrigation? MSP Turner: we should have Morrill funding for that, not sure if CPC would approve it. Anita Greenwood: High St, thank the Commission for the use of Cashman Park for pickleball, it has been wonderful. The court at Cashman needs repairing, urges the Commission to prioritize this project for CPC funding. They are fundraising for this project and can contribute. James Jones: echo Anita's comments, Cashman is a good location for a growing pickleball community. Recent quotes show that

they can commit to contributing financially the majority of the funding for the tennis court resurfacing, so Commission could ask for CPC funding for the basketball court. Encourages the Commission to prioritize this project. Commissioner Ellsworth: can we add this to the priority list? Chair Boretti: didn't hear any complaints this year for pickleball at Cashman. Let's add it to the list. MSP Turner: are we adding Moseley? Commissioner Ellsworth: leave it off for now. Manager Hennessey: there is a million dollars on the table, if you don't make a request, you won't get it. Chair Boretti: should be we more aggressive? Answer: yes. **Motion by Commissioner Ellsworth to accept the list of CPC candidates as discussed [Atkinson tower and lily pond coping, Cashman tennis and basketball resurfacing, Woodman playground accessibility and edging, Inn St/Patrick Tracy Square paving repair and LED lighting, Moseley entrance, Brown Square restoration, bike facility feasibility study], seconded by Commissioner Whelan. So voted on a unanimous roll call vote.**

**Motion to adjourn by Commissioner Ellsworth, seconded by Commissioner Whelan. So voted on a unanimous roll call vote.**

*Adjourned 8:43 p.m.*