

**CITY COUNCIL MEETING AGENDA - VERSION 1**

**CITY COUNCIL CHAMBERS**

**JULY 15, 2019**

**7:30PM**

**(Sound Check)**

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**
- 6. MAYOR'S COMMENT**

**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.

**7. APPROVAL OF MINUTES**

- June 24, 2019

(Approve)

**8. TRANSFERS**

- NONE

**9. COMMUNICATIONS**

- COMM164\_07\_15\_19 Coast to the Cure Bike Ride - 9/14/2019 (PS)
- COMM165\_07\_15\_19 Memo re: Apptmnt of Members to Charter Review Spec Comm (R&F)
- COMM166\_07\_15\_19 Ltr re: Blood Drive to Benefit Ellie Bauer (PS)
- COMM172\_07\_15\_19 Whittier Vo Tech 2019-2020 Gross Budget (R&F)

**10. APPOINTMENTS**

**Re-Appointment, to be referred to Budget & Finance**

- APPT114\_07\_15\_19 Julie Languirand 13 Cushing St, Salisbury Treasurer/Collector 8/1/2022

**Re-Appointment, to be referred to Planning & Development**

- APPT115\_07\_15\_19 Mark Moore 67 Curzon Mill Rd ZBA 8/1/2024

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA:

**Budget & Finance**

- ORDR007\_01\_29\_18 41C Amendment
- ORDR091\_03\_11\_19 41C-1/2 Ballot Question (COTW)
- ORDR092\_03\_11\_19 41C-1/2 Adjustments (COTW)
- ODNC034\_05\_13\_19 Amendment to Salary of Elected Officials

**Neighborhoods and City Services**

- ODNC028\_11\_26\_18 Parks & Recreation Fees

#### Public Utilities

- Pole Hearing - Malcolm Hoyt Drive

### END OF CONSENT AGENDA REGULAR AGENDA

#### 11. MAYOR'S UPDATE

#### 12. TRANSFERS

- TRAN063EP\_07\_15\_19 Emergency Preamble for Health Ins \$20K to Fire OT \$20K
- TRAN063\_07\_15\_19 Health Insurance \$20K to Fire Overtime \$20K
- TRAN064EP\_07\_15\_19 Emergency Preamble for Pd Prk Fund \$15,174.10 to Prk PT Enforcement Officers \$15,174.10
- TRAN064\_07\_15\_19 Pd Prk Fund \$15,174.10 to Prk PT Enforcement Officers \$15,174.10

#### 13. COMMUNICATIONS

- COMM167EP\_07\_15\_19 Emergency Preamble for Misselwood Concours D'Elegance Show - 7/20/19
- COMM167\_07\_15\_19 Misselwood Concours D'Elegance Show - 7/20/19
- COMM168EP\_07\_15\_19 Emergency Preamble for Slow Bike Race - 7/31/19
- COMM168\_07\_15\_19 Slow Bike Race - 7/31/19
- COMM169EP\_07\_15\_19 Emergency Preamble for Block Party - Jackson Street - 8/3/19
- COMM169\_07\_15\_19 Block Party - Jackson Street - 8/3/19
- COMM170EP\_07\_15\_19 Emergency Preamble for Block Party - 54th Street - 8/10/19
- COMM170\_07\_15\_19 Block Party - 54th Street - 8/10/19
- COMM171EP\_07\_15\_19 Emergency Preamble for Block Party - Congress Street - 8/3/19
- COMM171\_07\_15\_19 Block Party - Congress Street - 8/3/19

#### 14. APPOINTMENTS

Second Reading					
•	APPT105_06_24_19	Chris Czernik	32 Water St #7	Council on Aging	5/31/2024
•	APPT106_06_24_19	Andrew Soracco	33 Middle St	Tree Commission	7/1/2022
•	APPT112_06_24_19	Patricia Peknik	4 Dove St	Historic Comm	7/31/2021

Re-Appointments					
•	APPT107_06_24_19	Jennifer Groskin	11 Myrtle Ave	Human Rights Comm	7/1/2022
•	APPT110_06_24_19	Sheila J. Trieff	11 Shandel Dr	Human Rights Comm	7/1/2022

#### 15. ORDERS

- ORDR109\_05\_13\_19 Acceptance of Chapter 32, Section 12(2)(d) *Confirmatory*
- ORDR132\_07\_15\_19 CPC FY2020 Recommended Appropriations
- ORDR133\_07\_15\_19 Restricted Parking - M Street

#### 16. ORDINANCES

- ODNC030\_03\_25\_19 Zoning - Amend Article XXVII Downtown Overlay District (**2<sup>nd</sup> Reading**)
- ODNC031\_03\_25\_19 Regulation of the Use of Pesticides (**2<sup>nd</sup> Reading**)
- ODNC038\_07\_15\_19 Zoning Amendment - Waterfront West Overlay District

## 17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

### Budget & Finance

#### *In Committee:*

- ORDR007 01 29 18 41C Amendment
- COMM112\_02\_11\_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- ORDR091 03 11 19 41C-1/2 Ballot Question (COTW)
- ORDR092 03 11 19 41C-1/2 Adjustments (COTW)
- COMM120\_03\_11\_19 Central Congregational Grant Award Letter
- ODNC034 05 13 19 Amendment to Salary of Elected Officials
- ORDR119\_06\_10\_19 Bond Order - Streets and Sidewalks \$10M
- ORDR128\_06\_24\_19 CPC Amendment to FY18 Projects

### Education

#### *In Committee:*

- 

### General Government

#### *In Committee:*

- COMM139 04 08 19 Communication from Kopelman & Paige re: Closed Legal Matters
- ODNC036 06 10 19 Recording of Planning Board and ZBA Meetings
- ORDR130 06 24 19 City Clerk Contract 2019-2022 (COTW)
- ORDR131 06 24 19 Resolution re: Cultural District
- ODNC037\_06\_24\_19 Ordinance regarding City Solicitor Appointment and Duties

### License & Permits

#### *In Committee:*

- COMM029\_04\_30\_18 Outdoor Seating – West Row Café
- COMM104\_01\_14\_19 Seacoast Taxi - Application by Richard Hewlett for 2019

### Neighborhoods and City Services

#### *In Committee:*

- ORDR048\_06\_13\_16 Sidewalk Order
- COMM111\_10\_10\_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC028 11 26 18 Parks & Recreation Fees

### Planning & Development

#### *In Committee:*

- ODNC008\_02\_12\_18 Disposition of G. W. Brown School
- ORDR086\_01\_28\_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029\_01\_28\_19 Zoning Map Amendment – Storey Ave South
- ODNC032\_05\_13\_19 Zoning – Amend Ag-Con District
- ODNC033\_05\_13\_19 Zoning – Amendment to Former George W. Brown School Parcels
- APPT111\_06\_24\_19 David B. Vine 47 Marlboro St Conservation Comm 5/31/2022
- APPT113 06 24 19 Elizabeth M. DeLisle 50 Woodland St Planning Board 8/31/2021
  - COMM164\_06\_24\_19 LATE FILE Ltr to Ward 2 Councillor from Eric Goodness

### Public Safety

#### *In Committee:*

- ODNC009\_03\_12\_18 Floating Homes, Houseboats, and Related Marinas
- COMM087\_09\_24\_18 Ltr re: Coffin Street
- COMM116\_02\_25\_19 Toward Zero Waste Newburyport Initiative *(full text available)* (COTW)
- ORDR094\_04\_08\_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- **COMM143\_04\_29\_19 Cruisin' the 50s Car Show - 8/15/19**
- COMM144\_04\_29\_19 Newburyport Fall Harvest Festival - 10/13-14 2019
- COMM145\_04\_29\_19 Witches' Night Out - 10/18/19
- COMM146\_04\_29\_19 Downtown Trick or Treat - 10/25/19
- COMM147\_04\_29\_19 Invitation Nights - 12/6, 12/13, 12/20 2019
- COMM150\_04\_29\_19 5th Annual Harborside Half Marathon & 5K - 11/10/19
- **COMM156\_05\_28\_19 Traffic Concern Ferry Road**
- ODNC035\_05\_28\_19 Amendment to Health and Sanitation (COTW)
- COMM160\_06\_10\_19 Defibrillators on Plum Island
- **ORDR115\_06\_10\_19 Additions to 2-Hour Parking Zones - Ferry Road**
- **ORDR116\_06\_10\_19 Additions to 2-Hour Parking Zones - Summer Street**
- **ORDR117\_06\_10\_19 Two Hour Parking Section 175 - Upper Summer St**
- **ORDR118\_06\_10\_19 Resident Parking 13-180 Zone Changes**
- **COMM161\_06\_24\_19 Block Party - Lafayette Street - 8/17/2019**
- COMM162\_06\_24\_19 Jeanne Geiger Walk Against Domestic Violence - 10/6/2019
- **COMM163\_06\_24\_19 High Street Mile – 8/4/2019**
- **ORDR126\_06\_24\_19 One Hour Parking Restriction – Merrimac St**

#### Public Utilities

##### *In Committee:*

- COMM122\_11\_27\_17 Mobilite Application/Small Cell Utility Petition (re-file)
- ODNC022\_05\_29\_18 Addition to Chapter 5, Article 6 - Small Cell Sites
- **Pole Hearing - Malcolm Hoyt Drive**

#### Rules Committee

##### *In Committee:*

- ORDR057\_08\_27\_18 Amendment to Council Rule 12A

18. EXECUTIVE SESSION to discuss litigation with respect to the 193 High Street Zoning Appeal

19. GOOD OF THE ORDER

20. ADJOURNMENT



## **CONSENT AGENDA**

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**JUNE 24, 2019**

**7:15 PM**

**Pole Hearing - Malcolm Hoyt Drive**

John Butler from National Grid spoke. Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Tontar. So voted (2 absent – Giunta, Khan).

**7:30PM**

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for Mary Beth (Finnegan) Damon, aunt of city clerk office manager Cassandra Green, sister of retired police officer Peter Finnegan, and sister of former city councillor Kevin Finnegan. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Connell. 9 present, 2 absent (Giunta, Khan).

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS -** APPT112\_06\_24\_19, APPT113\_06\_24\_19, COMM164\_06\_24\_19, 2 info sheets pertaining to ORDR123\_06\_10\_19 and ODNC030\_03\_25\_19

Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Eigerman. So voted (1 no – OBrien).

**5. PUBLIC COMMENT**

1. Glenn Richards	6 Kent St	Historic Comm Appt
2. Patricia Peknik	4 Dove St	Historic Comm Appt
3. Elizabeth Harris	56 Lime St	NRA Appointments
4. Walt Thompson	100 State St	Glyphosate Ordinance
5. Bonnie Sontag	10 Upland Rd	Planning Board Appt
6. Patty Moore	67 Curzon Mill Rd	NRA Appointment
7. Chris Czernik	32 Water St	COA Appointment
8. Andrew Soracco	33 Middle St	Tree Commission
9. Elisabeth DeLisle	50 Woodland St	Planning Board Appt
10. Dan Eyink	36R Spofford St	Glyphosate Ordinance
11. Pam Ketchum	15 Washington St	NRA Appointments

**6. MAYOR'S COMMENT**

The Mayor gave a verbal update.

**CONSENT AGENDA**

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**7. APPROVAL OF MINUTES**

- June 10, 2019

(Approve)

**8. TRANSFERS**

- NONE

## 9. COMMUNICATIONS

- COMM161\_06\_24\_19 Block Party - Lafayette Street - 8/17/2019 (PS)
- COMM162\_06\_24\_19 Jeanne Geiger Walk Against Domestic Violence - 10/6/2019 (PS)
- COMM163\_06\_24\_19 High Street Mile – 8/4/2019 (PS)

## 10. APPOINTMENTS

- |                    |                | <b>First Reading</b> |                  |           |
|--------------------|----------------|----------------------|------------------|-----------|
| • APPT105_06_24_19 | Chris Czernik  | 32 Water St #7       | Council on Aging | 5/31/2024 |
| • APPT106_06_24_19 | Andrew Soracco | 33 Middle St         | Tree Commission  | 7/1/2022  |

- |                    |                  | <b>Re-Appointments</b> |                   |          |
|--------------------|------------------|------------------------|-------------------|----------|
| • APPT107_06_24_19 | Jennifer Groskin | 11 Myrtle Ave          | Human Rights Comm | 7/1/2022 |
| • APPT110_06_24_19 | Sheila J. Trieff | 11 Shandel Dr          | Human Rights Comm | 7/1/2022 |

### **To be referred to Planning & Development**

- |                    |               |                |                   |           |
|--------------------|---------------|----------------|-------------------|-----------|
| • APPT111_06_24_19 | David B. Vine | 47 Marlboro St | Conservation Comm | 5/31/2022 |
|--------------------|---------------|----------------|-------------------|-----------|

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA:

### **Budget & Finance**

- TRAN048\_04\_08\_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29
- ORDR106\_05\_13\_19 Intermunicipal Agreement Animal Control Services
- TRAN056\_05\_28\_19 Free Cash \$143,094.37, Snow & Ice Labor \$11,318.05 to Snow & Ice Expenses \$154,412.42
- TRAN057\_05\_28\_19 Health Ins. \$12,320 to Fire Misc Supplies \$5K, HR Payroll \$4,620, HR/FSA Admin \$2.7K
- TRAN058\_05\_28\_19 BDR Elections & Reg. \$5K to CLK Lease Copier \$1.2K, CLK Admin \$1.3K, CCN ORD Recodification \$2.5K
- TRAN059\_05\_28\_19 Solid Waste Revolving Fund \$40K to SUS Solid Waste \$40K
- TRAN060\_05\_28\_19 Free Cash \$3,250 to YTH Brown School Expenses \$3,250
- ORDR114\_06\_10\_19 Parking Garage M-F Monthly Employee Pass
- ORDR120\_06\_10\_19 Mitigation Payment Appropriation
- ORDR121\_06\_10\_19 Tucker Scholarship Gift Acceptance \$500
- ORDR122\_06\_10\_19 FY20 Revolving Fund Order

### **END OF CONSENT AGENDA REGULAR AGENDA**

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Tontar. So voted.

## 11. MAYOR'S UPDATE

## 12. TRANSFERS

- TRAN061EP\_06\_24\_19 Emergency Preamble for School Expenses \$35K to School Lunch \$35K  
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.
- TRAN061\_06\_24\_19 School Expenses \$35K to School Lunch \$35K  
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.
- TRAN062EP\_06\_24\_19 Emergency Preamble for Paid Parking Fund \$25K to PKG Credit Card Fees \$25K

Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.

- TRAN062\_06\_24\_19 Paid Parking Fund \$25K to PKG Credit Card Fees \$25K  
Motion to approve by Councillor Tontar, seconded by Councillor Devlin. So voted.

### 13. COMMUNICATIONS

- COMM164\_06\_24\_19 LATE FILE Ltr to Ward 2 Councillor from Eric Goodness  
Councillor Devlin recused. Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.

### 14. APPOINTMENTS

#### Second Reading

- APPT104\_06\_10\_19 Sheila Taintor 10 Dexter St Tree Commission 4/1/2022  
Motion to approve Second Reading appointment by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Giunta, Khan). Motion passed.

#### First Reading

- APPT108EP\_06\_24\_19 EP - Patricia Moore 67 Curzon Mill Rd NRA 5/8/2022  
Motion to approve by Councillor Eigerman, seconded by Councillor Devlin. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Giunta, Khan). Motion passed.
- APPT108\_06\_24\_19 Patricia Moore 67 Curzon Mill Rd NRA 5/8/2022  
Motion to approve by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 absent (Giunta, Khan). Motion passed.
- APPT109EP\_06\_24\_19 EP - David A. Tibbetts, Esq 26 Titcomb St #1 NRA 10/30/2020  
Motion to approve by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Giunta, Khan). Motion passed.
- APPT109\_06\_24\_19 David A. Tibbetts, Esq 26 Titcomb St #1 NRA 10/30/2020  
Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Giunta, Khan). Motion passed.

#### Late File Appointments

- APPT112\_06\_24\_19 Patricia Peknik 4 Dove St Historic Comm 7/31/2021  
Motion to approve first reading by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- APPT113\_06\_24\_19 Elizabeth M. DeLisle 50 Woodland St Planning Board 8/31/2021  
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.

### 15. ORDERS

- ORDR126\_06\_24\_19 One Hour Parking Restriction – Merrimac St  
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- ORDR127\_06\_24\_19 Four Sidewalk Alteration Easements – High St  
Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Eigerman.  
Withdrawn. Motion to waive the rules, to accept as a late file item and refer to Planning & Development to be voted on later in the meeting by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- ORDR128\_06\_24\_19 CPC Amendment to FY18 Projects  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted (1 no – Zeid).
- ORDR129EP\_06\_24\_19 Emergency Preamble - Revolving Fund Increase Spending Limits

Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 absent (Giunta, Khan). Motion passed.

- ORDR129\_06\_24\_19 Revolving Fund Increase Spending Limits  
Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 8 yes, 1 no (Zeid), 2 absent (Giunta, Khan). Motion passed.
- ORDR130\_06\_24\_19 City Clerk Contract 2019-2022  
Councillor Connell relinquished the Chair; Councillor Earls assumed the Chair. Motion to refer to General Government by Councillor Connell, seconded by Councillor Eigerman. Motion for a friendly amendment, to refer to Executive Session, by Councillor OBrien, seconded by Councillor Eigerman. So voted. Motion to amend, to add Committee of the Whole, by Councillor Zeid, seconded by Councillor Vogel. So voted.
- ORDR131\_06\_24\_19 Resolution re: Cultural District  
Motion to refer to General Government by Councillor Eigerman, seconded by Councillor Vogel. So voted.

## 16. ORDINANCES

- ODNC014\_04\_30\_18 Amendment to Demolition Delay (**2<sup>nd</sup> Reading**)  
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 8 yes, 1 no (Zeid), 2 absent (Giunta, Khan). Motion passed.
- ODNC037\_06\_24\_19 Ordinance regarding City Solicitor Appointment and Duties  
Motion to refer to General Government by Councillor Eigerman, seconded by Councillor Zeid. So voted.

## 17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

### Budget & Finance

#### *In Committee:*

- ORDR007\_01\_29\_18 41C Amendment
- COMM112\_02\_11\_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- ORDR091\_03\_11\_19 41C-1/2 Ballot Question (COTW)
- ORDR092\_03\_11\_19 41C-1/2 Adjustments (COTW)
- COMM120\_03\_11\_19 Central Congregational Grant Award Letter
- **TRAN048\_04\_08\_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29**  
Motion to divide by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$47.3K for Election Equipment by Councillor Tontar, seconded by Councillor Zeid. So voted (1 no – OBrien). Motion to approve \$40K for 3/4 Pickup Truck with Plow by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$125,826 for two Mack Dump Trucks by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$200K for Tree Truck by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$60K for OPEB by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$100K for Compensated Absences Fund by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$150K for Stabilization Trust Fund by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$20K for IT Software by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$35K for IT Hardware by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$15K for Nock/Molin Loading Dock by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$15K for NHS Pettingell Infield Renovation by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 7 yes, 2 no (Shand, Eigerman), 2 absent (Giunta, Khan). Motion passed. Motion to approve \$16,880 for Nock/Molin Gym Floor by Councillor Tontar, seconded by Councillor OBrien. So voted. Motion to approve \$15K for Nock/Molin Walkway by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$54,005 for Tractor by Councillor Tontar, seconded by Councillor Zeid. So voted (1 no – Shand). Motion to approve \$48,056 for Mack Dump Truck by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$50K for Lower Artichoke Reservoir Dam Improvement by Councillor Tontar, seconded by Councillor OBrien. So



voted. Motion to approve \$50K for Public Water Supply Protection by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$50K for Water Supply Quality Improvements by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$85K for Crane Truck by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$125K for Water Main Replacement by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$100K for CCTV and Cleaning Sewer Downtown by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$71K for Aeration System Upgrade by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$80K for Headworks Concrete Wall and Ceiling Rehab by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$50K for Bobcat Loader by Councillor Tontar, seconded by Councillor Zeid. So voted.

- **ORDR106\_05\_13\_19 Intermunicipal Agreement Animal Control Services**  
Motion to approve as amended by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Giunta, Khan). Motion passed.
- ODNC034\_05\_13\_19 Amendment to Salary of Elected Officials
- **TRAN056\_05\_28\_19 Free Cash \$143,094.37, Snow & Ice Labor \$11,318.05 to Snow & Ice Expenses \$154,412.42**  
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN057\_05\_28\_19 Health Ins. \$12,320 to Fire Misc Supplies \$5K, HR Payroll \$4,620, HR/FSA Admin \$2.7K**  
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted (1 no – Connell).
- **TRAN058\_05\_28\_19 BDR Elections & Reg. \$5K to CLK Lease Copier \$1.2K, CLK Admin \$1.3K, CCN ORD Recodification \$2.5K**  
Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN059\_05\_28\_19 Solid Waste Revolving Fund \$40K to SUS Solid Waste \$40K**  
Motion to approve by Councillor Tontar, seconded by Councillor OBrien. So voted.
- **TRAN060\_05\_28\_19 Free Cash \$3,250 to YTH Brown School Expenses \$3,250**  
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR114\_06\_10\_19 Parking Garage M-F Monthly Employee Pass**  
Motion to approve (comm vote 2-0) by Councillor Tontar, seconded by Councillor Zeid. So voted (1 no – OBrien).
- ORDR119\_06\_10\_19 Bond Order - Streets and Sidewalks \$10M
- **ORDR120\_06\_10\_19 Mitigation Payment Appropriation**  
Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Zeid. So voted (1 present – Zeid).
- **ORDR121\_06\_10\_19 Tucker Scholarship Gift Acceptance \$500**  
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR122\_06\_10\_19 FY20 Revolving Fund Order**  
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

## Education

### *In Committee:*

- 

## General Government

### *In Committee:*

- COMM139\_04\_08\_19 Communication from Kopelman & Paige re: Closed Legal Matters
- ODNC036\_06\_10\_19 Recording of Planning Board and ZBA Meetings

## License & Permits

### *In Committee:*

- COMM029\_04\_30\_18 Outdoor Seating – West Row Café
- COMM104\_01\_14\_19 Seacoast Taxi - Application by Richard Hewlett for 2019

## Neighborhoods and City Services

### *In Committee:*

- ORDR048\_06\_13\_16 Sidewalk Order
- COMM111\_10\_10\_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC028\_11\_26\_18 Parks & Recreation Fees

## Planning & Development

### *In Committee:*

- ODNC008\_02\_12\_18 Disposition of G. W. Brown School
- ORDR086\_01\_28\_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029\_01\_28\_19 Zoning Map Amendment – Storey Ave South
- **ODNC030\_03\_25\_19 Zoning - Amend Article XXVII Downtown Overlay District**  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to amend, add “to” on page 8, by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Earls. Roll call vote, 8 yes, 1 no (Zeid), 2 absent (Giunta, Khan). Motion passed.
- ODNC032\_05\_13\_19 Zoning – Amend Ag-Con District
- ODNC033\_05\_13\_19 Zoning – Amendment to Former George W. Brown School Parcels
- **ORDR123\_06\_10\_19 Safe Routes to School - High Street Layout Alteration (w/ Planning Board)**  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR124\_06\_10\_19 Safe Routes to School - Order to Acquire Temporary and Permanent Easements and Award Damages**  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Giunta, Khan). Motion passed.
- **ORDR125\_06\_10\_19 Safe Routes to School - Order of Taking**  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor OBrien. Roll call vote, 9 yes, 2 absent (Giunta, Khan). Motion passed.
- ORDR127EP\_06\_24\_19 Emergency Preamble - Four Sidewalk Alteration Easements – High St  
Motion to approve by Councillor Eigerman, seconded by Councillor Shand. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Giunta, Khan). Motion passed.
- ORDR127\_06\_24\_19 Four Sidewalk Alteration Easements – High St  
[Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Eigerman. Withdrawn. Motion to waive the rules, to accept as a late file item and refer to Planning & Development to be voted on later in the meeting by Councillor Eigerman, seconded by Councillor Tontar. So voted.] Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Giunta, Khan). Motion passed.

## Public Safety

### *In Committee:*

- ODNC009\_02\_12\_18 Floating Homes, Houseboats, and Related Marinas
- COMM087\_09\_24\_18 Ltr re: Coffin Street
- COMM116\_02\_25\_19 Toward Zero Waste Newburyport Initiative (*full text available*) (COTW)

- **ODNC031\_03\_25\_19 Regulation of the Use of Pesticides**  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Tontar. So voted.  
Motion to approve by Councillor Tontar, seconded by Councillor Devlin. Roll call vote, 6 yes, 3 no (OBrien, Zeid, Devlin), 2 absent (Giunta, Khan). Motion passed.
- ORDR094\_04\_08\_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- COMM143\_04\_29\_19 Cruisin' the 50s Car Show - 8/15/19
- COMM144\_04\_29\_19 Newburyport Fall Harvest Festival - 10/13-14 2019
- COMM145\_04\_29\_19 Witches' Night Out - 10/18/19
- COMM146\_04\_29\_19 Downtown Trick or Treat - 10/25/19
- COMM147\_04\_29\_19 Invitation Nights - 12/6, 12/13, 12/20 2019
- COMM150\_04\_29\_19 5th Annual Harborside Half Marathon & 5K - 11/10/19
- COMM156\_05\_28\_19 Traffic Concern Ferry Road
- ODNC035\_05\_28\_19 Amendment to Health and Sanitation (COTW)
- **APPT103\_05\_28\_19 Paul Hogg 4 Coltin Dr Harbormaster & Special Police Officer 5/1/2022**  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Tontar. So voted.  
Motion to approve by Councillor Devlin, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Giunta, Khan). Motion passed.
- **COMM157\_06\_10\_19 Block Party - Temple Street - 8/1/2019**  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.  
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM158\_06\_10\_19 Fill-The-Boot Drive for MDA - 8/1-8/3 2019**  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.  
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM159\_06\_10\_19 Greek Food Festival - July 26-28, 2019**  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.  
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted.
- COMM160\_06\_10\_19 Defibrillators on Plum Island
- ORDR115\_06\_10\_19 Additions to 2-Hour Parking Zones - Ferry Road
- ORDR116\_06\_10\_19 Additions to 2-Hour Parking Zones - Summer Street
- ORDR117\_06\_10\_19 Two Hour Parking Section 175 - Upper Summer St
- ORDR118\_06\_10\_19 Resident Parking 13-180 Zone Changes

## **Public Utilities**

### ***In Committee:***

- COMM122\_11\_27\_17 Mobilitie Application/Small Cell Utility Petition (re-file)
- ODNC022\_05\_29\_18 Addition to Chapter 5, Article 6 - Small Cell Sites

## **Rules Committee**

### ***In Committee:***

- ORDR057\_08\_27\_18 Amendment to Council Rule 12A

## **18. EXECUTIVE SESSION** to discuss litigation with respect to the NRA and the conveyance of tideland to the Waterfront Trust.

The Council President stated the Council will be going into two executive sessions; one to discuss litigation with respect to the Newburyport Redevelopment Authority and a second to discuss litigation with respect to the zoning appeal at 193 High Street. Councillor Devlin recused himself from the second executive session. Motion to go in to Executive Session for the purpose of discussing litigation with respect to the NRA and the conveyance of tideland to the Waterfront Trust by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Giunta, Khan). Motion passed.

**19. EXECUTIVE SESSION** to discuss litigation with respect to the 193 High Street Zoning Appeal

Motion to waive the rules, to continue the meeting past 11:00pm, by Councillor Eigerman, seconded by Councillor Zeid. So voted (1 no – OBrien). The Clerk stated for the record that the previous executive session related to the NRA had concluded. Motion to go into executive session for the purpose of discussing litigation with respect to the 193 High Street Zoning Appeal by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, Roll call vote, 7 yes, 1 no (OBrien), 1 recused (Devlin), 2 absent (Giunta, Khan). Motion passed. It was stated by President Connell that the Council would not return to open session. 10:53pm.

**20. ADJOURNMENT**

Motion to adjourn by Councillor Zeid, seconded by Councillor OBrien. So voted. 11:51pm.

## COMMUNICATIONS





## Neurofibromatosis Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ [info@nfnortheast.org](mailto:info@nfnortheast.org)

[www.nfnortheast.org](http://www.nfnortheast.org)

COMM164\_07\_15\_19

Committee

Ben Buttrick &  
Kevin McKelvey  
Co-Chairpersons

Alex Cellucci  
Kate Duff  
Megan Duff  
Peter Gentile  
Chanda McKee  
Elaine Powers  
John Roy

July 1, 2019

Richard Jones  
City Clerk  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

Dear Mr. Jones,

On behalf of Neurofibromatosis Northeast, I am seeking permission once again to include your city in our route for the upcoming 9<sup>th</sup> Annual Coast to the Cure NF bike ride. Coast to the Cure takes place on Saturday, September 14, 2019. The ride starts and finishes from Stage Fort Park in Gloucester. The event consists of four prescribed routes (24, 40, 66 and 100 miles) encompassing 18 communities: Beverly, Ipswich, Wenham, Hamilton, Essex, Manchester, Georgetown, Groveland, North Andover, Boxford, Middleton, Topsfield, Rowley, Haverhill, Amesbury, Merrimac, Newbury and Newburyport.

I can assure you that all participants will wear helmets, travel in an organized fashion on public roads, never on private property, and will obey the rules of the road. We anticipate approximately 50 participants biking through the city over a four hour period.

The route through Newburyport involves the following roads: Cross Chain Bridge, left on Merrimack Street, right on Kent Street, stop at rest stop, turn around, right on Kent Street, right on Merrimack Street/Water Street, right on Ocean Street.

Attached please find a special events application in need of your final signature, route map and turn-by-turn course.

Proceeds from the event benefit Neurofibromatosis Northeast and support our mission of finding a cure and treatment for neurofibromatosis by promoting scientific research, creating awareness, and supporting those who are affected by NF.

Thanks so much for your consideration.

Sincerely,

Diana Flahive  
Director of Operations and Events

Neurofibromatosis Northeast is a 501(c)(3) tax-exempt organization

An advocate for NF patients and families since 1988

# FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE \_\_\_\_\_

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

WALKATHON \_\_\_\_\_

Bike Ride ✓

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

New England Biolabs, Dassault, Apex New England - main sponsors  
NE Northeast

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

Neurofibromatosis Northeast,  
Diana Flahive 617-777-5397, 9 Bedford St.  
Burlington, MA 01803

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

Diana Flahive,  
9 Bedford St, Burlington, MA 01803, 617-777-5397

4. Date of Event:

9/14/19

Expected Number of Participants:

50

5. Start Time:

8 AM

Expected End Time:

4 PM

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

across  
chain bridge, Merrimack, Kent, Water, Ocean

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:

Start/Finish Stage Fort Park

10. Dismissal Location & Time for Participants:

Ride should be over 4 PM

11. Additional Parade Information:

n/a

• 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 OR ANY USE OF A PUBLIC WAY.**

CITY MARSHAL

4 Green St.

FIRE CHIEF

0 Greenleaf St.

DEPUTY DIRECTOR

16A Perry Way

CITY CLERK

60 Pleasant St.

## DEPARTMENT APPROVAL (for Committee Member 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, and others may require advance payment.

Approval  
Required

Date: 5/15/19 Signature: [Signature]

1. Special Events: \_\_\_\_\_
2. Police: \_\_\_\_\_  
Is Police Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_
3. Traffic, Parking & Transportation: \_\_\_\_\_
4. ISD/Health: \_\_\_\_\_
5. Recycling: \_\_\_\_\_
6. ISD/Building: \_\_\_\_\_
7. Electrical: \_\_\_\_\_
8. Fire: \_\_\_\_\_  
Is Fire Detail Required: \_\_\_\_\_ # of Details Assigned: \_\_\_\_\_
9. Public Works: Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply  
Yes: \$ \_\_\_\_\_ due on \_\_\_\_\_ No Fee for Special Events applies  
Other requirements/instructions per DPS \_\_\_\_\_
10. Recreation Department: \_\_\_\_\_
11. 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**



**Sec. 13-97. - Road races, walkathons, bicycle and other multidisciplined events.**

(a) *Short title.* This section may be cited as the "road races, walkathons and bicycle events."

(b) *Purpose and intent.* The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this section will define and codify the procedure for the benefit of all.

(c) *Definitions.*

(1) *Road race.* A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2) *Walkathon.* A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3) *Bicycle race.* A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4) *Multidisciplined event.* A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5) *Event.* Any road race, walkathon, bicycle race, multi-disciplined event as defined above.

(d) *Limitations.*

(1) *Procedure.* All events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for city council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through December 31, 2017, during which applications will be accepted beyond the prescribed due date. Prior to application with the city council, the event shall file and receive approval from all applicable city departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the city council application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. 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 application shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3) *Course map.* All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-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 harbor masters departments prior to submission to the city clerk.

(4) *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 not be used for public address announcements or music before 9:00 a.m.

(5) *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 fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *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.

(8) *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 assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *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.

(10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

(e) *Enforcement.*

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section 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.

(3) *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 section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$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.

(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

**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: \_\_\_\_\_

5/15/19



# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 781-272-9936 Fax. 781-272-9937

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

NAME OF EVENT: Coast to the Cure NF Bike Ride

Date: 9/14/19 Time: from 6AM to 4PM

Rain Date: n/a Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: starts + ends at Stage Fort Park, Gloucester  
route goes through Newburyport.

3. Description of Property: public roads in Newburyport Public ☒ Private ☐

4. Name of Organizer: Neurofibromatosis Northeast City Sponsored Event: Yes ☐ No ☒

Contact Person: Diana Flahive

Address: 9 Bedford St. Burlington, MA 01803 Telephone: 781-272-9936

E-Mail: dflahive@nfnortheast.org Cell Phone: \_\_\_\_\_

Day of Event Contact & Phone: Diana Flahive 617-777-5397

5. Number of Attendees Expected: 50 people riding over 4 hour period.

6. MA Tax Number: 04-3013709

7. Is the Event Being Advertised? yes. Where? Facebook, posters, radio.

8. What Age Group is the Event Targeted to? 25-65

9. Have You Notified Neighborhood Groups or Abutters? Yes ☒ No ☐ Who? all 18  
communities the route goes through

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. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes ☐ No ☒

**If yes:**

- a) How many trash receptacles will you be providing? \_\_\_\_\_
- b) How many recycling receptacles will you be providing? \_\_\_\_\_
- c) Will you be contracting for disposal of : **Trash** Yes \_\_\_\_\_ No \_\_\_\_\_ **Recycling** Yes \_\_\_\_\_ No \_\_\_\_\_
- i. If yes, size of dumpster(s): **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- ii. Name of disposal company: **Trash** \_\_\_\_\_ **Recycling** \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No \_\_\_\_\_
- iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

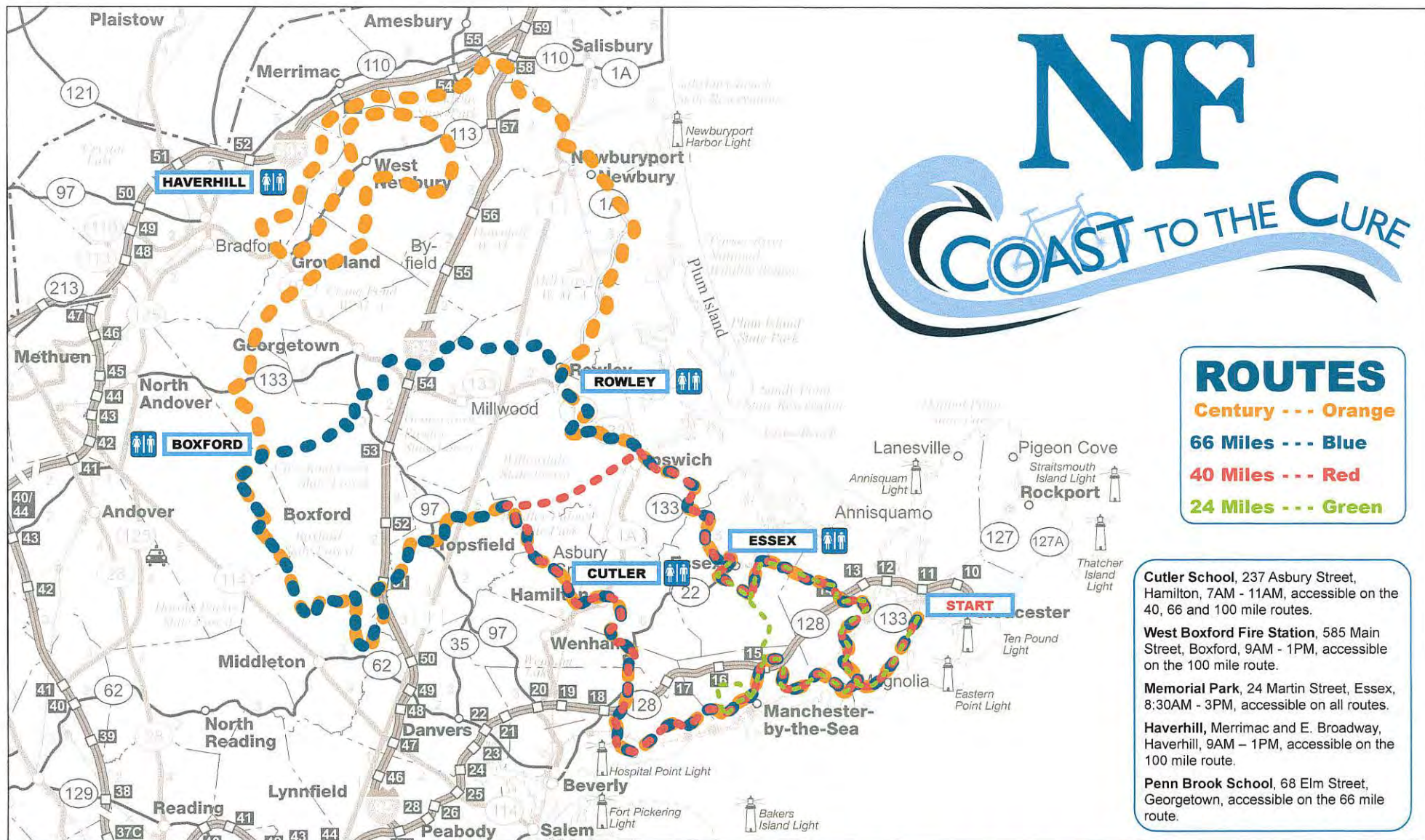
All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

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

# \_\_\_\_\_ Standard      # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: \_\_\_\_\_





**ESSEX WATER STOP CLOSES AT 3 PM**  
**PLAN ACCORDINGLY**

## Coast to the Cure 2018 - 100M (Rev 06-25-18) (copy)

100.6 miles

Leg	Dir	Type	Notes	Total
	←	Left	Turn left onto Western Ave	0.2
0.8	←	Left	Turn left onto Hesperus Ave	1.0
1.7	↑	Straight	Straight onto Norman Ave	2.7
0.4	↑	Straight	Continue onto Raymond St	3.0
0.5	←	Left	Turn left onto MA-127 S	3.5
2.0	→	Right	Turn right onto Forest St	5.5
0.7	←	Left	Turn left onto Mill St	6.2
0.7	←	Left	Turn left onto School St	6.9
1.0	→	Right	Turn right onto MA-127 S	7.9
2.0	↑	Straight	Continue onto West St	9.9
0.7	←	Left	Bear left onto Hale St	10.6
0.7	→	Right	Turn right onto Thissell St	11.3
0.2	↑	Straight	Bear right onto Common Ln	11.5
1.1	→	Right	Turn right onto Standley St	12.6
0.8	→	Right	Turn right onto Essex St/ Rt. 22	13.4
0.2	←	Left	Bear left to stay on Rt 22 N	13.6
1.2	←	Left	Turn left onto Grapevine Rd	14.8
0.7	←	Left	Slight left onto Larch Row	15.5
0.1	→	Right	Turn right onto Walnut Rd	15.6
1.2	→	Right	Turn right onto MA-1A N	16.8
0.2	←	Left	Turn left onto Asbury St	17.0
0.6	↑	Food	1st Rest Stop	17.6
0.4	→	Right	Turn right onto Highland St	18.0
0.1	←	Left	Quick left onto Asbury St	18.1
2.9	←	Left	Turn left onto Ipswich Rd	21.0
1.3	↑	Straight	Cross Rt 1 (Be Careful!)	22.2
0.8	←	Left	Turn left onto Main St	23.1
0.3	→	Right	Turn right onto Washington St	23.4
0.8	←	Left	Turn left to stay on Washington St/ Endicott/ East	24.2
2.2	→	Right	Turn right onto Peabody St	26.5
1.2	→	Right	Turn right onto Liberty St	27.6
0.5	←	Left	Turn left onto School St	28.1



Leg	Dir	Type	Notes	Total
0.8	→	Right	Turn right onto Essex St	28.9
2.0	↑	Straight	Cross Sharpners Pond Rd - Continue on Salem St	30.9
1.2	→	Right	Turn right onto Ingalls St	32.1
0.5	←	Left	Turn left onto Forest St	32.6
1.3	←	Left	Turn left onto Boxford St	33.9
0.2	→	Right	Sharp right onto Foster St	34.2
1.3	↑	Straight	Bear left onto Winter St	35.4
1.4	→	Right	Turn right onto Dale St	36.8
0.1	←	Left	Turn left onto Glendale Rd	36.9
0.7	←	Left	Slight left onto Main St	37.6
0.3	↑	Straight	Cross Washington St	37.9
0.2	↑	Water	2nd Rest Stop (Fire Station)	38.2
1.9	→	Right	Turn right onto Lily Pond Rd	40.1
0.8	↑	Straight	Continue onto Boxford Rd	40.9
0.4	→	Right	Slight right onto S Cross Rd	41.3
0.7	→	Right	Turn right onto Salem St	42.0
0.5	←	Left	Turn left onto Center St	42.6
4.0	↑	Straight	Continue onto Middle St	46.5
1.1	←	Left	Turn left onto Ash St	47.7
0.7	→	Right	Turn right onto Meeting House Hill Rd	48.3
0.5	←	Left	Turn left onto Bachelor St	48.9
0.6	→	Right	Turn right onto MA-113 E	49.4
1.0	←	Left	Turn left onto Coffin St	50.4
0.9	↑	Straight	Continue onto River Rd	51.3
2.2	←	Left	Turn left onto Church St	53.5
0.1	→	Right	Bear right to stay on Church St	53.6
1.0	→	Right	Turn right onto MA-113 W	54.6
3.4	→	Right	Turn right onto Orchard Ave	58.0
0.0	←	Left	Turn left onto Old Ferry Rd	58.0
0.5	→	Right	Turn right onto E Broadway	58.5
2.5	↑	Straight	3rd Rest Stop - Food & Toilets	61.0
1.3	↑	Straight	Continue onto E Main St	62.3
0.1	←	Left	Turn left onto River Rd	62.4



Leg	Dir	Type	Notes	Total
1.8	↑	Straight	Continue onto Middle Rd	64.3
0.4	→	Right	Turn right onto Skunk Rd	64.7
0.4	↑	Straight	Continue onto Pleasant Valley Rd	65.1
2.7	↑	Straight	Continue onto Merrimac St	67.7
0.4	→	Right	Turn right onto Main St	68.2
0.8	↑	Straight	Continue onto Evans Pl	68.9
0.2	↑	Straight	Continue straight onto Main St	69.2
0.4	↑	Straight	Continue onto Spofford St (X Chain Bridge)	69.5
0.2	↑	Straight	At the traffic circle, take the 3rd exit onto Merrimac St	69.7
1.8	→	Right	Turn right onto Kent St	71.5
0.3	←	Left	Turn left onto High St/ Rt 1A-S	71.9
10.2	→	Right	Turn right onto Mile Ln	82.0
0.8	←	Left	Turn left onto Linebrook Rd	82.8
1.8	→	Right	Bear right onto Lord Square/ Rt 1A-S	84.6
0.4	↑	Straight	Continue onto S Main St	85.0
0.3	→	Right	Bear right to stay on Rt 1A-S	85.3
0.1	←	Left	Turn left onto Argilla Rd	85.4
1.8	→	Right	Turn right onto Northgate Rd	87.2
0.7	←	Left	Turn left onto MA-133 E	87.9
0.7	→	Right	Turn right onto Choate St	88.6
0.3	←	Left	Turn left onto Belcher St	88.9
1.2	←	Left	Turn left onto Story St	90.1
0.3	↑	Straight	Continue onto Winthrop St	90.5
0.3	→	Right	Turn right onto Martin St	90.8
0.0	←	Left	Turn left onto Shepard Dr	90.8
0.0	↑	Water	4th Rest Stop	90.8
0.0	←	Left	Turn left onto Martin St	90.8
0.7	←	Left	Turn left onto Apple St	91.5
1.3	←	Left	Turn left onto Southern Ave	92.9
0.8	→	Right	Turn right onto School St	93.6
0.2	←	Left	Turn left onto Grove St	93.8
0.1	→	Right	Turn right onto Eastern Ave	93.9
5.8	→	Right	Turn right onto Western Ave	99.7

Leg	Dir	Type	Notes	Total
0.6	←	Left	Turn left onto Hough Ave	100.4

Ride With GPS · <https://ridewithgps.com>



NEURO-2

OP ID: ST

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

06/27/2019

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> T F Ward Insurance Agency, Inc 403 Franklin Street Melrose, MA 02176 T. F. Ward Insurance Agency,		<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): E-MAIL: ADDRESS:		<b>FAX</b> (A/C, No):	
		<b>INSURER(S) AFFORDING COVERAGE</b>			<b>NAIC #</b>
		<b>INSURER A : The Hartford</b>			13269
		<b>INSURER B : Foremost Insurance Company</b>			
		<b>INSURER C : Travelers</b>			40282
		<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
B	GENERAL LIABILITY	X	PPS40720634	06/27/2019	06/27/2020	EACH OCCURRENCE \$ 2,000,000
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 10,000
	<input checked="" type="checkbox"/> Business Owners					PERSONAL & ADV INJURY \$ 2,000,000
						GENERAL AGGREGATE \$ 4,000,000
						PRODUCTS - COMP/OP AGG \$ 4,000,000
	AUTOMOBILE LIABILITY	X				COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS					PROPERTY DAMAGE (PER ACCIDENT) \$
B	UMBRELLA LIAB	X	PPS40720634	06/27/2019	06/27/2020	EACH OCCURRENCE \$ 1,000,000
	EXCESS LIAB					AGGREGATE \$
	<input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0					
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N/A	08WECKH3323	06/27/2019	06/27/2020	WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Directors/officers		106101201	05/13/2019	05/13/2020	1,000,000

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

City of Newburyport is listed as additional insured.  
Coast to the Cure NF Bike Ride, 9/14/19

**CERTIFICATE HOLDER****CANCELLATION**

NEWBURY

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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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) 465-4452 FAX

CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2019 JUL -9 PM 2:59

To: City Councillors

Re: Appointment of Members to the Charter Review Special Committee

Date: June 27, 2019

---

Article 9 General Provisions, Section 9-6: Reiodic Charter Review provides that:

*Not later than the first day of July, at 10 year intervals, in each year ending in a 9, the mayor and city council shall provide for a review to be made of the city charter. The review shall be made b y a special committee to consist of 9 members, 4 of whom shall be appointed by the city councoil president and 5 of whom shall be appointed by the mayor. At least 2 persons shall be members of the city council. All members of the committee shall be voters of the city.*

The following individuals have been selected to serve on the Special Committee:

Mayor Appointments:

Bruce Menin\*  
Dennis Kennedy\*  
Juliet Walker  
Connie Preston  
Sheila Taintor

City Council President Appointments:

Charlie Tontar, Ward 4 City Councillor- Chair  
Heather Shand, Ward 3 City Councillor  
Sharif Zeid, Ward 1 City Councillor  
Ed Cameron

\*denotes member of original charter commission

**Richard Jones**

---

**From:** LARRY RUSSELL <russell.larry@comcast.net>  
**Sent:** Wednesday, July 10, 2019 11:27 AM  
**To:** Richard Jones  
**Subject:** [Ext]Children's Hospital Blood Drive

*external e-mail use caution opening*

To The City Council of Newburyport

I am requesting the use of two parking spaces on Merrimac Street near the Information Booth on 8.20.2019. The Bloodmobile would be parked there from 9:30 AM to 3:30 PM

This is for the benefit of Ellie Bauer who is very sick and has spent many many days at Dana Farber and Children's Hospital the past three years.

We would be very grateful for you to grant this opportunity to the many friends of the Bauer family to pay tribute to Ellie.

Best regards,

Larry Russell

10 Turkey Hill Rd.

Newburyport, Mass. 01950

508.864.5601

[russell.larry@comcast.net](mailto:russell.larry@comcast.net)





# Whittier Regional Vocational Technical High School

CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2019 JUL -8 PM 12:10

Maureen Lynch  
Superintendent

Kara M. Kosmes  
Business Manager

Amy Pocsik  
Treasurer

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

6/28/2019

Ms. Julie Languirand, Treasurer  
City of Newburyport, City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Dear Ms. Languirand,

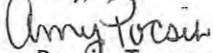
On 4/10/2019 the Whittier Regional Vocational Technical High School Committee voted to adopt a final **2019-2020 Gross Budget** in the amount of \$25,920,676.00, which consists of \$21,296,444.00 for the Required Net School Spending as defined under the Ed Reform formula; \$1,369,547.00 for Other Assessments, Assessment Transportation & Community Education; \$695,000.00 for Capital Assessments; \$2,559,685.00 for Other Educational Assessment. The estimated receipts for the school year are \$10,844,071.00, resulting in a **Total Approved Assessment for 2019-2020 at \$15,076,606.00.**

This is to certify that the **2019-2020** net assessment for the **City of Newburyport** is **\$697,312.00.**

NEWBURYPORT		TOTAL DUE
25%	Due August 15, 2019	\$174,328.00
25%	Due November 1, 2019	\$174,328.00
35%	Due February 1, 2020	\$244,059.00
15%	Due April 1, 2020	<u>\$104,597.00</u>
<b>TOTAL:</b>		<b>\$697,312.00</b>

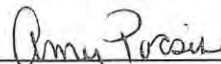
Several of our communities are transmitting assessment payments electronically. If your community would like to do so as well, please contact me at 978-373-4101 x293 to set up this process. If you have any questions, please do not hesitate to call our Business Manager, Ms. Kosmes at 978-373-4101 x269.

Sincerely,

  
Amy Pocsik, Treasurer

Cc: Mayor, President City Council, City Clerk, Chmn. Board of Assessors, Chmn. Finance Committee, Chief Financial Officer, Superintendent of Schools, Whittier Representatives

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

  
Amy Pocsik, Treasurer

**APPOINTMENTS  
FIRST READING**



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  
Members of the City Council

From: Donna D. Holaday, Mayor

Date: July 1, 2019

Subject: Re-Appointment

---

I hereby re-appoint, subject to your approval, the following individual as Treasurer/Collector. This term will expire August 1, 2022.

Julie Languirand  
13 Cushing Street  
Salisbury, MA 01952

**SUMMARY**

Professional, effective, fair communicator; detail oriented with strong time management and prioritizing skills; dedicated to customer service and teamwork, promotes positive work environment; self-motivated individual who welcomes new challenges and change; skilled in Microsoft Office and Munis software.

**PROFESSIONAL EXPERIENCE**

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**CITY OF NEWBURYPORT, NEWBURYPORT, MA**

May 2010-Present

**Treasurer/Collector**

- Oversee and manage cash and collection of taxes and all city revenue. Facilitate vendor and payroll warrant funding and distribution, investment of City funds, initiate and monitor bank wire transfers. Maintain multiple bank account statements and prepare monthly cash reconciliation to ensure the safekeeping of all funds in order to satisfy the City's current obligations. Work closely with city auditor's office on general ledger reconciliation, monitoring cash flow, receipt turnovers and maintaining internal control procedures. Enforce and adhere to MGL collection and treasury processes and city policies.
- Organize temporary and long-term borrowing of funds based on City's needs. Responsible for the issuance of municipal debt and ongoing debt management; maintain debt schedules and ensure timely payments of interest and maturing debt. Work directly with outside bond counsel and financial advisors to achieve compliance with all state and federal statutory requirements for bond issuance.
- Work with department heads and the Mayor to review and prepare the annual budget and financial policies. Coordinate process of multiple motor vehicle excise commitment schedules annually in conjunction with Assessor and Deputy Collector. Prepare information requested by outside auditor annually and respond to audit findings.
- Collaborate with City Assessor and Finance Director to oversee, prepare and submit tax rate recap and other necessary Department of Revenue processes and filings. Maintained overview of Senior Work-off Incentive Program with Council on Aging.
- Effectively handle inquiries from the public and outside organizations to provide resources and solutions; encourage high level of customer service; weekly issuance of municipal lien certificates.
- Attend meetings, including after-hours and serve as liaison for Trust Fund Committee; draft minutes, reports and memorandums.
- Administer tax title and foreclosure processes; prepare tax lien letters, legal ads and newspaper notices. Prepare and file instruments of taking and redemption with Registry of Deeds; work together with tax title attorneys to pursue collection of delinquent taxes and prepare and monitor land court filings. Collaborated with Mayor to enforce tax title procedures and bring multi-year, past due real estate taxes current.
- Maintain Retirement Board bank account reconciliation, initiate transfers and funding for monthly warrants.
- Oversee and monitor electronic lockbox payments for tax collection periods and integrated on-line bill payment and credit card services for all City departments; research tax and payment discrepancies to ensure timely resolution and proper issuance of refunds.
- Delegate work and supervise office staff, encourage each to enhance their skills and knowledge and work toward common goals; coordinate work and vacation schedules, prepare and verify departmental payroll.
- Active member of the city Public Employee Committee (PEC) representing Teamster's Department Head Union.



**CITY OF NEWBURYPORT, NEWBURYPORT, MA**

Nov 2009-May 2010

Assistant Treasurer/Collector

Worked closely with Treasurer/Collector and office staff to review and update office procedures. Implemented internal check scanning process for bank deposits; installed live connection from Deputy Collector to office for accurate motor vehicle excise and RMV information. Updated return check procedures to expedite retrieval of funds; reconciliation of monthly cash for prior six months and forward.

**TOWN OF BOXFORD, BOXFORD, MA - 2005 – Nov 2009**Assistant Treasurer/Collector

Maintained the town's cash book including daily cash balancing. Reconcile monthly cash and receivables. Prepare quarterly DOR cash reports and manage petty cash funds. Prepare Municipal Lien Certificates. Research all outstanding tax discrepancies. Manage entire process of collecting, processing and posting tax payments. Supervised account clerk; assumed responsibilities in the absence of the Treasurer/Collector.

**TOWN OF BOXFORD, BOXFORD, MA - Nov 2004 - 2005**Account Clerk -3

Responsible for a wide range of collection processes; posting of all tax payments and departmental receivables and reconciliations; point person for customer service, banking and mail processing.

**NEWBURYPORT FIVE BANK, SALISBURY, MA - 1999 - 2004**Customer Service Representative

Responsible for cashiering and accounting of incoming cash; assisted in account inquiries and resolution; trained on regulatory procedures and protocol as well as adherence to confidentiality processes.

**ENDEAVORS**

-Massachusetts Collector/ Treasurer Certification Program (MCTA), 2005- present  
CMMC, CMMT - **CERTIFICATIONS RECEIVED 2015**

-*President*, Eastern Massachusetts Treasurer/Collectors Association (EMTCA) 2016-present

-*Member*, EMTCA 2005-present





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

CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2019 JUL -1 PM 3:55

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: July 1, 2019  
Subject: Re-Appointment

---

I hereby re-appoint, subject to your approval, the following  
named individual as a member of the Zoning Board of  
Appeals. This term will expire on August 1, 2024.

Mark Moore  
67 Curzon Mill Road  
Newburyport, MA 01950

# MARK W. MOORE

67 Curzon Mill Road ■ Newburyport, MA 01950 ■ 508-523-1483

mwmooore63@me.com

## CAREER PROFILE

---

*Senior Executive Equity Trading and Client Relationship Professional* with over 20 years of experience covering institutional equity asset managers across the AUM spectrum in Boston and the New England area. Desire an opportunity to leverage experience and skills in a pivot to a Client Relationship/Sales role in the Financial Services industry. Areas of expertise include:

- |                                 |                         |                         |
|---------------------------------|-------------------------|-------------------------|
| ■ Management/Leadership         | ■ Market Trend Analysis | ■ Business Development  |
| ■ Relationship Management       | ■ Equity Research       | ■ Growth Strategy       |
| ■ Institutional Sales & Trading | ■ Negotiation           | ■ Investment Accounting |

## PROFESSIONAL BACKGROUND

---

### *Managing Director, Equity Sales Trading (2016-2017)*

#### *Seaport Global Securities, Boston, MA*

- Re-established a Sales Trading presence in Boston, with additional coverage responsibilities of Toronto and Montreal.
- Utilized strong relationships to open 12 new accounts in 10 months, including one of the Top 3 revenue producers in the firm.
- Executed client orders utilizing a variety of algorithm vendors and strategies while on a run rate to increase revenues 100% YoY

### *Director, Equity Sales Trading (2000-2014)*

#### *SunTrust Robinson Humphrey, Boston, MA*

- Spearheaded the opening of a new Trading presence in Boston increasing electronic trading links with institutional clients by 100%.
- Initiated trading merchandise recaps during the day keeping the sales force focused on best situations and resulting in revenue growth of 20%.
- Built and retained a book of business developing one client into the number one revenue producing firm in the system and growing many by 50% or more.

### *Senior Vice President (1998-2000)*

#### *Paine Webber Securities, Boston, MA*

- NASDAQ Sales-trader.
- Stabilized business levels and resolved concerns related to Paine Webber's NASDAQ trading capabilities after the company had experienced trader turnover.
- Leveraged client relationships to grow business by 50% in the first year

### *Vice President/Interim Director (1997)*

#### *NatWest Securities, Boston, MA*

- Managed the office for a six month period while the company explored strategic options for their U.S Equity Division.
- Maintained and retained clients during the strategic realignment.

### *Assistant Vice President (1996-1997)*

#### *Bankers Trust Securities, Boston, MA*

- Delivered a book of business to the newly opened Boston office growing revenues by 30%.

# MARK W. MOORE

Page Two

## ADDITIONAL EXPERIENCE

---

### *Sales Trader (1994-96)*

**Prudential Securities, Boston, MA**

- Strategized and negotiated capital trades with market makers and clients resulting in revenue growth of 120%.
- Prospected and opened several new accounts in the New England area.

### *Sales Trader (1992-94)*

**Tucker Anthony, Boston, MA**

- Maintained and grew revenues for a West Coast client base.
- Planned and managed semi-annual, marketing trips to address issues and explore new revenue opportunities.
- Co-managed trading of a \$120m lead managed I.P.O.

### *Trading Assistant- NASDAQ Market Making Desk (1986-89)*

**Adams, Harkness & Hill, Boston, MA**

- Managed positions of a book of approximately 40 publicly traded companies.
- Resolved disputed, over the wire trades with competitors.
- Negotiated capital commitment with sales traders and their clients to best manage risk.

### *Floor Service Coordinator (1986)*

**Boston Stock Exchange, Boston, MA**

- Executed orders by negotiating prices with floor specialists to ensure best execution for clients in an open outcry environment.
- Trained and developed new Floor Service Coordinators and summer interns.

## EDUCATION

---

### *Master of Business Administration, 1991*

**Boston University, Boston, MA**

- Finance and Marketing focus

### *B.S., Business Marketing, 1985*

**Providence College, Providence, RI**

### *Additional Professional Development:*

- Series 7, 63 & 55 registered
- Bloomberg, Fidessa and Bloomberg OMS
- Member of the Boston Securities Traders Association.

## INTERESTS AND ACTIVITIES

---

University of South Carolina Football

Kansas University Basketball

U-6 Soccer Coach, Lynnfield, MA

Eighth Grade Town League Basketball Coach, Lynnfield, MA

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



## TRANSFERS

# CITY OF NEWBURYPORT



---

IN CITY COUNCIL

**ORDERED:**

## **EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in TRAN063\_07\_15\_19, a transfer from Health Insurance to Fire Overtime, is time sensitive as the City Auditor must close the fiscal year. M.G.L. Chapter 44, Section 33B allows for the approval of transfers during the first 15 days of the new fiscal year to apply to the previous fiscal year.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that TRAN063\_07\_15\_19 may be voted upon at its first introduction to this Council.

---

Councillor Charles F. Tontar



# City of Newburyport

## FY 2019

### BUDGET TRANSFER REQUEST

FILED  
NEWBURYPORT, MA  
JUL -9 PM 3:39

**Department:** Mayor's Office

**Submitted by:** Donna D. Holaday, Mayor

**Date Submitted:** 7/15/2019

**Transfer From:**

Account Name	Health Insurance	YTD Bal:	\$ 151,866.56
Account Number:	01914001-51700	Bud Cat:	\$ 176,250.73
Amount:	\$20,000.00	Trans I/O:	\$ (73,480.00)
Why are Funds Available:	<i>A surplus is anticipated in the health insurance line item at year-end.</i>		

**Transfer To:**

Account Name	FIR Overtime	YTD Bal:	\$ 14,008.22
Account Number:	01220001-51301	YTD Cat:	\$ 31,588.12
Amount:	\$20,000.00	Trans I/O:	\$ 100,000.00
Why are Funds Required:	<i>The FY2019 appropriation for Fire Overtime was \$280,000. Overtime is predominantly used to cover paid time off, including vacation, sick and personal time. A transfer was approved in May for \$100,000 bringing the total appropriation to \$380,000. More time off was utilized in June 2019 than anticipated; therefore an additional \$20,000 is needed to fund the last payroll of FY2019. This line item has averaged \$386,249 over the past five fiscal years. See attached memo from the Chief.</i>		

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

*Donna D. Holaday*  
*Ethan R. Manning*

Date:

Date:

*7/9/19*  
*7/9/19*

# Newburyport Fire Department

## *Office of the Fire Chief*

CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2019 JUL -9 PM 3:39

**To:** Mayor Donna Holaday, Council President Barry Connell, members of the  
City Council

**From:** Chief Christopher J. LeClaire

**Date:** July 9, 2019

**Re: Transfer for personnel cost overages in FY 2019**

---

The fire department is requesting a transfer of **\$20,000.00** from unexpended funds to cover overages incurred in the last month of payroll. The overages are due in large part to the requirement to use up vacation and personal day balances prior to the close of the fiscal year.

As you know, it is not possible to know how many vacation, sick and personal days will be used by each employee, and it would not be feasible to budget for all that could be taken. Our personnel budgets are affected by the number of shifts taken off due to vacation, sick, or from injury. The budget needed is also dictated by the minimum staffing clause in the collective bargaining agreement.

Thank you in advance for your support of this transfer and for your commitment to the fire department's mission. As usual, I am available to answer any questions you may have.



# CITY OF NEWBURYPORT



---

IN CITY COUNCIL

**ORDERED:**

## **EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in TRAN064\_07\_15\_19, a transfer from the paid parking fund to parking enforcement labor expense, is time sensitive as the City Auditor must close the fiscal year. M.G.L. Chapter 44, Section 33B allows for the approval of transfers during the first 15 days of the new fiscal year to apply to the previous fiscal year.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that TRAN064\_07\_15\_19 may be voted upon at its first introduction to this Council.

---

Councillor Charles F. Tontar



# City of Newburyport

## FY 2019

### BUDGET TRANSFER REQUEST

**Department:** Parking

**Submitted by:** Richard B. Jones, Parking Clerk

**Date Submitted:** 7/15/2019

**Transfer From:**

Account Name	<u>Paid Parking Fund</u>	YTD Bal:	<u>\$ 1,093,921.36</u>
Account Number:	<u>2739-59600</u>	Category:	<u>\$ -</u>
Amount:	<u>\$15,174.10</u>	Trans I/O:	<u>\$ (336,500.00)</u>
Why are Funds Available: <u>This fund is a receipts reserved for appropriation account. Funding sources include parking fees, violations and parking permits. YTD balance reflects all FY19 budgeted expenditures for the parking program, parking-related debt service and YTD transfers.</u>			

**Transfer To:**

Account Name	<u>PKG Part-Time Enforcement Officers</u>	YTD Bal:	<u>\$ (11,135.41)</u>
Account Number:	<u>01293001-51166</u>	Category:	<u>\$ (7,411.40)</u>
Amount:	<u>\$15,174.10</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed: <u>Estimates were used to build the FY19 budget; the first year of operating the parking program outside of the former revolving fund. A transfer was approved in April for \$64,000 to fund additional enforcement hours, along with an hourly differential, that were approved after the passage of the FY19 budget. Due to the amount of activity in May and June, including the opening of the garage and the tall ship visit, labor costs ended higher than originally anticipated back in April.</u>			

Donna D. Holaday, Mayor

Ethan R. Manning, Auditor

*Donna D. Holaday*  
*Ethan R. Manning*

Date:

Date:

7/19/19  
7/19/19

## COMMUNICATIONS

# CITY OF NEWBURYPORT



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IN CITY COUNCIL

**ORDERED:**

July 15, 2019

## **EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in COMM167\_07\_15\_19, a special event application for the Misselwood Concours D'Elegance Show on July 20, 2019, is time-sensitive due to the fact that the date of the event is prior the next Council meeting scheduled for August 19, 2019.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that COMM167\_07\_15\_19 may be voted upon at its first introduction to this Council.

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Councillor Barry N. Connell



## NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application): 45

NAME OF EVENT: MISSELWOOD CONCOURS D'ELEGANCE SHOW

Date: JULY 20, 2019 Time: from 10:00 AM to 11:30 AM

Rain Date: Time: from to

2. Location: FERRY WHARF PARKING LOT

3. Description of Property: NRA PARKING LOT Public ☒ Private4. Name of Organizer: MISSELWOOD EVENTS City Sponsored Event: Yes No ☒

Contact Person JAMIE MUCCI

Address: 370 MALE STREET Telephone: 978-232-2951

E-Mail: JMUCCI@ENDICOTT.EDU Cell Phone:

Day of Event Contact &amp; Phone: SAME AS ABOVE

5. Number of Attendees Expected: 70 CARS

6. MA Tax Number: 04-2384695

7. Is the Event Being Advertised? NO Where?

8. What Age Group is the Event Targeted to? ANYONE

9. Have You Notified Neighborhood Groups or Abutters? Yes No ☒ Who?

## ACTIVITIES: (Please check where applicable.) Subject to Licenses &amp; 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. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes ☒ No

If yes:

- a) How many trash receptacles will you be providing? N/A
- b) How many recycling receptacles will you be providing? N/A
- c) Will you be contracting for disposal of : Trash Yes ☐ No ☒ Recycling Yes ☐ No ☒
- i. If yes, size of dumpster(s): Trash N/A Recycling N/A
- ii. Name of disposal company: Trash N/A Recycling N/A
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes ☐ No ☐
- iv. If no, where will the trash & recycling be disposed ? N/A

If no:

- a) # of trash container(s) to be provided by DPS N/A
- b) # of recycling container(s) to be provided by Recycling Office N/A
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

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

# N/A Standard # N/A ADA accessible

Name of company providing the portable toilets: N/A

## 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: \_\_\_\_\_

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_

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

4. Date of Event: \_\_\_\_\_ Expected Number of Participants: \_\_\_\_\_

5. Start Time: \_\_\_\_\_ Expected End Time: \_\_\_\_\_

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

7. Locations of Water Stops (if any): \_\_\_\_\_

8. Will Detours for Motor Vehicles Be Required? \_\_\_\_\_ If so, where? \_\_\_\_\_

9. Formation Location & Time for Participants: \_\_\_\_\_

10. Dismissal Location & Time for Participants: \_\_\_\_\_

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 OR ANY USE OF A PUBLIC WAY.

CITY MARSHAL

*[Signature]*

4 Green St.

FIRE CHIEF

*[Signature]*

0 Greenleaf St.

DEPUTY DIRECTOR

*[Signature]*

16A Perry Way

CITY CLERK

*[Signature]*

60 Pleasant St.

## DEPARTMENT APPROVAL (for Committee Member 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, and others may require 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. Recycling: _____	
_____	6. ISD/Building: _____	
_____	7. Electrical: _____	
_____	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	<input type="checkbox"/> Yes: \$_____ due on _____	<input type="checkbox"/> No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
_____	10. Recreation Department: _____	
_____	11. 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.



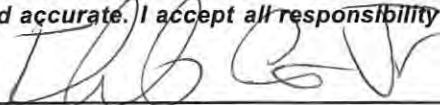
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers 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

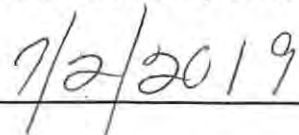
- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance 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:**





38R Merrimac Street, Newburyport, MA 01950  
O: 978-462-6680 F: 978-465-4145

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[www.newburyportchamber.org](http://www.newburyportchamber.org)  
[info@newburyportchamber.org](mailto:info@newburyportchamber.org)

Robert Uhlig  
Chairman of the Board  
Newburyport Redevelopment Authority  
Ferry Wharf  
Newburyport, MA

May 6, 2019

Dear Bob,

We are respectfully seeking permission for a group of 70 cars to park at the Ferry Wharf parking lot from approximately 10:00 - 11:30 AM, on July 20. This is in regards to the annual Misselwood Concours D'Elegance Show. The car owners would love to be able to stop in Newburyport, on their way to Beverly, to give their cars a chance to rest, and owners a chance to briefly enjoy beautiful Downtown Newburyport.

Frank G. Cousins, Jr.  
President  
Greater Newburyport Chamber of Commerce & Industry

CC: Waterfront Trust

## Frank Cousins

---

**From:** robert uhlig <bobuhlig@gmail.com>  
**Sent:** Monday, July 01, 2019 12:18 PM  
**To:** Frank Cousins; Andrew Sidford; leslie eckholdt; bobuhlig  
**Subject:** Fwd: FW: Message from KM\_C458  
**Attachments:** SKM\_C45819070111060.pdf

Frank - i am no longer on the Nport Redevelopment Authority. I am copying Andy and Leslie so they can respond.

Bob Uhlig  
cell 978-270-4876

----- Forwarded message -----

**From:** Frank Cousins <[fcousins@newburyportchamber.org](mailto:fcousins@newburyportchamber.org)>  
**Date:** Mon, Jul 1, 2019 at 11:17 AM  
**Subject:** FW: Message from KM\_C458  
**To:** robert uhlig <[bobuhlig@gmail.com](mailto:bobuhlig@gmail.com)>

Hi Bob,

Just wanted to follow up with you since we haven't heard back. Attached is the letter we sent to you before, just wanted to double check that the information is okay with you. This will be their 10<sup>th</sup> year coming up to Newburyport and unfortunately missed it last year due to weather, so they are very excited for this year. If you have any questions please call me.

Frank Cousins

5085272077

**From:** [konica@newburyportchamber.org](mailto:konica@newburyportchamber.org)  
**Sent:** Monday, July 01, 2019 12:07 PM  
**To:** Frank Cousins  
**Subject:** Message from KM\_C458



38R Merrimac Street, Newburyport, MA 01950  
O: 978-462-6680 F: 978-465-4145

[www.newburyportchamber.org](http://www.newburyportchamber.org)  
[info@newburyportchamber.org](mailto:info@newburyportchamber.org)

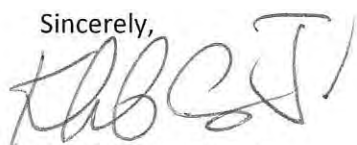
Barry N. Connell  
President  
Newburyport City Council  
60 Pleasant Street  
Newburyport, MA

July 2, 2019

  
Dear ~~Mr. Connell~~,

We are respectfully writing to follow up with our request for permission for a group of 70 cars to park at the Ferry Wharf parking lot on July 20<sup>th</sup> from 10:00-11:30AM. Please see the attached letter, we had sent to the NRA on May 6, 2019. We appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank G. Cousins, Jr." with a stylized flourish at the end.

Frank G. Cousins, Jr.  
President  
Greater Newburyport Chamber of Commerce



# CITY OF NEWBURYPORT



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

**ORDERED:**

July 15, 2019

## **EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in COMM168\_07\_15\_19, a special event application for the annual Slow Bike Race on July 31, 2019, is time-sensitive due to the fact that the date of the event is prior the next Council meeting scheduled for August 19, 2019.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that COMM168\_07\_15\_19 may be voted upon at its first introduction to this Council.

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

## NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. #978-761-5488

Fax.

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

NAME OF EVENT: Slow Bike Race (fundraiser for Coastal Trails Coalition)

Date: 7/31/19 Time: from 4:00 pm to 8:00 pm

Rain Date: None Time: from to

2. Location: Pleasant Street (between Green &amp; Titcomb), Newburyport, MA

3. Description of Property: City street Public ☒ Private ☐4. Name of Organizer: Coastal Trails Coalition City Sponsored Event: Yes ☐ No ☒

Contact Person Michele L. Norton, CTC Board Member

Address: PO Box 1016, Newburyport, MA 01950 Telephone: 978-761-5488

E-Mail: michlnort16@gmail.com (or info@coastaltrails.org) Cell Phone: 978-761-5488

Day of Event Contact &amp; Phone: Michele L. Norton, Race Director/#978-761-5488

5. Number of Attendees Expected: +/-200

6. MA Tax Number:

7. Is the Event Being Advertised? Yes ☐ Where? Social Media, NBPT Chamber Guide Book, YH Program Book

8. What Age Group is the Event Targeted to? 5-100 (all ages)

9. Have You Notified Neighborhood Groups or Abutters? Yes ☐ No ☒ Who?

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

A. Vending: Food ☐ Beverages ☐ Alcohol ☐ Goods ☐ Total # of VendorsB. 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. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes ☒ No ☐

**If yes:**

- a) How many trash receptacles will you be providing? 3-4
- b) How many recycling receptacles will you be providing? 1-2
- c) Will you be contracting for disposal of : **Trash** Yes      No X **Recycling** Yes      No X
- i. If yes, size of dumpster(s): **Trash**                      **Recycling**
- ii. Name of disposal company: **Trash**                      **Recycling**
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes      No
- iv. If no, where will the trash & recycling be disposed ?

**If no:**

- a) # of trash container(s) to be provided by DPS
- b) # of recycling container(s) to be provided by Recycling Office
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

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

#              Standard      #              ADA accessible

Name of company providing the portable toilets:

# FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

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

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:  
Coastal Trails Coalition

2. Name, Address & Daytime Phone Number of Organizer: Coastal Trails Coalition  
Michele L. Norton, Race Director #978-761-5488  
PO Box 1016  
Newburyport, MA 01950

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up Same as #2

4. Date of Event: 7/31/19 Expected Number of Participants: +/-50

5. Start Time: 4:00 pm Expected End Time: 8:00 pm

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**):  
Pleasant Street (between Green & Titcomb), Newburyport, MA

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

8. Will Detours for Motor Vehicles Be Required? Yes If so, where? No vehicles can drive on Pleasant St. between Green and Titcomb Streets

9. Formation Location & Time for Participants: \_\_\_\_\_

10. Dismissal Location & Time for Participants: \_\_\_\_\_

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 OR ANY USE OF A PUBLIC WAY.

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature] 0 Greenleaf St.  
DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK [Signature] 60 Pleasant St.



## DEPARTMENT APPROVAL (for Committee Member 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, and others may require 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. Recycling: _____	
_____	6. ISD/Building: _____	
_____	7. Electrical: _____	
_____	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	<input type="checkbox"/> Yes: \$_____ due on _____	<input type="checkbox"/> No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
_____	10. Recreation Department: _____	
_____	11. 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.

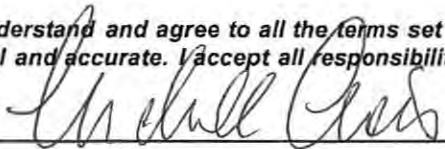
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers 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

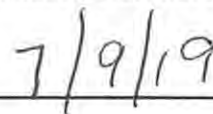
- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance 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:**





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/12/2019

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> Eastern Insurance Group LLC 233 West Central St  Natick MA 01760	<b>CONTACT NAME:</b> Alex Campbell <b>PHONE (A/C, No, Ext):</b> (800) 333-7234 <b>E-MAIL ADDRESS:</b> acampbell@easterninsurance.com <b>FAX (A/C, No):</b>  <b>INSURER(S) AFFORDING COVERAGE</b> INSURER A Mt Vernon Fire Insurance INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :
<b>INSURED</b> Coastal Trails Coalition Inc PO Box 1016  Newburyport MA 01950	<b>NAIC #</b>

**COVERAGES** **CERTIFICATE NUMBER:19 EVENT GL** **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 WVD	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  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		CL2749536	7/31/2019	8/2/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 1,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b> <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) \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <b>DED</b> <input type="checkbox"/> <b>RETENTION \$</b> <input type="checkbox"/>					EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> 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 <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 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)  
Certificate Holder is recognized as Additional Insured for General Liability if such cover is required of the insured in a written contract, permit, or agreement (FORM #L820-12-18)

**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
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# CITY OF NEWBURYPORT



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IN CITY COUNCIL

**ORDERED:**

July 15, 2019

## **EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in COMM169\_07\_15\_19, an application for a block party on Jackson Street on August 3, 2019, is time-sensitive due to the fact that the date of the event is prior the next Council meeting scheduled for August 19, 2019.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that COMM169\_07\_15\_19 may be voted upon at its first introduction to this Council.

---

Councillor Charles F. Tontar



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2019 JUL -2 AM 11:17

CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

## BLOCK PARTY APPLICATION

Please fill out the application below and obtain the approving signatures for the street closure. Mail or drop off the completed signed application at: City Clerk's Office, City Hall, 60 Pleasant Street, Newburyport, MA 01950 **at least eight (8) business days prior** to a City Council meeting. The requested Block Party needs approval by the City Council. For any questions, please contact The City Clerk's Office at (978) 465-4407.

DATE OF REQUEST: June 24, 2019

### CONTACT INFORMATION

FIRST AND LAST NAMES: Derek Hartford

MAILING ADDRESS: 22 Jackson St

PHONE NUMBER: 978-744-1250

E-MAIL ADDRESS: hartfordderek@gmail.com

### BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Aug 3, 2019 (Saturday)

DESIRED STREET CLOSING LOCATION: Jackson St (Collins to Woodland)

Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Jackson St

DESIRED STREET CLOSING TIME: 2-9:00 pm

Block Parties should run no later than 10:00 p.m.



## REGULATIONS

By signing, I agree that I am a legal adult 18 years of age or older and understand this permit does not release me of any liability for damages that may result from the conducting of this Block Party. Further, I agree to comply with all requirements listed below:

I understand that applications for block party permits may take up to four (4) weeks to process.

Block parties will be conducted only on low-volume residential streets, dead-end streets, or cul-de-sacs. No thoroughfares or collector streets may be used.

It is hereby agreed that, by signing and presenting this application, signer(s) represents to the City of Newburyport that the following statements are true and correct, and agrees to and will abide by the following:

1. All residents living on the street or block for which the party is planned request the block party, or have been contacted and do not object to the Block Party.
2. To be responsible for placement, maintenance and removal of barricades.
3. A block party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.) alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.
4. Amplified music shall be permitted with permission of the City Council.
5. To leave **AT LEAST A TWELVE (12) FOOT AISLE** in the street to permit passage of emergency vehicles or vehicles of residents. Failure to maintain a ten (10) foot aisle during the entire period of the party will necessitate denial of requests for subsequent block parties. **Public safety personnel will monitor the party for strict adherence to this rule.**
6. To maintain adult supervision at all times during the party.
7. Applicant(s) shall be responsible for the pick-up of trash and garbage within two (2) hours of the end of the party.
8. Streets may not be barricaded later than 10:00 P.M.
9. No residents of the area designated shall be prohibited from attending the party.
10. No such activity may be conducted within five hundred (500) feet of any school, church, hospital, nursing home or similar operation unless endorsed by the management of such institution.
11. Only approved readily removable Barricades will be permitted such as orange cones and sawhorses with a sign. No vehicles will be permitted to be used as a Barricade.
12. Block parties are permitted 10 A.M. – 10 P.M.

Applicant signature: \_\_\_\_\_

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

## APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant Street

6/28/19

7/2/19

6/27/19

7/10/19

City use only:

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Date \_\_\_\_\_

# CITY OF NEWBURYPORT



---

IN CITY COUNCIL

**ORDERED:**

July 15, 2019

## **EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in COMM170\_07\_15\_19, an application for a block party on 54th Street on August 10, 2019, is time-sensitive due to the fact that the date of the event is prior the next Council meeting scheduled for August 19, 2019.

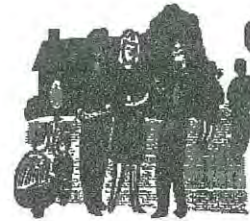
Therefore, the City Council hereby affirmatively declares that an emergency exists such that COMM170\_07\_15\_19 may be voted upon at its first introduction to this Council.

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Councillor Sharif I. Zeid



CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950



CITY CLERK'S OFFICE  
NEWBURYPORT, MA

JUN 21 AM 9:12

### BLOCK PARTY APPLICATION

Please fill out the application below and obtain the approving signatures for the street closure. Mail or drop off the completed signed application at: City Clerk's Office, City Hall, 60 Pleasant St., Newburyport, MA 01950 at least 8 business days prior to a City Council meeting. The requested Block Party needs approval by the City Council. For any questions, please contact The City Clerk's Office at (978)465-4407.

DATE OF REQUEST: 6/19/2019

#### CONTACT INFORMATION

FIRST AND LAST NAME: Lynne Murray  
MAILING ADDRESS: 8 54th St. Newburyport, MA  
PHONE NUMBER: 978-914-0602  
E-MAIL ADDRESS: sndipt@aol.com

#### BLOCK PARTY INFORMATION

BLOCK PARTY DATE: August 10, 2019

DESIRED STREET CLOSING LOCATION: 54th Street  
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: None

DESIRED STREET CLOSING TIME: 430pm - 10pm  
Block Parties should run no later than 10:00 p.m.



## REGULATIONS

By signing, I agree that I am a legal adult 18 years of age or older and understand this permit does not release me of any liability for damages that may result from the conducting of this Block Party. Further, I agree to comply with all requirements listed below:

I understand that applications for block party permits may take up to four weeks to process.

Block parties will be conducted only on low-volume residential streets, dead-end streets, or cul-de-sacs, No thoroughfares or collector streets may be used.

It is hereby agreed that, by signing and presenting this application, signer(s) represents to the City of Newburyport that the following statements are true and correct, and agrees to and will abide by the following:

1. All residents living on the street or block for which the party is planned request the Block party, or have been contacted and do not object to the Block Party.
2. To be responsible for placement, maintenance and removal of barricades.
3. A block party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.) alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.
4. Amplified music shall be permitted with permission of the City Council.
5. To leave **AT LEAST a TWELVE (12) FOOT AISLE** in the street to permit passage of emergency vehicles or vehicles of residents. Failure to maintain a ten foot aisle during the entire period of the party will necessitate denial of requests for subsequent block parties. Public safety personnel will monitor the party for strict adherence to this rule.
6. To maintain adult supervision at all times during the party.
7. Applicant(s) shall be responsible for the pick-up of trash and garbage within 2 hours of the end the party.
8. Streets may not be barricaded later than 10:00 P.M.
9. No residents of the area designated shall be prohibited from attending the party.
10. No such activity may be conducted within 500 feet of any school, church, hospital, nursing home or similar operation unless endorsed by the management of such institution e
11. Only approved readily removable Barricades will be permitted such as, orange cones and sawhorses with a sign. No vehicles will permitted to be used as a Barricade.
12. Block parties are permitted 10AM-10PM

Applicant Signature

*Deanne M. Murray*

Date

*6/19/2019*

## APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

*4 Green Street*

FIRE CHIEF

*Greenleaf Street*

DEPUTY DIRECTOR

*1 Perry Way*

CITY CLERK

*60 Pleasant St.*

*[Signature]*  
*Deputy SHB 6/19/19*  
*[Signature]*

City use only:

Approved

-Denied

Date

# CITY OF NEWBURYPORT



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IN CITY COUNCIL

**ORDERED:**

July 15, 2019

## **EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in COMM171\_07\_15\_19, an application for a block party on Congress Street on August 3, 2019, is time-sensitive due to the fact that the date of the event is prior the next Council meeting scheduled for August 19, 2019.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that COMM171\_07\_15\_19 may be voted upon at its first introduction to this Council.

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Councillor Joseph H. Devlin





RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2019 JUL 11 PM 3:28

CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

## BLOCK PARTY APPLICATION

Please fill out the application below and obtain the approving signatures for the street closure. Mail or drop off the completed signed application at: City Clerk's Office, City Hall, 60 Pleasant Street, Newburyport, MA 01950 **at least eight (8) business days prior** to a City Council meeting. The requested Block Party needs approval by the City Council. For any questions, please contact The City Clerk's Office at (978) 465-4407.

DATE OF REQUEST: May 13, 2019

### CONTACT INFORMATION

FIRST AND LAST NAMES: Jamie Chabot

MAILING ADDRESS: 4 Congress St. Newburyport, MA

PHONE NUMBER: 775-240-6836

E-MAIL ADDRESS: Jamie.Chabot1@gmail.com

### BLOCK PARTY INFORMATION

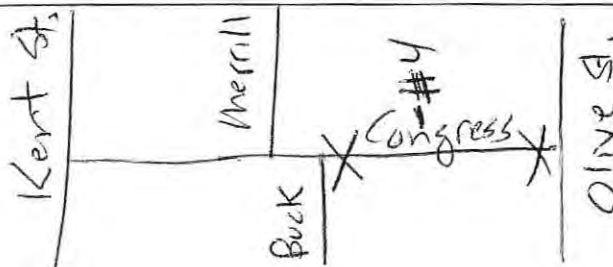
BLOCK PARTY DATE: Sat, Aug 3, 2019

DESIRED STREET CLOSING LOCATION: Buck/Congress & Olive/Congress  
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Congress St.

DESIRED STREET CLOSING TIME: 5:00 PM - 10:00 PM

Block Parties should run no later than 10:00 p.m.



## REGULATIONS

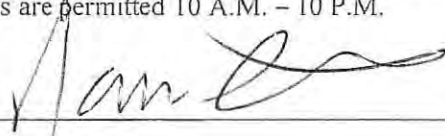
By signing, I agree that I am a legal adult 18 years of age or older and understand this permit does not release me of any liability for damages that may result from the conducting of this Block Party. Further, I agree to comply with all requirements listed below:

I understand that applications for block party permits may take up to four (4) weeks to process.

Block parties will be conducted only on low-volume residential streets, dead-end streets, or cul-de-sacs. No thoroughfares or collector streets may be used.

It is hereby agreed that, by signing and presenting this application, signer(s) represents to the City of Newburyport that the following statements are true and correct, and agrees to and will abide by the following:

1. All residents living on the street or block for which the party is planned request the block party, or have been contacted and do not object to the Block Party.
2. To be responsible for placement, maintenance and removal of barricades.
3. A block party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.) alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.
4. Amplified music shall be permitted with permission of the City Council.
5. To leave **AT LEAST A TWELVE (12) FOOT AISLE** in the street to permit passage of emergency vehicles or vehicles of residents. Failure to maintain a ten (10) foot aisle during the entire period of the party will necessitate denial of requests for subsequent block parties. **Public safety personnel will monitor the party for strict adherence to this rule.**
6. To maintain adult supervision at all times during the party.
7. Applicant(s) shall be responsible for the pick-up of trash and garbage within two (2) hours of the end of the party.
8. Streets may not be barricaded later than 10:00 P.M.
9. No residents of the area designated shall be prohibited from attending the party.
10. No such activity may be conducted within five hundred (500) feet of any school, church, hospital, nursing home or similar operation unless endorsed by the management of such institution.
11. Only approved readily removable Barricades will be permitted such as orange cones and sawhorses with a sign. No vehicles will be permitted to be used as a Barricade.
12. Block parties are permitted 10 A.M. - 10 P.M.

Applicant signature:  Date: May 13, 2019

### APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

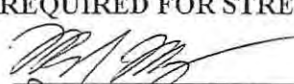
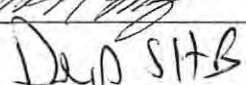
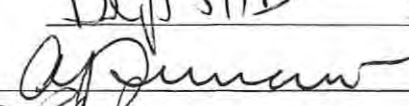
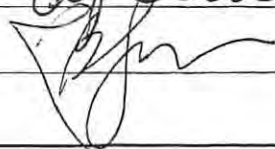
Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant Street

 5/14/19  
 5/14/19  
  


City use only:

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date \_\_\_\_\_

**APPOINTMENTS  
SECOND READING**

## SECOND READING APPOINTMENTS

- APPT105\_06\_24\_19 Chris Czernik 32 Water St #7 Council on Aging 5/31/2024
- APPT106\_06\_24\_19 Andrew Soracco 33 Middle St Tree Commission 7/1/2022
- APPT112\_06\_24\_19 Patricia Peknik 4 Dove St Historic Comm 7/31/2021

### Re-Appointments

- APPT107\_06\_24\_19 Jennifer Groskin 11 Myrtle Ave Human Rights Comm 7/1/2022
- APPT110\_06\_24\_19 Sheila J. Trieff 11 Shandel Dr Human Rights Comm 7/1/2022

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Tontar. So voted.

Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Eigerman. So voted (1 no – OBrien). Motion to approve APPT112\_06\_24\_19 first reading by Councillor Eigerman, seconded by Councillor Tontar. So voted.

## ORDERS



## CITY OF NEWBURYPORT



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

ORDERED:

May 13, 2019

**THAT the City Council of the City of Newburyport hereby** accepts the provisions of Chapter 32, §12(2)(d) of the Massachusetts General Laws. On or about March 28, 2019 the Newburyport Contributory Retirement Board voted pursuant to Section 29 and Section 30 of Chapter 176 of the Acts of 2011 to accept an increase to the minimum monthly allowance referenced in G.L. c. 32 § 12(2)(d) for a member survivor allowance to five hundred (\$500.00). The effective date of this acceptance shall be July 1, 2019.

“SECTION 29. Said section 12 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 211 and 212, the words “two hundred and fifty dollars” and inserting in place thereof the following words:- \$250 or \$500 a month, whichever is applicable to such spouse.

SECTION 30. Option (d) of said section 12 of said chapter 32, as so appearing, is hereby amended by inserting after the tenth paragraph the following paragraph:-  
Beginning April 2, 2012, the normal monthly member-survivor allowance provided for under this option to a spouse of a deceased member shall not be less than \$500 for members of the state teachers’ and state employees’ retirement system. This paragraph shall take effect for the members of a retirement system of any other political subdivision by a majority vote of the board of such system and by the local legislative body. For the purpose of this paragraph, a vote of the legislative body shall take place in the following manner: in a city, by a vote of the city council subject to its charter; in a town, by a vote at a town meeting; in a county, by a vote of the county retirement board advisory council; in a region, by a vote of the regional retirement board advisory council; in a district, by a vote of the district members; and for an authority, by a vote of its governing body. Acceptance shall be deemed to have occurred upon the filing of a certification of such vote with the commission.”

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

**In City Council May 28, 2019:**

Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

Approve: \_\_\_\_\_

Donna D. Holaday, Mayor

Attest: \_\_\_\_\_

Richard B. Jones, City Clerk

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

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL
**ORDERED:**

That the City Council appropriates from the Community Preservation Act FY 2020 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following projects, based upon the Community Preservation Committee's recommendation, the total amount of **\$1,250,803**. The source of funds shall be FY2020 estimated revenues in the amount of \$1,048,493.01 and Community Preservation Fund Balance in the amount of \$304,611. Each project listed below shall be considered a separate appropriation or reservation in the amount indicated for that project. Any conditions or stipulations indicated within the Community Preservation Committee's recommendation, incorporated herein, shall be considered a condition of this appropriation and subsequent grant award.

Project No.	Project Title	Applicant	Request	Recommendation
1	NHS Exterior Woodwork Restoration Phase 3	Newburyport Public Schools	\$110,903	\$110,903
2	Kelleher Gardens Siding Project	Newburyport Housing Authority	\$325,000	\$325,000
3	Gateway Trees 2	Newburyport Tree Commission	\$13,000	\$13,000
4	Cushing House Electrical System	Historic Society of Old Newbury	\$59,430	\$59,430
5	Bartlet Mall Historic Restoration-Walkway Improvements	Newburyport Parks Department and Commission	\$118,925	\$83,000
6	Custom House Maritime Museum: Interior Climate Control Systems Upgrade	Newburyport Maritime Society, Inc.	\$100,000	\$75,000
7	NHS Exterior Woodwork Restoration Phase 4	Newburyport Public Schools	\$84,000	\$84,000
8	Open Space Reserve Fund	Newburyport Open Space	\$170,000	\$100,000
9	Fuller Field Track Renovation Phase 2	Newburyport Parks Department and Commission	\$694,820	Full Bond

<b>10</b>	Riverfront Trail Gap Project/Clipper City Rail Trail Phase 2	Newburyport Planning Office	\$250,000	\$250,000
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**Total:      \$1,926,078      \$1,100,333**

<b>11</b>	NHS Stadium Bond Payment	123,080
<b>12</b>	Cherry Hill Soccer Field Bond Payment	\$12,540
<b>13</b>	Administrative Costs	\$12,000

**Total:              \$150,470**

---

Councillor Charles F. Tontar

Approve:  
Date:

Attest:

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE  
RECOMMENDATIONS FOR FY20 APPROPRIATIONS**

The Newburyport Community Preservation Committee recommends that the City Council appropriate **\$1,250,803** from Community Preservation Fund Revenues for the projects and bond payments, in the amounts, in the categories, and subject to the conditions hereinafter described.

The following CONDITIONS are common to recommended projects #1 through #11:

- A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.
- B. If a project is not completed within twelve (12) months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to rescission and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).
- C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 11.5% of local revenue, expected in November 2019.

Attached are:

- 1. A draft Council Order and table summarizing all CPC recommendations.
- 2. Recommendations for appropriation numbers 1-14, with summaries for each.
- 3. Criteria for project evaluation adopted and published by the CPC.

Estimated Community Preservation Fund Revenues available for appropriation or reservation in FY 2020 total **\$1,353,104.01**. This figure includes estimated receipts of the local CPA surcharge through fiscal year end 2019, accumulated interest, the anticipated 11.5% state matching funds expected to be received in November 2019, current uncommitted and unreserved funds, and the returned funds from completed and closed-out projects.

Applications for all projects are available for review in the Office of Planning & Development. Applications received, including those recommended for funding, are also available for viewing on the City website at the following URL:

<https://www.cityofnewburyport.com/community-preservation-committee>

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair  
Mark Rosen  
Daniel Koen  
Don Little  
Karen Popken

Jane Healey, Vice Chair  
Paul Healy  
Don Walters  
Ronald Ziemba



**PROJECT NO. 1**  
**NHS EXTERIOR WOODWORK RESTORATION PHASE 3**

The CPC recommends the appropriation of \$110,903 from the FY 2020 Estimated Revenues to the Newburyport Public Schools for the continuation of the NHS Phase 3 exterior woodwork restoration project with the following condition:

- The applicant shall finalize, execute and record a permanent Preservation Restriction (PR) on the entire exterior façade of the structure. The applicant shall consult and obtain approval from the Newburyport Historical Commission (NHC) regarding the scope and details of said PR, prior to execution and recording.

The CPA category is Historic Preservation.

**Project Summary:** This application is a continuation of Phase 3 of this project and will focus on the rehabilitation of the cupola. Age and exposure to weather have caused a variety of issues with the exterior woodwork, necessitating a well-planned historic restoration guided by The Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The applicant is nearing completion of the required Preservation Restriction, which will protect the exterior appearance of the structure in perpetuity. The additional funds are necessary because the bids for the work came in higher than the original project estimate.

**PROJECT NO. 2**  
**KELLEHER GARDENS COMMUNITY SIDING PROJECT**

The CPC recommends the appropriation of \$325,000 from the FY 2020 Estimated Revenues to the Newburyport Housing Authority to replace the siding of all buildings.

The CPA category for this appropriation is Affordable Housing.

**Project Summary:** The Housing Authority has recently undertaken a conceptual review which provided an estimate for not only the vinyl siding of the family unit complex located on Storey Avenue known as Kelleher Gardens but for window replacement as well. At this time however, the Newburyport Housing Authority is only requesting monies for the re-siding project. Kelleher Way Housing includes 13 residential buildings, 5 duplexes and 8 quadraplexes, as well as a small maintenance building. The buildings appear to be about 50 years old. All buildings currently have cedar shingles. The shingle siding is in poor condition and are at the end of their useful service. Units are beginning to see interior damage from water infiltration.

**PROJECT NO. 3**  
**GATEWAY TREES 2**

The CPC recommends the appropriation of \$13,000 from the FY 2020 Estimated Revenues to the Newburyport Tree Commission for the purchasing of 12 trees and the planting and two years of care of twenty five trees (12 trees to be purchased and 13 existing Liberty Elms previously purchased by the Tree Commission).

The CPA category for this appropriation is Historic Preservation.

**Project Summary:** The Tree Commission (TC), working the Friends of Newburyport Trees (FoNT), would like to continue a project initiated in 2016 called GATEWAY. The project's mission is to improve and beautify and restore the tree canopy on the principal access roads into Newburyport by planting site-specific street tree species, carefully vetted by Tree Commission arborists, in the public right-of-way. Over 50 available sites have been identified by the Tree Commission on the 2 miles of Merrimac Street. The project includes site preparation, purchasing, planting,

watering (2 years), pruning and mulching of trees. The requested grant will pay for the purchasing 12 trees and the planting and two year care of twenty five new trees.

#### **PROJECT NO. 4 CUSHING HOUSE ELECTRICAL SYSTEM**

The CPC recommends the appropriation of \$59,430 from the FY 2020 Estimated Revenues to the Historic Society of Old Newbury to replace the original wiring at the Cushing House and install a comprehensive new electrical system.

- The applicant shall finalize, execute and record a permanent Preservation Restriction (PR) on the entire exterior facade of the structure. The applicant shall consult and obtain approval from the Newburyport Historical Commission (NHC) regarding the scope and details of said PR, prior to execution and recording. If the applicant believes an existing PR for this structure meets these requirements, it shall obtain a written opinion from the Newburyport Historical Commission (NHC) that the scope and details of said PR are adequate in light of this project and that no amendments or additions to said PR are necessary. If the NHC determines that amendments or additions to the existing PR are necessary, the applicant shall finalize, execute and record an update to said PR accordingly. These requirements shall be met before any funds are distributed to the applicant.

The CPA category for this appropriation is Historic Preservation.

**Project Summary:** The electrical system work will be phased over the course of eight months (October 2019- May 2020) to avoid disruption during the summer season. The total project cost is \$118,860. For the last 63 years, the three-story brick building has housed offices, collections storage, period museum rooms, galleries, and a lecture hall that seats 65 people. The electrical system dates from the early 20<sup>th</sup> century and no longer meets code and could present a danger to the building and the collections. The current system is 100 amp.

#### **PROJECT NO. 5 BARTLET MALL HISTORIC RENOVATION- WALKWAY IMPROVEMENTS**

The CPC recommends the appropriation of \$83,000 from the FY 2020 Estimated Revenues to the City of Newburyport Parks Department and Commission to renovate and replace walkways within the park to make them more accessible.

The CPA category is Historic Preservation.

**Project Summary:** Bartlet Mall Park is the City of Newburyport's most visually prominent park. Centrally located on High Street at one of the main gateways to downtown, the Park is an easy walk from the central business district, as well as a number of residential neighborhoods and schools. The Bartlet Mall Park Restoration project is a phased project that will restore, preserve and protect the historic integrity of Bartlet Mall according to the original plans of landscape architect Charles Eliot. The Park provides a prime destination for runners, strollers, and dog walkers. The Park plays a major role in hosting annual festivals and other cultural events. The Newburyport Parks Department and Commission propose to remove existing, cracked, uneven, failing asphalt walkways with a porous flexible paving material. The proposed paving material provides a low maintenance, wheelchair accessible surface that also helps to manage stormwater because of its permeability.

**PROJECT NO. 6**  
**CUSTOM HOUSE MARITIME MUSEUM: INTERIOR CLIMATE CONTROL SYSTEMS UPGRADE**

The CPC recommends the appropriation of \$75,000 from the FY 2020 Estimated Revenues to the Newburyport Maritime Society, Inc. for an interior climate control systems upgrade at the Custom House Maritime Museum.

- The applicant shall finalize, execute and record a permanent Preservation Restriction (PR) on the entire exterior facade of the structure. The applicant shall consult and obtain approval from the Newburyport Historical Commission (NHC) regarding the scope and details of said PR, prior to execution and recording. If the applicant believes an existing PR for this structure meets these requirements, it shall obtain a written opinion from the Newburyport Historical Commission (NHC) that the scope and details of said PR are adequate in light of this project and that no amendments or additions to said PR are necessary. If the NHC determines that amendments or additions to the existing PR are necessary, the applicant shall finalize, execute and record an update to said PR accordingly. These requirements shall be met before any funds are distributed to the applicant.

The CPA category for this project is Historic Preservation.

**Project Summary:** The American Alliance of Museums outlines standards requiring that museums monitor environmental conditions and take proactive measures to mitigate the effects of fluctuations in temperature and humidity on collections. CSI Engineering recently completed a feasibility field investigation of the Custom House's building and proposed a scope of work including installation of a cooling HVAC system throughout the basement, first floor, and the non-museum portion of the second floor. CSI will work with Tripi Engineering Services who will investigate remedial options to reduce and control moisture migration through the exterior masonry of the walls and roof. This will ensure that the new HVAC system and building components work together as a system in order to prevent further degradation of historic building materials and protect the collections housed in the structure..

**PROJECT NO. 7**  
**NHS EXTERIOR WOODWORK RESTORATION PHASE 4**

The CPC recommends the appropriation of \$84,000 from the FY 2020 Estimated Revenues to the Newburyport Public Schools for the continuation of the NHS exterior woodwork restoration project with the following condition:

- The applicant shall finalize, execute and record a permanent Preservation Restriction (PR) on the entire exterior facade of the structure. The applicant shall consult and obtain approval from the Newburyport Historical Commission (NHC) regarding the scope and details of said PR, prior to execution and recording.

The CPA category is Historic Preservation.

**Project Summary:** This project looks to restore the topmost sections of exterior woodwork on the historic Newburyport High School. Age and exposure to weather have caused a variety of issues with the exterior woodwork necessitating a well-planned historic restoration guided by the Secretary of Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. This application for Phase 4 will address the remaining miscellaneous areas which need attention which include the back sides of the Library and Auditorium as well as other areas. Phase 4 is expected to occur in the summer of 2020.

**PROJECT NO. 8**  
**OPEN SPACE RESERVE FUND**

The CPC recommends the reservation of \$100,000 from the FY 2020 Estimated Revenues to the Open Space Reserve Fund.

The CPA category for this reservation is Open Space.

**Project Summary:** Since 2014, through appropriations from the Open Space Reserve Fund, the City successfully protected 10+ acres of land on Curzon Mill Road and a significant portion of the Colby Farm land on Low Street (pending). The existence of the Reserve allowed the City to take the opportunities when they were presented. Recent CPC funding rounds have restored the Reserve to its current balance of \$729,966. The OSC continues to work on conserving open space based on goals and priorities described in the City's Master Plan and Open Space and Recreation Plan. This application is a "placeholder," with the intention of submitting supplementary application(s) about specific projects, as agreements are reached, outside funding and project partners identified, and we are otherwise able to provide the project-specific details for your consideration. No funds will be appropriated from the Open Space Reserve Fund without the CPC's review and recommendation, and City Council's approval of the specific projects.

**PROJECT NO. 9**  
**FULLER FIELD TRACK RENOVATION- PHASE 2**

The CPC recommends to fully bond the continued renovation of the track and field facility at the Bradley Fuller Athletic Field on Low Street in the amount of \$694,820 on the condition that the annual debt service not exceed \$55,000.

The CPA category for this appropriation is Recreation.

**Project Summary:** Phase 1 of this project saw construction of a new, collegiate level track and multipurpose sports field at the existing track facility on Low Street. Phase 2 got underway with the installation of a new fence that allows gating off the facility in order to charge admissions for events. Continuation of the project includes installation of a 500 to 1,000-person grandstand, completion of electrical connections throughout the facility for the sound and timing systems, installation of a new sound system, and renovation of the interior of the existing field house to include expanded restroom facilities. Future phases include improving the parking and drop off area, and installing new concrete walkways and lighting and upgrade of the turf infield.

**PROJECT NO. 10**  
**RIVERFRONT TRAIL GAP PROJECT/ CLIPPER CITY RAIL TRAIL- PHASE 2**

The CPC recommends the appropriation of \$250,000 from the FY 2020 Estimated Revenues to the City of Newburyport Office of Planning & Development for the construction phase of the Riverfront Trail Gap Project.

The CPA category for this appropriation is Recreation.

**Project Summary:** The construction phase of the Clipper City Rail Trail's Riverfront Trail Gap Project will establish a crucial trail link along a 1,200' section of the former B&M railroad corridor along the Merrimack River shoreline, and fill a critical gap in this well-used trail network. The project will clean up soil contamination and significantly improve the resilience of this unprotected stretch of shoreline to sea level rise and storm surge events. The riverfront trail section between Joppa Park and the American Yacht Club will connect over three miles of the City's existing Rail Trail/Harborwalk network. The trail will be raised several feet above existing grade in order to be at or above the



FEMA flood zone level, and will be protected by a reconstructed rip-rap revetment along approximately 900 feet of the shoreline. This riverfront trail corridor has been fenced off since the discovery of soil contamination, and an interim trail detour has been routed along busy Water Street. While the interim on-road Water Street detour is functional in the near term, it is not a desirable long-term connection due to the narrowness of the road and its sidewalks, the direct proximity and speed of thousands of motor vehicles each day, the pinch points caused by utility poles and fire hydrants, universal access concerns, and its substantial 1000-foot length. Construction of the Riverfront Trail Gap Project will provide an off-road, paved, universally accessible, multiuse trail with amenities including seating, interactive sculpture, and a historic interpretive sign.

#### **PROJECT NO. 11**

#### **NEWBURYPORT HIGH SCHOOL WORLD WAR MEMORIAL STADIUM MULTI-PURPOSE FIELD PROJECT BOND DEBT PAYMENT**

The CPC recommends the appropriation of \$126,130 from the FY 2020 Estimated Revenues to the City of Newburyport for the fourth annual payment of interest and principal on the World War Memorial Stadium Multi-Purpose Field Project Bond.

The CPA category is Recreation.

**Project Summary:** In April 2014, the City Council authorized bonding up to \$1,500,000 against future CPA revenue for the renovation and improvement of the Newburyport High School's World War Memorial Stadium athletic field. Debt payments on the bond will continue through 2030. The CPC is advised that it is necessary to appropriate the debt service payments annually.

#### **PROJECT NO. 12**

#### **CHERRY HILL PARCEL B SOCCER FIELD IMPROVEMENT PROJECT BOND DEBT PAYMENT**

The CPC recommends the appropriation of \$12,340 from the FY 2020 Estimated Revenues to the City of Newburyport for the fourth annual payment of interest and principal on the Cherry Hill Parcel B Soccer Field Improvement Project Bond.

The CPA category is Recreation.

**Project Summary:** In April 2014, the City Council authorized the bonding of up to \$134,000 against future CPA revenue for the redesign and construction of the Cherry Hill Parcel B athletic field. Debt payments on the bond will continue through 2030. The CPC is advised that it is necessary to appropriate the debt service payments annually.

#### **PROJECT NO. 13**

#### **ADMINISTRATIVE COSTS**

The CPC recommends the appropriation of \$12,000 from the FY 2020 Estimated Revenues to fund the Community Preservation Committee's anticipated administrative costs. These costs include a stipend for the CPC administration liaison position in the Office of Planning & Community Development, annual membership dues in the statewide community preservation coalition, and other recurring expenses including note taking at meetings, legal advertising, and city solicitor review of legal documents when necessary. Excess funds remaining in this account at the end of the fiscal year revert to the general Community Preservation Fund.

The CPA category for this appropriation is Administration.



# COMMUNITY PRESERVATION COMMITTEE – EVALUATION CRITERIA

The Newburyport Community Preservation Committee gives preference to proposals which address as many of the following general criteria as possible:

1. Eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation (Chapter 44B of Mass. General Laws).
2. Consistent with the Master Plan, Open Space and Recreation Plan, Land Use and other planning documents that have received public scrutiny and input.
3. Preserve and enhance the essential character of the city.
4. Protect resources that would otherwise be threatened.
5. Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible.
6. Demonstrate practicality and feasibility, and that the project can be implemented within budget and on schedule.
7. Produce an advantageous cost/benefit value.
8. Leverage additional public and/or private funds (eg. qualify the project for additional grants from other sources) or receive partial funding from other sources and/or voluntary contributions of goods or services.
9. Preserve or improve utility of currently owned city assets.
10. Receive endorsement by other municipal boards or departments and broad-based support from community members.

## CATEGORY SPECIFIC CRITERIA

The Community Preservation Act funds three key community interests: open space, historic preservation, and affordable housing. Public recreation projects may also be funded.

1. **Open Space** proposals which address as many of the following specific criteria as possible will receive preference for funding:
  - Permanently protect important wildlife habitat, particularly areas that include;
    - locally significant biodiversity;
    - variety of habitats with a diversity of geologic features and types of vegetation;
    - Endangered habitat or species of plant or animal.
  - Preserve active agricultural use.
  - Provide opportunities for passive recreation and environmental education.
  - Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
  - Provide connections with existing trails, protected open space or potential trail linkages.
  - Preserve scenic views.
  - Border a scenic road.
  - Protect drinking water quantity and quality.
  - Provide flood control/storage.
  - Preserve and protect important surface water bodies, including streams, wetlands, vernal pools or riparian zones.
  - Buffer for protected open space, or historic resources.

2. **Historic Preservation** proposals which address as many of the following criteria as possible will receive preference for funding:
- Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.
  - Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance.
  - Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
  - Demonstrates a public benefit.
  - Ability to provide permanent protection for the historic resource.
3. **Affordable Housing** proposals which address as many of the following criteria as possible will receive preference for funding:
- Contribute to the goal of 10% affordability as defined by chapter 40B of Mass. General Laws.
  - Promote a socioeconomic environment that encourages a diversity of income.
  - Provide housing that is harmonious in design and scale with the surrounding community.
  - Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B.
  - Ensure long-term affordability.
  - Address the needs of range of qualified household, including very low, low and low-to moderate income families and individuals.
  - Provide affordable rental and affordable ownership opportunities.
  - Promote use of existing buildings or construction on previously-developed or city-owned sites.
  - Convert market rate to affordable units.
4. **Recreation** proposals which address as many of the following criteria as possible will receive preference for funding:
- Support multiple recreation uses.
  - Serve a significant number of residents.
  - Expand the range of recreational opportunities available to city residents of all ages.
  - Jointly benefit Conservation Commission and Parks Commission initiatives by promoting recreation, such as hiking, biking, and cross-country skiing.
  - Maximize the utility of land already owned by city (e.g. school property).
  - Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

July 15, 2019

AN ORDER TO RESTRICT PARKING AT DESIGNATED POINTS ALONG JOHNSON STREET

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.

Add the following new row to the table of streets or portions of streets upon which no person shall park any vehicle, as follows, with additions *italicized and double-underlined*:

<u>M Street</u>	<u>Both sides, starting at a point 307ft from the intersection of M Street and Old Point Road and running for a distance of 180ft</u>
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Councillor Sharif Zeid

## ORDINANCES

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Ordinance 30 (2018-19 session)  
introduced March 25, 2019  
as amended in committee June 6, June 19, and June 20, 2019

## AN ORDINANCE TO AMEND ARTICLE XXVII (DOWNTOWN OVERLAY DISTRICT) OF THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

**THAT** Section XXVII of the Zoning Ordinance be amended pursuant to Section XII-B, entitled "Adoption and Amendment," to read as follows, with deletions ~~stricken-through and in bold~~, and additions **double-underlined and in bold**:

### **XXVII-C - Establishment.**

The DOD is hereby established as an overlay zoning district consisting of all such parcels of land depicted on a map entitled "Downtown Overlay District (DOD)," prepared by the office of planning and development, and dated March 13, 2014.

...

3. *No demolition delay:* The provisions of article X of section 5 of the Newburyport Code (Building Demolition) shall not apply within the DOD **except to that category of work excluded from review by the SPGA under this section, upon a written determination by the zoning administrator, under subsection XXVII-E.5, below.**

...

### **XXVII-D - Definitions.**

1. *Addition, to add:* An extension or increase in total floor area, footprint, building height, or lot coverage.



2. *Alteration, to alter:* (a) Any addition, change, enlargement, expansion, maintenance other than in-kind, rebuilding, reconstruction or replacement, repair other than in-kind, restoration, replication, or other similar work; or (b) the moving from one portion of a lot to another, or from one lot to another, regardless of where the receiving lot is located.

3. *Character-defining exterior architectural feature:* An exterior architectural feature, whether existing historically or currently, that was understood to contribute to the significance of the relevant historic building or structure at the time of its listing on the State or National Register. The SPGA or the office of planning and development, as the case may be, shall refer to any photographs, data sheets or survey forms for such historic building or structure that have been prepared in connection with the Newburyport Historic District, whether dated earlier, contemporaneously, or later than its original listing on August 2, 1984.
4. *Construction, to construct:* The act or the fact of building, erecting, installing, or other similar activities.
5. *Demolition, to demolish:* The act, whether partial or complete, of pulling or tearing down, razing, or otherwise destroying.
6. *Demolition of a building or structure:* Demolition of greater than twenty-five (25) percent of all external walls of a building or structure, measured based upon their total surface area, regardless of the visibility of such walls from a street, way, or public body of water. The mere replacement of siding, such as clapboards or shingles, shall not constitute demolition of an external wall. Nor shall demolition of a building or structure include the demolition of a single external wall in order to build an addition, which shall be regulated under this section as an alteration.

**6A.Dormer: A rooftop appurtenance, as distinguished from a vertical addition, to a building or structure, built out from a sloping roof, and not extending above the ridge line of the roof from which it projects, set back from all walls of the building or structure below it, and containing one or more windows. A dormer may be either a shed dormer or a gabled (a.k.a. doghouse) dormer: a shed dormer has a roof with a single slope with its eave line parallel to the ridge line of the roof from which it projects; and a gabled dormer has a gabled, hipped, or arched roof with its ridge line perpendicular to the ridge line of the roof from which it projects.**

7. *Exterior architectural feature:* Any feature of the exterior of a building or structure that is open to view from any street, other way open to public travel, or the Merrimack River. Exterior architectural features may include, but are not limited to, the architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, chimneys, signs, dormers, and other appurtenant exterior fixtures.
8. *Historic building or structure:* A building or structure that: (a) is listed individually on the State and National Registers of Historic Places, as they may be amended from time to time; (b) was listed as "Contributory" to the Newburyport Historic District as of August 2, 1984; or (c) subsequent to the adoption of this section is added automatically to the list of historic buildings or structures subject to this section pursuant to subsection XXVII-F.7. In consultation with the historical commission, the office of planning and development shall compile and maintain a list of all historic buildings or structures subject to this section, [a] copy of which list shall be kept also by the city clerk, and posted on the city's website.

9. *Historic exterior architectural feature*: Any character-defining exterior architectural feature of an historic building or structure.
10. *Historic masonry*: An historic exterior architectural feature of brick or masonry material.
11. *Historical commission*: The Newburyport Historical Commission established pursuant to M.G.L.A. c. 40, § 8D.
12. *Newburyport Historic District*: The historic district known as the "Newburyport Historic District," originally listed on the State and National Registers of Historic Places on August 2, 1984, as amended.
13. *Ordinary maintenance, repair, or replacement in kind*: Alteration that does not involve any material change in the design, construction materials, or outward appearance of the exterior architectural feature so altered, with the express exception of any maintenance and repair of historic masonry, which is regulated under subsection XXVII-H. For purposes of this definition, a change in the color of paint is expressly understood not to involve a material change in the design, construction materials, or outward appearance of the exterior architectural feature so painted.
14. *Substantial evidence*: Such evidence as a reasonable mind might accept as adequate to support a conclusion.
15. *Temporary building or structure*: (a) Any building or structure designed or intended to be, or actually, in existence for a period of no more than twelve (12) months; or (b) any temporary sign as that term is defined in subsection VIII-B.
16. *Zoning Ordinance*: The Zoning Ordinance of the City of Newburyport, Massachusetts.

#### **XXVII-E Exclusions.**

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Consistent with the city's intent for the DOD under subsection XXVII-A, a DOD-SP shall not be required for any of the following categories of work, which are hereby excluded from review by the SPGA under this section, upon a written determination by the zoning administrator:

1. Any ordinary maintenance, repair, or replacement in kind;
2. Any alteration or demolition of a building, structure, or exterior architectural feature that is not also an historic building, structure, or exterior architectural feature;
3. Any alteration, demolition, or replacement of windows, doors, signs, and/or awnings that is reviewed and approved by the office of planning and development under subsection XXVII-F.5(d);

4. Any new construction, alteration, or demolition of a temporary building or structure;
5. Any alteration of a one-family (use 101) or two-family (use 202) building that is (a) located within an underlying residential one (R-1), residential two (R-2), or residential three (R-3) district, or (b) at assessors map-lot 1-9 (6 Prince Place) or map-lot 1-7-A/B (2-4 Prince Place);
6. Any landscaping with plants, trees or shrubs;
7. Any work undertaken to meet requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, **such as the demolition of an historic building damaged or destroyed by fire, storm or other disaster**; and
8. Any rebuilding, reconstruction, restoration, or replication of an historic exterior architectural feature that has been damaged or destroyed by fire, storm or other disaster, provided that both of the following conditions are satisfied: (a) the result of such work is **substantially** the same in design, material and outward appearance as the damaged or destroyed historic exterior architectural feature; and (b) such work commences within two (2) years after such catastrophe, or three (3) years if extended upon good cause shown in a written request granted by vote of the SPGA.

#### **XXVII-F Procedure and criteria.**

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*Application, review and required findings:* Unless an exclusion applies pursuant to subsection XXVII-E, all new construction, alteration, or demolition within the DOD shall require the owner of the relevant property to submit an application for a DOD-SP for the SPGA to review and approve such new construction, alteration, or demolition. Said approval shall be granted by the SPGA prior to the issuance of a building or demolition permit for any such work within the DOD. The planning board shall act as the SPGA for purposes of this section, and it shall review and may approve, approve with conditions, or deny all applications hereunder in accordance with the procedures listed in subsection X-H.8. The SPGA shall approve a DOD-SP only if the SPGA first determines that the proposed new construction, alteration, or demolition as described in the application meets all the requirements of this section and, in addition, the special permit criteria of subsection X-H.7.

1. *Streamlining and harmonization:* For the purposes of streamlining and harmonizing regulatory review by the city of proposed work subject to this zoning ordinance, and notwithstanding anything in this zoning ordinance to the contrary, the planning board shall serve as the SPGA for any proposed work within the DOD that requires action by an SPGA. If proposed work is subject to

site plan review under section XV, then the SPGA shall conduct DOD-SP review in conjunction with site plan review whenever reasonably possible.

2. *Documentation required to support an application:*

- a. To support an application for a DOD-SP, the owner shall provide as part of the application to the SPGA documentation regarding:
  - i. the historic building, structure, or exterior architectural feature proposed to be demolished or altered, including, but not limited to, any data sheets or survey forms for such historic building or structure that have been prepared in connection with the Newburyport Historic District;
  - ii. historic, if any, and current photographs of the relevant elevations and exterior architectural features;
  - iii. architectural plans, elevations and/or renderings depicting the proposed new construction, demolition, or alteration; and
  - iv. photographs of the adjacent buildings or structures, or setting.
- b. The owner (applicant) shall also be responsible for submitting a copy of the above materials to the historical commission no less than ~~twenty-one~~ (21)thirty (30) calendar days prior to the submission of an application to the SPGA. Such submission shall be a prerequisite for the submission of an application to the SPGA under this section.
- c. The office of planning and development shall develop a standardized application form for use by the SPGA and applicants, and for the purposes of determining the completeness of all applications in accordance with this section.

3. *U.S. Secretary of the Interior's standards:*

- a. In reviewing any application under this section, and except as otherwise provided herein, the SPGA or the office of planning and development, as the case may be, shall ~~consider, but in its sole discretion need not~~ adhere to, any relevant provisions of the United States Secretary of the Interior's "Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings," as they may be amended from time to time, including all related guidelines, bulletins and other official guidance promulgated by the National Park Service (Secretary's Standards).
- b. The Secretary's Standards offer four (4) distinct approaches to the treatment of historic properties, in order of preference — (i) preservation, (ii) rehabilitation, (iii) restoration, and, last, (iv) reconstruction or replacement — with accompanying guidelines for each. One set of standards will apply to a property undergoing



treatment, depending upon the property's significance, existing physical condition, the extent of documentation available and interpretive goals, when applicable.

- c. The Secretary's Standards are an industry-accepted series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. The related guidelines offer general design and technical recommendations to assist in applying the Standards to a specific property. Together, they provide a framework and guidance for decision-making about work or changes to a historic property.
- d. The Secretary's Standards and related guidelines shall be applied to all work involving historic properties of all types, materials, construction, sizes, and use located within the DOD, and extend to a property's landscape features, site, environment, as well as related new construction, unless an exclusion applies under Section XXVII-E.

4. *Procedure, requirements and criteria for review of proposed demolition:*

- a. *Demolition generally prohibited:* The intent of this **Section XXVII** section is to prevent the demolition of historic buildings, structures, and exterior architectural features located within the DOD unless the SPGA determines that the application meets all the requirements of this subsection XXVII-F.4 and, in addition, the special permit criteria of subsection X-H.7. Accordingly, such historic buildings, structures, and exterior architectural features shall be preserved and repaired, rather than demolished, **whenever reasonably feasible**, except as otherwise allowed under this subsection **XXVII-F.4**.
- b. *Demolition of historic buildings and structures:* The SPGA may approve demolition of an historic building or structure only if it makes written findings based upon substantial evidence in the record that such historic building or structure retains no substantial remaining market value or reasonable use, taking into account the cost of rehabilitation to meet the requirements of the State Building Code as it applies to historic buildings or structures, or of other applicable laws. Costs necessitated by any new construction, alteration, or demolition conducted in violation of this section shall not be included in the calculation of rehabilitation costs.

*Advisory reports:* **Pursuant to M.G.L. c. 44, § 53G, and to** aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage **an architect specializing in historic preservation, architectural historian, builder specializing in historic preservation, engineer specializing in historic preservation, or other similar consultant selected by the SPGA in its reasonable discretion**~~either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in opinion of the SPGA~~ to investigate and prepare a written

report upon the existing condition and feasibility of preservation of the historic building or structure proposed for demolition (Conditions Report). The SPGA shall engage such architect, engineer, or specialist no later than ~~seven (7)~~ten (10) calendar days after its having opened the required public hearing on the matter. Said Conditions Report shall include an estimate of the reasonable cost to rehabilitate the relevant building or structure to meet the requirements of the State Building Code as it applies to historic buildings or structures. **The Conditions Report required in connection with the proposed demolition of an historic building or structure shall not be waived by any City board, commission, or officer, including, without limitation by variance.**

No later than ~~thirty (30)~~twenty (20) calendar days after the ~~historical commission~~SPGA has received a complete application, the historical commission ~~may~~shall submit to the SPGA its written report (Historical Report) regarding: (x) the significance of the historic building or structure proposed for demolition; and (y) the relative importance of such historic building or structure to its setting within the DOD.

**Before acting on a DOD-SP application to demolish an historic building or structure, the SPGA shall consider both the Conditions Report and any Historical Report submitted by the historical commission.**

In addition, pursuant to M.G.L. c. 44, § 53G, the owner shall pay all costs for the SPGA to select in its reasonable discretion and engage a properly licensed real estate appraiser ~~deemed reasonably necessary in opinion of the SPGA~~ to investigate and prepare a written report upon the existing market value of the relevant historic building or structure (Appraisal Report), for the purposes of comparing this value against the cost estimate contained within the Conditions Report. **The SPGA shall engage such appraiser no later than ten (10) calendar days after its having opened the required public hearing on the matter. The Appraisal Report required in connection with the proposed demolition of an historic building or structure shall not be waived by any City board, commission, or officer, including, without limitation by variance.**

**Before acting on a DOD-SP application to demolish an historic building or structure, the SPGA shall consider both the Conditions Report and any Historical Report submitted by the historical commission, as well as the Appraisal Report.**

- c. *Demolition of historic exterior architectural features:* Historic exterior architectural features shall be retained and repaired whenever reasonably feasible. If the SPGA determines that such features cannot reasonably be retained and repaired, then they shall be replaced in kind, both in design and materials, whenever reasonably feasible.

*Advisory reports:* Pursuant to M.G.L. c. 44, § 53G, and tTo aid the SPGA in its review, ~~and provided the SPGA makes a written finding that the~~

~~proposed demolition is of sufficient scope to justify the time and expense,~~ the owner shall pay all costs for the SPGA to engage an architect specializing in historic preservation, architectural historian, builder specializing in historic preservation, engineer specializing in historic preservation, or other similar consultant selected by the SPGA in its reasonable discretion either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in opinion of the SPGA to investigate and prepare a written report upon the existing conditions and feasibility of preservation of the relevant historic exterior architectural features (Conditions Report). Said Conditions Report shall include an estimate of the reasonable cost of all work required to preserve, rehabilitate, or restore the relevant historic exterior architectural features. The SPGA shall engage such architect, engineer, or specialist no later than ten (10) calendar days after its having opened the required public hearing on the matter, unless the Conditions Report required in connection with the proposed demolition of historic exterior architectural features is waived by unanimous vote of the SPGA.

No later than ~~thirty (30)~~twenty (20) calendar days after the historical commission ~~SPGA~~ has received a complete application, the historical commission ~~may~~shall submit to the SPGA a written report regarding application of the relevant criteria of this section to the proposed work (Historical Report).

Before acting on a DOD-SP application, the SPGA shall consider both the Conditions Report, if any, and any Historical Report submitted by the historical commission.

- d. *Employment of outside consultants:* The portions of this subsection XXVII-F.4 (and its regulations, if any) requiring the payment of consultant fees by the owner are promulgated under the concurrent authority of M.G.L. A. c. 44, § 53G.
- e. *Replacement must be approved:* The SPGA shall not approve a DOD-SP application to demolish an historic building, structure, or exterior architectural feature without the SPGA's having earlier granted, or concurrently granting, all relief required under this zoning ordinance, if any, for the replacement building, structure, or exterior architectural features. In addition to the owner's submitting plans, specifications, and such other materials as are normally required by the SPGA to enable its review of new construction or alteration within the DOD, the owner shall also submit a timetable and such guarantees and assurances for the completion of the replacement building, structure, or exterior architectural feature as the SPGA may reasonably require.
- f. *Documentation before demolition:* When the SPGA approves or approves with conditions a DOD-SP to demolish an historic building, structure, or

exterior architectural feature, the SPGA may require documentation of the historic building, structure, or architectural feature to be demolished, including, but not limited to, photographs of elevations and details of specific exterior architectural features. If so required, such documentation shall be completed and submitted to the historical commission before demolition may commence.

- g. *Additional penalties for unauthorized demolition:* In addition to any other penalties under applicable law, without prior written approval by the SPGA, no building permit shall be issued for a period of three (3) years with respect to any premises at which an historic building, structure, or exterior architectural feature has been intentionally demolished without a DOD-SP having been first obtained in compliance with this section. Such three-year period shall commence after the date upon which such demolition has been completed or suspended, whether voluntarily or by legal compulsion. For purposes of this subsection, "premises" shall mean both (i) the lot upon which the demolished historic building, structure or architectural feature was located, and (ii) all abutting lots under common ownership or control of such lot at the time of demolition.
5. *Procedure, requirements and criteria for review of proposed new construction and alterations:*
- a. *New construction and alterations must be compatible with existing historic buildings and structures within the DOD:* New construction and alteration within the DOD shall not disrupt the essential form and integrity of (i) the subject historic building, structure or exterior architectural features, (ii) the lot where it is located, or (iii) its setting within the DOD. Moreover, new construction and alteration within the DOD shall be compatible with the size, scale, height, color (excepting paint color), material, and character of the (x) subject historic building, structure or exterior architectural feature, (y) the lot where it is located, and (z) its setting within the DOD, as the case may be.
    - i. *Reversibility:* New additions and other alterations to an historic building, structure, or exterior architectural feature shall be designed so that if they were to be removed or reversed in the future, the essential form and integrity of the overall historic building or structure would be unimpaired.
    - ii. *Composite materials:* The SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-case basis proposed composite materials when used in custom design for alterations to an historic building, structure, or exterior architectural feature that were unavailable when the subject historic building, structure, or exterior architectural feature was originally constructed.
    - iii. *Advisory reports:* **Pursuant to M.G.L. c. 44, § 53G, and to aid the SPGA in its review, and provided the SPGA makes a written finding that the proposed alteration of an historic exterior architectural feature is of sufficient scope to justify the time and**



~~expense~~, the owner shall pay all costs for the SPGA to engage an architect specializing in historic preservation, architectural historian, builder specializing in historic preservation, engineer specializing in historic preservation, or other similar consultant selected by the SPGA in its reasonable discretion ~~either a properly licensed architect or engineer experienced in the restoration of historic structures, or a recognized building preservation specialist, in the discretion of the SPGA, deemed necessary in the opinion of the SPGA~~ to investigate and prepare a written report upon the existing conditions and feasibility of preservation of the relevant historic exterior architectural feature (Conditions Report). Said Conditions Report shall include an estimate of the reasonable cost to rehabilitate the relevant historic exterior architectural feature to meet the requirements of the State Building Code as it applies to historic buildings or structures. The SPGA shall engage such architect, engineer, or specialist no later than ten (10) calendar days after its having opened the required public hearing on the matter, unless the Conditions Report required in connection with the proposed demolition of historic exterior architectural features is waived by unanimous vote of the SPGA.

No later than ~~thirty (30)~~twenty (20) calendar days after the ~~historical commission~~ SPGA has received a complete application, the historical commission ~~shall~~ may submit to the SPGA a written report regarding application of the relevant criteria of this section to the proposed new construction or alteration (Historical Report)

Before acting on a DOD-SP application, the SPGA shall consider both the Conditions Report, if any, and any Historical Report submitted by the historical commission.

The portions of this subsection XXVII-F.5 (and its regulations, if any) requiring the payment of consultant fees are promulgated under the concurrent authority of M.G.L.A. c. 44, § 53G.

- b. *Missing historic exterior architectural features:* When replacing or restoring an historic exterior architectural feature that is missing or has been significantly altered, such as storefronts, porches, or outbuildings, the approved design shall be based upon accurate documentation of such historic exterior architectural feature. If no such documentation is available, then the design shall be compatible in scale, proportions, material, and detail with the historic character of the building, structure or lot.
- c. *Non-historic styles permitted for new construction and additions:* The design of new construction and additions (as distinct from other alterations) within the DOD may reflect non-historic styles so long as they remain compatible with the historic character and scale of the subject historic building, structure, or exterior architectural feature, its lot, and its setting within the DOD, as the case may be. So long as new construction and



additions are so compatible, the SPGA shall not require the reproduction of historic styles, and, on the contrary, shall encourage contemporary styles of architecture to aid differentiation of old from new.

- d. *Staff-level review:* The office of planning and development ~~may~~ **shall** review and approve for consistency with this section the proposed alteration, demolition or replacement of windows, doors, signs, and/or awnings when such work is unaccompanied by ~~any~~ other work subject to this section ~~over a period of three (3) consecutive years~~, in which case exclusion 3 shall apply under subsection XXVII-E and no DOD-SP shall be required. **Notwithstanding the foregoing, a**Any proposed new window or door opening in an external wall of an historic building or structure shall require a DOD-SP.

- e. *Windows:*

- i. **No application for demolition, new construction, or alteration involving windows shall be complete without submission by the owner of an inventory of those windows to be affected (Window Inventory), which submission requirement shall not be waived by any City board, commission, or officer.**

**The Window Inventory shall indicate concisely by photographs, drawings, and/or text: (A) the locations of affected windows; (B) their exterior paint conditions; (C) their frame and sill conditions; (D) their sash conditions (rails, stiles and muntins); (E) their glazing conditions; and (F) their hardware conditions.**

**The SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-case basis work involving windows by determining, first, whether some or all of such affected windows are historic exterior architectural features, as defined under this Section XXVII, and so subject to review, second, the overall condition of each affected window that is an historic exterior architectural feature as "good," "fair", and "poor." and, third and finally, determining the appropriate treatment for such each affected window that is an historic architectural feature under the Secretary's Standards, which are, in order of preference, preservation, rehabilitation, restoration, and, last, reconstruction or replacement.**

**A "good" window is one that is intact, structurally sound, and performing its intended purpose, such that it needs no repair and only minor or routine maintenance.**

**A "fair" window is one: (A) with early signs**

of wear, failure or deterioration, although the window is generally sound structurally, and is performing its intended purpose; (B) with

failure of at least one part; and/or (C) where replacement of up to 30% of the area of such window or replacement of a defective part is required.

A “poor” window is one: (A) that is no longer performing its intended purpose and cannot be made to do so; (B) that is missing; (C) deterioration and damage affects more than 30% of the area of such window and adjustment and repair is not possible; and (D) that shows signs of imminent failure.

A “good” window shall be preserved, “fair” windows shall be rehabilitated or restored, and “poor” windows shall be reconstructed or replaced.

In approving appropriate treatments, the SPGA or the office of planning and development, as the case may be, shall incorporate into its decision a schedule that lists all of the parts of each window unit and notes their existing conditions by reference to the Window Inventory, or otherwise, and the precise tasks to be performed regarding each window part (Window Schedule).

- ii. Mirrored, tinted or heat-reflective glass or coatings, as well as interior applied or removable muntin bars, shall be prohibited.
- iii. ~~Otherwise, the SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-case basis alternatives to historic window materials.~~
- iv. Parts of replacement windows, such as exterior sills, molding and/or casing, exterior frames, and exterior sash windows shall match exactly those of the historic windows ~~whenever reasonably feasible~~. Otherwise, replacement shall match the historic windows in dimensions, configuration, mode of operation, and other general characteristics, but materials need not be duplicated exactly.
- v. Muntins, whether structural or applied, shall have an exterior, three-dimensional profile, and a width appropriate to the architectural style of the historic building or structure.
- vi. The SPGA, rather than the office of planning and development, shall review and may approve on a case-by-case basis all proposed new window openings in the external walls of an historic building or structure to ensure that they are consistent with historically accurate window arrangements.
- vii. Otherwise, the SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-

for Preservation and Replacement of historic Wood Windows in Newburyport, dated June 24, 2019, a copy of which is on file with the office of planning and development.

f. *Doors:*

- i. Replacement doors shall not incorporate leaded or stained glass except when replicating the original appearance of the historic building or structure. If part of a replacement door is glazed or has a window insert, such glazing or inserts shall include true or simulated divided lights. Mirrored, tinted or heat-reflective glass or coatings, as well as interior applied or removable muntin bars, shall be prohibited.
- ii. Otherwise, the SPGA, rather than the office of planning and development, shall review and may approve on a case-by-case basis proposed new door openings in the external walls of an historic building or structure to ensure that they are consistent with historically accurate door arrangements.
- iii. For historic buildings and structures other than one-family and two-family buildings, when the historic entrance will no longer be used, such historic entrance shall be left in place and secured, such that the alteration is reversible and the doorway can be reopened in the future with minimal work.

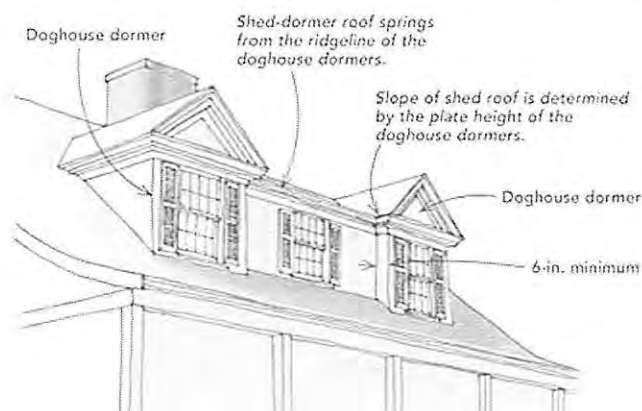
g. *Roofs, dormers and other roof features:* Rooftop features, such as elevator or stair towers, decks or terraces, dormers, or skylights, shall not damage or obscure character-defining exterior historic features, and should be inconspicuous and minimally visible on the site and from public ways.

- i. Roofing materials shall be compatible with the character of the DOD, and the overall geometry and proportions of the historic roof shapes and planes of an historic building or structure should be preserved.
- ii. New skylights shall be constructed to minimize their visibility from any street, way, or public body of water, shall not be made of curved plastic or in bubble form, and ~~shall~~should follow the plane of the roofline.
- iii. Historic chimneys, including, but not limited to, their historic dimensions and decorative brickwork patterns, shall be retained and repaired, regardless of the existence or usability of interior fireplaces. ~~New or altered dormers shall be permitted if the SPGA finds that they will relate harmoniously to the historic form, proportions, and arrangement of windows and doors of the historic building or structure, and will be constructed in appropriately matching materials.~~

- iv. All dormers shall be set back at least 1 ft., 6 in. (1'-6") from the wall below of the building or structure that is parallel to the ridge of the roof from which the dormer projects, and at least 3 ft., 6 in. (3'-6") from a wall below of the building or structure that is perpendicular to the ridge of the roof from which the dormers project.
- v. No dormer shall extend above the ridge line of the roof from which it projects.
- vi. The roof of any dormer shall not lack slope or otherwise be constructed flat. The roof pitch of a shed dormer may vary according to the pitch of the roof from which it projects, but the roof pitch of a gabled dormer shall match the pitch of the roof from which it projects, except in the case of gambrel or mansard roof.



(Gabled dormers in the DOD that project from mansard and gambrel roofs.)



(Shed dormer with matching gabled dormers at either end)

- vii. In no case shall windows be allowed in the side walls of dormers.



- viii. **Inset roof decks, created by cutting into a section of roof and inserting a decked opening, shall follow the same setback standards stipulated for dormers.**
- ix. Otherwise, the SPGA shall review and may approve on a case-by-case basis the proposed new construction and alteration of roofs, dormers and other roof features, including, without being limited to, balconies, towers, widow walks, roof decks, and cupolas, **consistent with the Design Guidelines for Roof Dormers, prepared for the City of Cambridge, Massachusetts, Board of Zoning Appeal, and dated 1996, a copy of which is on file with the office of planning and development.**
- h. *Porches and entrance porticos:* The SPGA shall review and may approve on a case-by-case basis proposed new construction and alteration of porches and entrance porticos, including the proposed enclosure or glazing of historic porches and entrance porticos.
- i. *Fences and site walls:* New fences and site walls shall be appropriate in scale, materials and architectural style to the historic buildings and structures located on the same lot, to the lot itself, and to its setting. New fences and site walls shall not substantially block significant views from any street, way, or the Merrimack River, of the primary facades of historic buildings and structures located within the DOD.
- j. *Outbuildings:* When the SPGA approves the replacement of an historic barn or other outbuilding, or of its historic exterior architectural features, the replacement outbuilding or exterior architectural features should be compatible with the historic features in design, material, dimension, sash or panel configuration, detail, and texture.
- k. *Signs and awnings:* In addition to any other regulations of commercial signs under the Newburyport Code: (i) the maximum size for first-floor projected, hanging, window, and wall signs shall be twelve (12) square feet; (ii) projected, hanging, window, and wall signs shall be prohibited on upper floors; (iii) signs may be constructed of painted wood, metal, or stone; (iv) signs constructed of particle board, plastic, or highly reflective metal shall be prohibited (provided, however, that the SPGA or the office of planning and development, as the case may be, may approve the use of carved high-density sign foam or foam board when the finished surface will have a matte [non-glossy] finish); (v) downlit signs shall use shielded bulbs to prevent light scatter; internally-lit signs are not permitted; (vi) all signs and hardware thereto attached to historic masonry shall be attached through mortar; and (vii) any adhesive used for signs affixed to historic buildings or structures shall be preservation quality. The SPGA or the office of planning and development, as the case may be, shall review and may approve on a case-by-case basis the proposed installation of new awnings. Installation of signage that does not comply with this section shall be subject to a variance from the zoning board of appeals in accordance with section X-H.6.

- l. *Access for persons with disabilities* Alterations to an historic building or structure for the purposes of providing accessibility shall provide persons with disabilities the level of physical access to such building or structure that is required under applicable law, consistent with the preservation of historic exterior architectural features of such building or structure, and with the goal of providing the highest level of access with the lowest level of impact on historic integrity.
- m. *Solar energy systems*: Consistent with state laws encouraging the installation of solar energy systems, as defined in M.G.L.A. c. 40A, § 1A, new construction or alteration of solar collectors shall not irreversibly change or alter any historic exterior architectural features, and collector panels and other elements of solar energy systems, such as framing, piping and insulation, shall be installed so as to minimize their visibility from any street, way, or public body of water. Otherwise, the SPGA shall review and may approve on a case-by-case basis the new construction or alteration of solar energy systems while considering the policy of the Commonwealth to encourage the use of solar energy systems and to protect solar access.

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Councillor Jared J. Eigerman

**In City Council June 24, 2019:**

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to amend, add "to" on page 8, by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Earls. Roll call vote, 8 yes, 1 no (Zeid), 2 absent (Giunta, Khan). Motion passed.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

March 25, 2019

## **AN ORDINANCE TO ESTABLISH THE REGULATION OF THE USE OF GLYPHOSATE**

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

### Section 1: Introduction

There is widespread use of pesticides including herbicides for the control of weeds and other unwanted vegetation, insecticides for controlling a wide variety of insects, fungicides used to prevent mold and mildew and disinfectants for the prevention of bacteria and various compounds for the control of mice and rats. Any government, whether local, state or federal, has the inherent duty to protect the health and safety of its citizens and to regulate the use of its own property. As appropriate and based upon scientific data analysis, the City of Newburyport should respond to any credible harm to its citizens by taking necessary measures on the use of its own property.

### Section 2: Health Concerns and Rationale

Certain herbicides, such as the brand names Roundup and Rodeo, contain glyphosate in an effort to control weeds and broadleaf plants. Although there has some disagreement among the scientific community, the International Agency for Research on Cancer ('IARC') has classified glyphosate as 'probably carcinogenic'. RoundUp is used most heavily on corn, soy, and cotton crops that have been genetically modified to withstand glyphosate. Glyphosate binds tightly to the soil and persist for up to 6 months depending on the type of soil.

### Section 3: Definition

**Glyphosate:** a synthetic compound which is a nonselective systemic herbicide, particularly effective against perennial weeds. Glyphosate will kill most plants by preventing the plants from making certain proteins that are needed for plant growth. Glyphosate stops a specific enzyme

pathway, the shikimic acid pathway. The shikimic acid pathway is necessary for plants and some microorganisms.

#### Section 4: Authority

The provisions of Massachusetts General Laws Chapter 132B, the Massachusetts Pesticide Control Act, provide a comprehensive scheme regarding the regulation of pesticides in the Commonwealth. The City has certain inherent authority to regulate the use of its own property. This ordinance shall act as a measure of the City to regulate City-owned property and therefore is within the purview of the City. It does not seek to regulate the overall use of pesticides.

#### Section 5: Regulation

For the aforementioned reasons the use and application of glyphosate, either by the City of Newburyport employees or by private contractors, is prohibited on all Parks Commission lands and City of Newburyport lands, including school fields which shall comply with the School Children and Families Protection Act; except for certain exemptions and emergency waivers. Said exemptions and emergency waivers and any necessary regulations thereunder shall be issued and authorized by the Newburyport Board of Health.

#### Section 6: Regulations and Enforcement

The Newburyport Board of Health, pursuant to Massachusetts General Laws Chapter 111, Section 31, may make reasonable health regulations and furthermore, pursuant to Massachusetts General Laws Chapter 111, Section 122, may make regulations for the public health and safety relative nuisances and causes of sickness.

The Board of Health by and through its Health Director is hereby designated as the enforcement agent for any violations hereunder.

#### Section 7: Penalties

The penalty for any violation of this ordinance shall be a fine in the amount of five hundred (\$500.00) dollars for a first offense and one thousand (\$1000.00) dollars for second and subsequent offenses. Each application of a prohibited product under this ordinance shall be deemed to be a separate offense. Citations for violations of a prohibited product may be in such form as the Board of Health may determine.

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Councillor Gregory D. Earls

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Councillor Barry N. Connell

**In City Council June 24, 2019:**

Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Devlin. Roll call vote, 6 yes, 3 no (OBrien, Zeid, Devlin), 2 absent (Giunta, Khan). Motion passed.



# CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

July 15, 2019

## **AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT**

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

### ***Zoning Ordinance Amendment:***

**THAT** the Zoning Ordinance of the City of Newburyport be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

### **Section XXIV: Waterfront West Overlay District (WWOD)**

Delete Section XXIV, entitled "Waterfront West Overlay District (WWOD) – Special Permit" in its entirety and replace said Section with the following:

### **SECTION XXIV. - WATERFRONT WEST OVERLAY DISTRICT (WWOD)**

#### **XXIV-A - Purpose.**

A Waterfront West Overlay District (WWOD) is hereby established, due to the unique land use, historic, cultural and architectural resources of the properties located along the central waterfront of the City of Newburyport, to encourage implementation of the recommendations of the 2003 Waterfront Strategic Plan, 2017 Master Plan, and the January 28, 2019 Report submitted to the City Council by its Ad Hoc Committee on Waterfront West, as they are amended and supplemented from time to time. Such recommendations include:

1. Encourage a building pattern, scale, setbacks, height, density, and design conforming to that now found in the historic downtown business district;
2. Encourage a pattern of building development similar to the existing downtown by eliminating excessive yard setback requirements, and increasing the percentage of a lot area that can be covered by a building;
3. Encourage mixed-use buildings with commercial uses on the ground floor and housing and/or offices above;

4. Promote a lively, mixed-use waterfront district that will serve Newburyport's citizens and visitors with ample public space and intimately scaled streets and public pedestrian ways with key views to the river from Merrimac Street;
5. Maintain and protect marine-dependent uses consistent with the requirements of Chapter 91 of the Massachusetts General Laws;
6. Diminish the visual impact of the parked car by discouraging expansive surface parking lots and encouraging structured parking;
7. Encourage shared-parking strategies in mixed-use projects to diminish overall parking requirements;
8. Provide incentives to construct pedestrian ways to the water such as pedestrian alleys, sidewalks, squares, and other public open spaces;
9. Protect the architectural, cultural, economic, and cultural heritage of Newburyport's urban waterfront through preservation and adaptive reuse of existing historic structures;
10. Encourage affordable housing within an overall density that is generally consistent with the Zoning Ordinance and the downtown districts; and
11. Promote creative, efficient, and appropriate solutions for the development of complex sites, and facilitate the development of a mix of complementary land uses, including both residential and nonresidential development, that will address City and regional interests, including in the form of additional employment, housing, and tax revenue.

#### **XXIV-B - Establishment.**

The WWOD is hereby established as an overlay district as shown on the City's zoning map, which is superimposed over, rather than replacing, the applicable underlying zoning district(s). The Master Development Plan (MDP) and Building Layout and Architectural Review (BLAR) procedures are hereby established to effectuate the purposes of this Section XXIV.

Within the WWOD, the provisions of the underlying zoning district shall remain in full force and effect except with respect to land where a WWOD Project (as defined herein) is to be developed pursuant to an approved MDP and associated BLAR Approval(s) (as defined herein) pursuant to this Section XXIV, in which case the provisions of this Section XXIV shall apply, and shall supersede contrary provisions of the applicable underlying zoning district(s), but all other regulations of the underlying zoning district(s) shall apply except to the extent that they are inconsistent with, supplemented by, or modified by the provisions of this Section XXIV. In the event of any conflict or inconsistency between the other provisions of this Zoning Ordinance and this Section XXIV, the provisions of this Section XXIV shall prevail. Special permit and similar approvals/criteria otherwise required under this Zoning Ordinance shall not be required for a WWOD Project, including, without limitation, any such approvals/criteria required pursuant to Section XIII (Floodplain Overlay District); Section XV (Site Plan Review); and/or Section XIX (Water Resources Protection District) where said WWOD Project is undertaken pursuant to a MDP approved by the City Council under this Section XXIV.

The requirements of this Section XXIV shall not apply to any existing building(s) within the WWOD unless such building(s) are included in the area subject to an approved MDP, and such existing buildings and the existing use(s) thereof shall be treated as legally nonconforming uses and structures in accordance with Section IX (Nonconforming Uses, Structures and Lots) of this Zoning Ordinance.

Development authorized under an approved MDP, a so-called "WWOD Project," may be constructed in phases (each, a "WWOD Project Phase"), consistent with the Phasing Plan approved by the City Council in connection with the applicable MDP and subject to Planning Board review under Section XXIV-H below. The

applicant may elect to consolidate authorized phases, and/or undertake the entire WWOD Project as a single WWOD Project Phase. Changes to the Phasing Plan may be approved by the Office of Planning and Development at its sole discretion upon an administrative determination that the proposed change is consistent with this Section XXIV. Upon such a determination, a building permit for the affected phase(s) may issue in accordance with Section XXIV-H. If the Office of Planning and Development determines that a proposed change to the Phasing Plan constitutes a material modification of the approved MDP or Phasing Plan approved thereunder, then the proposed change shall require approval in accordance with Section XXIV-F(3) and a building permit may thereafter issue for the affected phase(s). Upon the granting of administrative approval or such other approval as may be required by Sections XXIV-F(3), the affected phase(s) shall be deemed to be in compliance with the requirements of this Section XXIV at the time such finding is made, notwithstanding the status of any other phase of the development.

Subsequent to issuance of the first BLAR Approval for a WWOD Project, development of any or all lots included within the area of an approved Master Development Plan may only be pursued under other applicable underlying zoning and overlay districts, subject to receipt of approvals, if any, required under such other regulations, provided that the City Council votes by super-majority to so amend the MDP, pursuant to this Section XXIV. Under no circumstances shall the total area subject to a Master Development Plan as amended be less than four (4) acres.

#### **XXIV-C – Use requirements.**

The following use requirements set forth in this Section XXIV-C shall apply to all development subject to this Section XXIV, in place of other use requirements under this Zoning Ordinance.

##### **1. Permitted uses.**

- a. *By right uses:* The following uses may be permitted within a WWOD Project under a MDP approved by a two-thirds, super-majority vote of the City Council, without the approval of any other special permit granting authority:
  - i. Use #103. Multi-family (including attached or detached townhouses);
  - ii. Use #104. Multi-family, over twenty (20) units;
  - iii. Use #105. Hotel/inn (including with in-room kitchenettes);
  - iv. Use #108. Congregate elderly housing;
  - v. Use #215. Medical office building;
  - vi. Use #216. Community center;
  - vii. Use #402. Specialty shopping center (including if part of mixed use (#405));
  - viii. Use #403. Retail trade;
  - ix. Use #404. Retail services;
  - x. Use #405. Mixed use;
  - xi. Use #406. Health/recreation;
  - xii. Use #413B. Parking structure;
  - xiii. Use #414. Retail/service kiosk automated teller machine.

- xiv. Use #420. Theater assembly;
  - xv. Use #421. Meeting space;
  - xvi. Use #422. Neighborhood bakeries/delis;
  - xvii. Use #501. Restaurant;
  - xviii. Use #502. Fast food/carry out (carry-out of prepared food only) with no "drive-through" operations permitted;
  - xix. Use #503. Outdoor Café;
  - xx. Use #612. Corporate headquarters; and
  - xxi. [Additional uses currently permitted by right or by special permit in the Waterfront Mixed Use (WMU) Zoning District to be enumerated here, including, without limitation, water dependent uses.]
- b. Short-term rental residential uses: Short-term rental (i.e. for a period of no more than 29 calendar days) of any allowed residential use is allowed by-right within an approved WWOD Project, provided that such a short-term rental complies with any and all federal, state, and City laws regulating the same.

## 2. Accessory uses.

- a. Accessory uses generally: Any use that is incidental to, or customarily used in connection with, any principal use permitted within the area of the MDP shall be permitted as an accessory use, expressly excepting signs, which shall be regulated under subsection XXIV.D.7, below.
- b. Specific accessory uses: Without limiting the foregoing, the following accessory uses shall be permitted by right:
- i. Outdoor seating;
  - ii. Automated Teller Machines (ATMs) with no "drive-through" operations permitted;
  - iii. Employee housing;
  - iv. Enclosed storage;
  - v. Uses supporting principal Office uses, including, without limitation, health and fitness centers, restaurants/cafeterias, dry cleaner drop-off service, and small-scale retail stores;
  - vi. Uses supporting principal Hotel/Inn uses, including, without limitation, restaurants/cafeterias, dining rooms, bars and other places serving food or beverages; patio bars and other outdoor food services areas; theaters, halls, conference rooms, clubs, auditoriums and other places of amusement, assembly or meeting function purposes; health and fitness centers; small-scale retail stores and personal service shops (including dry cleaner drop-off service, florist kiosks, newsstands, hairstyling salons and barber shops); convenience stores; commercial or public parking lots and parking garages; and similar establishments and services of the same general character as the above; and

- vii. Accessory off-street parking, provided, however, that surface parking shall be located solely in those locations specified under an approved MDP.
- c. Off-site accessory (ancillary) uses: An accessory use may be located on a different lot from its associated principal use (an ancillary use), provided it is located within the same MDP area and such accessory use remains reasonably proximate to the principal use.
  - i. Ancillary parking: For purposes of this Section XXIV, ancillary parking spaces shall be deemed to be reasonably proximate to the principal use if such spaces are provided in accordance with Section XXIV-E of this Zoning Ordinance.
  - ii. Other ancillary uses: The location of an ancillary use on a different lot than the principal use, other than any accessory parking spaces provided as described above, shall require the Planning Board's determination, at an administrative meeting, that such accessory use is generally compatible with the surrounding WWOD Project and that such ancillary use is reasonably proximate to the principal use as determined by the Planning Board.

### 3. Prohibited uses.

Any other uses not expressly authorized in this section pursuant to a MDP approved by the City Council hereunder shall be prohibited.

### 4. Required mix of uses.

A Master Development Plan shall include a healthy mix of uses that support a vibrant mix of activities year-round, including, but not limited to, the following:

- a. Hotel/Inn use with a minimum of (50) guest rooms;
- b. Retail / Restaurant / Service uses, in a cumulative amount not less than 5,000 square feet nor more than 10,000 square feet of Gross Floor Area;
- c. Active ground-floor uses (*i.e.*, Facilities of Public Accommodation as defined under 310 CMR 9) shall be provided along main streets and anchor corners of buildings fronting along the Merrimack River, provided, however, that such uses are not required on the ground floor of secondary streets, where residential and screened parking and loading shall be allowed; and
- d. A public pedestrian circulation route paralleling the waterfront that is accessible and having a width of 10 to 12 feet on average, predominately following the Merrimack River shoreline.

### 5. Affordable housing.

- a. Affordable Housing: At least twelve percent (12%) of all dwelling units constructed in each WWOD Project Phase (if any), with fractional units rounded upward, shall be deed-restricted for low or moderate income households as defined under M.G.L.A. 40B, § 20 and 760 CMR 56. All such affordable housing units shall meet all of the requirements necessary for listing on the Massachusetts Subsidized Housing Inventory (SHI). Additionally, the applicant creating the affordable unit(s) shall comply with all DHCD regulations and guidelines for qualification of the housing units created, including but not limited to, eligible subsidy, the form of the affordable housing restriction and regulations concerning owner or tenant selection and affirmative fair marketing, unit design standards, housing costs, and income and other household and unit eligibility standards. The applicant shall cooperate with the City of Newburyport in good faith to qualify any restricted housing unit toward the city's affordable unit count on the SHI.
  - i. For purposes of this subsection XXIV-C(4), neither (A) Hotel/Inn use, nor (B) a Congregate Elderly Housing facility, nor (C) Nursing Home use shall be considered a



residential use, with the exception of any facilities specifically named in clauses (B) or (C) above that are independent dwelling units because they have independent kitchens and bathrooms or contain multiple independent dwelling units within one structure.

- ii. Affordable home ownership units shall be sold to eligible individuals or households with incomes at or below eighty percent (80%) of area median income (AMI), as defined in Section XXX-C(3) of this Zoning Ordinance. Affordable rental units shall be rented to eligible individuals or households with incomes at or below sixty percent (60%) of AMI. When an applicant provides at least one-half of the affordable units required by this Section XXIV-C(4), whether home ownership or rental, for individuals and families with incomes at or below fifty percent (50%) of AMI, the Planning Board through BLAR Approval may allow the remaining affordable units to be sold or rented to individuals or households with incomes up to one hundred percent (100%) of AMI.
- iii. To the extent that any WWOD Project Phase is required to provide deed-restricted affordable units under Section XXIV, said units shall be located (a) within the Master Development Plan area or (b) at the discretion of the Planning Board, at an off-site location within the City of Newburyport identified in the BLAR Approval for such phase.
- iv. So-called "Payments in lieu" of affordable housing production required by this Section are expressly prohibited.

#### **XXIV-D – Dimensional, sign, and other design and performance requirements.**

The following dimensional, sign, and other design and performance requirements set forth in this Section XXIV-D shall apply to all development subject to this Section XXIV, in place of other dimensional, sign, and other design and performance requirements under this Zoning Ordinance.

##### **1. Dimensional requirements.**

All use categories allowed in the WWOD shall comply with the following requirements as applied to the MDP area, notwithstanding the subdivision of such area into separate lots. The MDP area shall include the total land area that is subject to the MDP as approved by the City Council, and shall comply with the following requirements:

- a. Minimum public open space: No less than twenty-five percent (25%) of the developable area (i.e., land area exclusive of land under water or marsh areas) located within the MDP area shall be publicly accessible open space as defined hereunder.
  - i. For purposes of this Section XXIV, public open space shall be defined as usable areas devoted to outdoor active or passive recreation, pedestrian alleys, walkways, sidewalks, public parks, squares, outdoor public markets, boardwalks, outdoor cafe space open to the general public, and suitably designed and accessible space on roofs of a building with provision for at-grade public access on at least two sides and alleyway connections to the abutting streets, or other similar outdoor areas open to the general public. Notwithstanding the foregoing, the City Council may through approval of a MDP allow surface parking spaces accessory to Facilities of Public Accommodation as defined under 310 CMR 9.00 to be counted as public open space.
  - ii. Each MDP area shall include at least one contiguous public open space area that shall exceed ten thousand (10,000) square feet in area, and that shall be lined with publicly-oriented uses (i.e. Facilities of Public Accommodation as defined under 310 CMR 9.00).

In such contiguous public open space area, appropriate surface materials, bollards, and other urban design features shall be utilized to emphasize the primacy of pedestrians, with subordinate vehicular access available to parking spaces.

- iii. Any open space areas used in satisfaction of the minimum open space required hereunder may include any open space areas being used to satisfy the requirements of Massachusetts General Law Chapter 91 waterways licensing program.
  - iv. All public open space shall be identified on the approved Master Development Plan and shall be improved by the applicant to quality standards and configurations suitable for their intended uses as determined by the Planning Board through BLAR Approval. Any public space shown on MDP approved by the City Council shall be considered public open space in satisfaction of this Section XXIV-D(1)(a). Any such public open space identified on approved MDP cannot be transferred to a new use absent an amendment to the MDP approved by a super-majority vote of the City Council. Said public open space areas shall be dedicated for access by the general public pursuant to a recorded agreement approved as to form by the City's legal counsel and the applicant. Notwithstanding the grant of such public access, all open space, roadways, driveways, sidewalks and parking areas within the WWOD Project area shall be maintained in good condition at the sole cost of the applicant and/or property owner, and their successors and assigns with no such obligation to the City.
- b. Minimum street frontage: Fifteen (15) feet.
  - c. Front yard setbacks: No minimum with up to a six-foot maximum building setback to allow for traffic visibility across corners and driveways and design articulations such as protruding architectural features (i.e. bay windows, porches and stoops) provided such setbacks do not affect more than forty percent (40%) of the street wall on any block.
  - d. Minimum side and rear yard setbacks: No minimum, except for ten (10) feet from existing residential uses located outside the Master Plan Development area for that portion of a building above the first level.
  - e. Maximum building height: (i) Thirty-five (35) feet (measured to mid-point of sloped roof) for buildings set back more than 400 feet from the northerly boundary of the Merrimac Street right of way; (ii) Fifty-five (55) feet (measured to mid-point of sloped roof) for buildings with frontage along Merrimac Street, with the top floor to include a required step-back from the front façade of no fewer than eight (8) feet; and (iii) Forty-five (45) feet (measured to mid-point of sloped roof) for all other buildings, with the top floor to include a required step-back from the front façade of no fewer than five (5) feet.

For purposes of this Section XXIV, building elements and architectural features extending above the mean roof elevation (whether sloped, vertical or horizontal), which lend architectural character to the building or which accommodate necessary features not used for human occupancy (including, without limitation, belfries, cupolas, domes, monuments, spires, chimneys, masts, flagpoles, water tanks, bulkheads, elevators, air conditioning equipment, skylights, ventilators, and other roof structures and penthouses), are excluded from the calculation of building height; provided, however, that the Planning Board may require through BLAR that rooftop mechanical features, heating and air conditioning units, vents, stacks, and mechanical penthouses be screened from public view.

In addition, notwithstanding anything to the contrary in Section II-B.10 or elsewhere in this Zoning Ordinance: (i) building height for any building that fronts onto Merrimac Street may be measured from the average grade along Merrimac Street, rather than from the average grade

around the perimeter of such building; and (ii) for any building within FEMA jurisdiction, building height shall exclude any portion of such building required to account for mandatory FEMA separations.

- f. Floodplain elevation: The lowest residential floor of any building shall not be lower than two (2) feet above the mapped FEMA Flood Plain, as shown on FIRM Panel 25009C0136G effective July 16, 2014, and FIRM Panel 25009C0128F, effective July 3, 2012.
- g. Two or more buildings on one lot: Notwithstanding anything in this Zoning Ordinance to the contrary, more than one (1) building or structure, including those intended solely for use as residential dwellings, is allowed on a single lot.
- h. Calculation of dimensional requirements: All dimensional requirements shall be calculated across the entire area of the relevant MDP, irrespective of individual lot lines within such area. Consistent with typical site configurations for larger, complex mixed-use developments, individual buildings within the MDP area may be located immediately adjacent to individual lot line boundaries. Without limiting the foregoing, there shall be no minimum corner clearance, lot area, lot width, setback requirements, minimum non-wetland area, maximum building coverage, maximum impervious surface, minimum spacing between two or more buildings or structures on one lot, or lot coverage requirements for a project developed under this Section XXIV, provided that a minimum setback and corner clearances may reasonably be required by the Planning Board through BLAR to preserve acceptable sightlines for traffic and pedestrian safety.

The requirements of this Section XXIV shall not be applied to the individual lots or ownership units within an approved MDP area, but shall be applied as if the entire area were a single conforming lot, whether or not the same is in single or multiple ownership. The applicant for any MDP and/or BLAR approval shall provide documentation of calculations to ensure cumulative compliance with this Section for any given WWOD Project and/or phase. Any violation of this Zoning Ordinance by an owner or occupant of a single lot or ownership unit or demised premises within an approved MDP area shall not constitute a violation by any other owner or occupant; provided, however, that the foregoing shall not be deemed to affect the Planning Board's right to impose conditions to address adverse project impacts related to any previous WWOD Project Phase.

## 2. Sign requirements.

The following sign requirements shall apply to all projects subject to this Section XXIV:

- a. Signs allowed by right: Any combination of wall signs and window signs shall be permitted by right within the Master Development Plan area such that the aggregate square footage of all such signs associated with each individual building shall not exceed the product of the total area of the façade on which such signs are installed multiplied by ten percent (10%). The following signs shall not be subject to the square footage limitation in the preceding sentence: directional signs that are intended solely to guide vehicle and pedestrian travel and/or provide safety information relating to the use of a property and signs that are intended to identify the address of any building or unit(s). Wall and window signs may include, without limitation, wall graphics (whether painted or vinyl) that serve as architecture, and panels, vinyl and/or TV displays within windows of stores. Any sign projecting more than eighteen (18) inches from the building façade shall provide at least ten (10) feet of clearance above the pedestrian grade.
- b. Sign standards: All signs shall be manufactured using industry standard materials that are consistent with a high-quality project, expressly excluding high-gloss plastic. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance

of the sign they support. Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting shall be permitted. Internal illumination of signage shall be otherwise prohibited.

- c. Comprehensive Sign Plan: Notwithstanding anything in this Section XXIV to the contrary, in recognition of the interrelated nature of signage systems in mixed-use developments, and the importance of clear, adequate, and effective signage to the safe and efficient operation of such projects, the Planning Board shall review and must approve a comprehensive sign program for each WWOD Project Phase as part of BLAR Approval.

### 3. Other design and performance requirements.

The following other design and performance requirements shall apply to all projects subject to this Section XXIV:

- b. Vehicular and pedestrian access:
  - i. Traffic planning shall consider the surrounding system of public streets adjoining the WWOD Project area, the existing and projected future vehicular trip volumes, the number and location of proposed access points to public streets, and existing traffic controls and management measures. As part of BLAR Approval, the Planning Board must determine that the impact of volume increases on adjacent residential districts and business areas generated by a WWOD Project Phase and proposed mitigation (i.e. proposed traffic improvements) in connection with the same are consistent with the traffic impact studies and mitigation measures approved by the City Council in connection with the MDP.
  - ii. To aid the City Council in its review of the foregoing performance standards, the applicant shall pay all costs for the Office of Planning and Development to engage a properly licensed traffic engineer to peer review the applicant's traffic study and deliver a peer review report with any comments or questions for the Council's consideration. The City Council shall engage such traffic engineer no later than seven (7) calendar days after its having opened the required public hearing on the adoption of a MDP. The cost of the traffic engineer's peer review shall be paid for by the applicant for a MDP in accordance with the framework provided in MGL Chapter 44 Section 53G.
  - iii. Streets, interior drives, and infrastructure related to vehicular use shall be designed in accordance with applicable engineering "best practices," and shall be designed with sufficient capacity to accommodate anticipated trip generation and turning movements, to provide for adequate access by public safety vehicles and maintenance equipment, and to safely maintain and encourage pedestrian and bicycle circulation.
  - iv. Any MDP shall identify the following private ways on a WWOD Public Access Diagram included therewith,, said areas to be maintained and kept open for public access and circulation: (a) "Tournament Wharf Way;" (b) "McKay's Wharf Way;" and (c) "Brown's Wharf Way." Public access and use of said ways shall not be changed without an amendment to the MDP approved by the City Council.
  - v. With the exception of ways providing primary access to the WWOD Project area from Merrimac Street, the character of all public ways and private ways open to public travel within the Master Development Plan area, especially as indicated through surface materials, shall indicate that motor vehicles are secondary in importance to pedestrians and cyclists. The Planning Board may require, as a condition of BLAR approval, that the



applicant implement alternative use of surface materials, bollards, planters, and other similar features to ensure compliance with this subsection.

c. Architecture generally:

- i. Structures shall be designed to create a high-quality, visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, lighting, and elements such as door and window size and location, and door and window detailing, including glazing.
- ii. New architecture need not “conform” to the Federal-style buildings along lower State Street and Market Square, but must still demonstrate compatibility with its character and quality.
- iii. All building and other structures within a WWOD Project Phase shall be designed with common elements that both create a sense of unity and express a relationship to the interior. These elements may include the horizontal spacing of bays, columns, and windows, and the vertical alignment and spacing of floors. Structures shall relate harmoniously to the surrounding streetscape and to the scale and architecture of other buildings.

d. Building materials: Exterior walls shall use a combination of architectural masonry and cementitious materials, including but not limited to brick, glass, stone, stucco, exterior insulation and finishing system (EIFS), high quality siding and shingles (including wood siding and Hardie-plank cement clapboards, but excluding vinyl siding), precast concrete architectural panels, stainless steel, painted metal, and split face block. Stainless steel shall be used solely as an accent feature, unless otherwise approved by the Planning Board as part of BLAR Approval.

e. Building facades, fronts and backs:

- i. Buildings shall have differentiated “front” and “rear” facades. The primary façades of parking structures shall be designed to a standard of architectural finish consistent with other buildings within the project.
- ii. To avoid long, unbroken expanses of wall, the architecture shall incorporate, as appropriate, design features providing horizontal and vertical relief including projections, building jogs, elements of transparency or windows, architectural detailing, and changes in surface materials. The design of public entrance ways shall incorporate architectural features and elements to emphasize the primary entrance locations and interrupt long stretches of building façade. All exterior walls shall be designed and finished with materials that maintain a consistent architectural character with adjoining buildings, but not necessarily using the same material.

f. Fenestration: Traditional (pre-modern) fenestration patterns typical of Federal-style buildings along lower State Street and Market Square are encouraged.

g. Roofs:

- i. Flat roofs with appropriate design elements and articulations shall be permitted; provided, however, that long, continuous flat roofs are discouraged, but may be allowed where deemed appropriate by the Planning Board through BLAR Approval.



- ii. The Planning Board may require through BLAR that rooftop mechanical features, heating and air conditioning units, vents, stacks, and mechanical penthouses be screened from public view.
- h. *Compliance with Related Architectural and Site Design Standards: All applications for BLAR Approval under this Section XXIV shall demonstrate compliance with the following architectural and site design standards referenced within the City's Smart Growth District (Section XXIX), except where a waiver of compliance is granted by the Planning Board through BLAR Approval:*
- i. XXIX-I (7)(a)(iv)
  - ii. XXIX-I(7)(b)(i through xii)
  - iii. XXIX-I(7)(c)(i through x)
  - iv. XXIX-I(7)(d)(i through iv)
  - v. XXIX-I(7)(e)(i through iii)
  - vi. XXIX-I(7)(f)(i through ii)
  - vii. XXIX-I(8)(a)(i through viii)
  - viii. XXIX-I(8)(b)(i through iii)
  - ix. XXIX-I(8)(c)(i through iv)
  - x. XXIX-I(8)(d)(i through vii)
  - xi. XXIX-I(8)(e)(i through ix)
  - xii. XXIX-I(8)(f)(i through iii)
  - xiii. XXIX-I(8)(g)(i through xvi)
  - xiv. XXIX-I(8)(h)(i through iv)
  - xv. XXIX-I(8)(i)(i through xii)
  - xvi. XXIX-I(8)(j through m)
  - xvii. XXIX-I(9)(a)(i, iii, iv through ix)
  - xviii. XXIX-I(9)(b through f)
- i. Outdoor seating: For outdoor seating, restaurants, and other uses, sufficient clearance shall be maintained for safe and efficient public access along sidewalks, access drives, and roadways. Such areas shall be appropriately separated from streets and sidewalks by means of low fencing, bollards, code-compliant grade change, plantings, or other similar measures. Outdoor sales and display areas shall be maintained in a neat and orderly condition at all times.
  - j. Screening of other outdoor areas: Exposed storage areas, exposed machinery or electric installations, common service areas, truck loading areas, utility structures, trash/recycling areas and other elements of the project infrastructure shall be subject to reasonable visual mitigation requirements under BLAR approval; including, but not limited to, screen plantings

or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods necessary to assure an attractive visual environment.

- k. Preservation of historic buildings: Deeded preservation restrictions shall be provided governing the rehabilitation of any buildings located within the MDP area that are listed on the National Register of Historic Places and are contributing structures to Newburyport's National Register Historic District. Historic rehabilitation standards for these buildings shall conform to the Federal Secretary of the Interior's "Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings."
- l. Subdivision within an approved Master Development Plan area: The owner of any lot shown on an approved MDP shall be entitled to lawfully divide such lot, including without limitation by virtue of plans endorsed by the Planning Board pursuant to M.G.L. Chapter 41, Section 81P, without modifying the approved MDP and without the need for other approvals under this Zoning Ordinance, provided that any such lot must have minimum frontage of fifteen (15) feet. To the extent consistent with the Subdivision Control Law, M.G.L. Chapter 41, Section 81K, et seq., lots within a MDP area may be separated by a public or private way.
- m. MGL Chapter 91 requirements: Any MDP and WWOD Project Phase shall comply with Massachusetts General Laws Chapter 91 requirements for the provision of publicly-accessible open space, facilities of public accommodation and pathways along the waterfront edge.
- n. Public open space:
  - i. Exterior, public open space shall be included to encourage pedestrian activity and to visually separate buildings or groups of buildings. When reasonably feasible, independently sited public open spaces shall be connected to other public open spaces by use of pathways and other similar pedestrian connections.
  - ii. The public square required under subsection XXIV-D.1(a)(ii), above, shall be lined with publicly oriented uses (i.e. Facilities of Public Accommodation), and shall feature high quality design and materials to encourage public use.
- o. Utilities:
  - i. All principal buildings shall be connected to the public water supply. Sewage collection shall be by the public sewage collection system.
  - ii. Stormwater management systems serving the MDP area shall be designed in conformance with Massachusetts Department of Environmental Protection Stormwater Standards, as amended from time to time, to efficiently collect runoff from all impervious surfaces, roofs, and canopies in a manner that avoids adverse drainage impact on any neighboring property. A plan for controls that are appropriate and specific to the site and the WWOD Project, and which includes both pre-construction and post-development measures, shall be employed to mitigate erosion, pollution and sedimentation impacts. Where space, topography, soils, and the character of the proposed development make it practical, low impact design (LID) techniques that capture and recharge stormwater runoff to the groundwater shall be used as an alternative to closed (e.g. piped) systems.
  - iii. Access easements to any utilities within a WWOD Project shall be granted to the City, as required, to assure maintenance and emergency repair. Notwithstanding the foregoing, the applicant and/or property owner within any portion of a WWOD Project shall be

solely responsible for routine maintenance of all on-site utilities, including all stormwater management features.

- p. Public safety: Development shall be designed and located so as not to endanger its occupants, users, or the public. The design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles. As a condition of BLAR approval the Planning Board may require written approval from the Newburyport Fire Department with respect to emergency vehicle access and the location of fire hydrants.

#### **XXIV-E – Accessory parking and loading requirements.**

The following accessory parking and loading requirements set forth in this Section XXIV-E shall apply to all development subject to this Section XXIV, in place of other parking and loading requirements under this Zoning Ordinance.

##### **1. Required accessory parking.**

Parking requirements shall be provided on a phase-by-phase basis within the MDP area and shall be as set forth on a schedule included with the MDP (the "Parking Schedule"), rather than by reference to Section VII of this Zoning Ordinance. The number of parking spaces within a WWOD Project or any portion thereof shall be approved by the Planning Board as part of BLAR Approval and the actual aggregate number of spaces approved by the Planning Board may vary from the Parking Schedule in accordance with this Section. The number of parking spaces contained within the MDP area may change from time to time, based upon changes in use and tenant requirements, and/or due to the results of post-occupancy parking studies completed by the applicant for each phase of the MDP, provided that the minimum parking requirements set forth on the approved MDP are satisfied.

Notwithstanding the foregoing, the Parking Schedule and requirements for each WWOD Project Phase shall be consistent with the following ratios, in the cumulative aggregate:

- a. Residential parking: 1.0 parking space per studio unit; 1.25 parking spaces per one-bedroom unit; 1.5 parking spaces per two-bedroom unit; and 2.0 parking spaces per three-bedroom or larger unit.
- b. Hotel parking: 1.0 parking space per guestroom.
- c. Marina parking: 0.5 parking space per slip.
- d. Retail and other uses not set forth in Sections XXIV-E(1)(a)-(c) above: Parking shall be provided in accordance with Section VII-B, subject to a payment into the Intermodal Transportation Improvement Fund (ITIF) in accordance with Section VII-A.

##### **2. Location of required accessory / ancillary parking.**

Parking required under the Parking Schedule may be provided through any combination of at-grade, on-street, and/or structured parking facilities (including mechanized/automated parking and managed parking (with or without tandem spaces)), both stand-alone and part of other buildings, either (a) within the MDP area or (b) outside such area at a private parking lot or garage located within the City of Newburyport.

- a. To the extent feasible, parking within the WWOD shall be screened, and shall be permitted at the ground floor.

- b. Parking spaces on public or private streets within the MDP area may be utilized in determining satisfaction of the requirements set forth in the Parking Schedule.
- c. Sidewalks or multipurpose pedestrian ways and facilities shall connect each parking lot or facility to buildings, public spaces, adjacent properties or other destination points within the MDP area, as determined in the Planning Board's reasonable discretion.

### **3. Shared parking.**

As part of a MDP application, the applicant may demonstrate satisfaction of the parking requirements of this Section XXIV through a combination of dedicated and shared off-street parking arrangements (including mechanized/automated parking and managed parking (with or without tandem spaces)), which may include privately-owned structured parking, located on contiguous lots or on separate lots within the MDP area or outside of such area at a private parking lot or garage located within the City of Newburyport.

### **4. Parking design.**

- a. Surface parking lots shall not exceed 20,000 square feet in contiguous area and shall be avoided, and parking within building ground floors shall be encouraged to the maximum extent feasible, provided such parking areas are recessed and properly screened from public view.
- b. Parking lot landscaping, both internal and perimeter, for a WWOD Project or any portion thereof shall be substantially as shown on the approved MDP or as otherwise deemed consistent by the Planning Board as part of BLAR Approval.

### **5. Required accessory loading.**

- a. Adequate accessory loading plans shall be provided for all businesses and uses containing more than ten thousand (10,000) square feet of total floor area.
- b. When exclusive loading areas are provided, such areas shall be designed so as to have unobstructed access and shall be configured so that no trucks or other vehicles are parked on a public street while loading or unloading, or while waiting to load or unload.
- c. Loading within the WWOD shall be screened, and shall be permitted at the ground floor but not along any façade fronting the Merrimack River or Merrimac Street

## **XXIV-F - Master Development Plan requirements.**

A project may be developed under this Section XXIV solely pursuant to a MDP and the supporting materials described in this Section XXIV-F adopted by a two-thirds vote of the City Council in accordance with the procedures for adoption or change of zoning ordinances or by-laws set forth in M.G.L. Chapter 40A, Section 5. As used in this Section XXIV, "Master Development Plan" refers to any Master Development Plan (MDP) approved by a two-thirds vote of the City Council and on file with the City Clerk. An applicant may submit such a Master Development Plan (MDP) and supporting materials for a WWOD Project simultaneous with or subsequent to the adoption of this amended Section XXIV.

### **1. Minimum land area**

The minimum land area eligible for a MDP in a single or consolidated ownership or control at the time of application is four (4) contiguous acres. For the purposes of this section, parcels of land divided solely by public and private streets and public and private open space shall be deemed to be contiguous.

## 2. Submission requirements for Master Development Plan.

Each application for a MDP submitted for approval by the City Council shall include all of the following materials:

- a. An application fee in the amount of five thousand dollars (\$5,000).
- b. A completed application form as prescribed by the Office of Planning & Department;
- c. A written statement by the owner(s) of the property authorizing submittal of the application;
- d. An accurate legal description of the property, including a survey plan providing the total land area and clearly indicating the parcels of land to be included within the proposed WWOD Project;
- e. A scaled map or diagram of the property in its existing condition, showing topographical features, including wetlands and water bodies, if any, and utilities;
- f. A statement describing the existing improvements on and use of the subject property and any proposed changes, including proposed total square footages by use;
- g. The location and dimensions of existing and proposed ways whether public or private, for all transportation modes, including pedestrian, bicycle, and vehicular;
- h. Plans and elevations indicating the location of permissible building areas; maximum building height; anticipated parking spaces to be provided for the development (subject to adjustment based upon shared parking, use changes and tenancy requirements); aggregate maximum developable Gross Floor Area and unit count; and conceptual architectural drawings of proposed buildings;
- i. A proposed, conceptual comprehensive sign plan indicating areas where signage is proposed or anticipated;
- j. A proposed utilities plan;
- k. A proposed plan of construction of the project in phases (Phasing Plan);
- l. A traffic impacts study;
- m. A parking study, including analysis of any proposed shared parking;
- n. An analysis of water / wastewater impacts;
- o. An analysis of stormwater runoff;
- p. Photosimulations based on a three-dimensional (3D) computer model of building massing from key publicly accessible vantage points, including but not limited to: views along "Tournament Wharf Way" and "McKay's Wharf Way"; certain public open space(s); the nearby Clipper City Rail Trail; and east and west views along the proposed WWOD harborwalk extension (parallel to the Merrimack River);
- q. A flood-mitigation study and action plan (e.g. potential shelter in place by residents and relocation of parked cars during heavy flooding and/or storm surge events);



- r. Proposed sustainability measures to be incorporated into the project including Low Impact Development (LID) measures, energy efficiency measures, use of solar arrays, green roofs, low-flow plumbing fixtures, and similar techniques; and
- s. Such other documents or information that may be required by the City Council, including, without limitation: (i) title reports; (ii) building and development data; (iii) sign information; (iv) photographs of existing conditions; (v) materials sample boards; (v) scale models; (vi) photomontages; (vii) and/or environmental information.

### 3. Minor Modifications of an approved Master Development Plan.

Once a MDP has been approved by the City Council, the Planning Board may, in its discretion, approve a minor modification of such MDP by a majority vote at a public meeting.

- a. Definition of "minor modification:" For purposes of this subsection XXIV-F(3), plan modifications are "minor" solely if the changes proposed thereunder, considered in the aggregate with all minor modifications previously approved, satisfy all of the following criteria, as determined by the Zoning Administrator:
  - i. Are substantially consistent with the requirements and standards set forth in this Section XXIV and are not likely to have a material adverse effect on the overall design and implementation of the WWOD Project;
  - ii. Do not increase by more than ten percent (10%) the maximum gross floor area limitations for each category of use as noted in the approved MDP or the size of any individual permissible building area;
  - iii. Do not increase the land area included within the MDP by more than fifteen percent (15%);
  - iv. Are not likely to adversely affect the storm water quality of the development; and
  - v. Are not likely to increase projected vehicle trips by more than ten percent (10%), unless it is demonstrated, in a traffic report submitted by the applicant, that such increase (i) for any intersection in the vicinity of the development that operates at LOS D or better would not result in a reduction of overall intersection level of service below LOS D and (ii) would not otherwise cause vehicular traffic to operate in an objectively unsafe manner, or cause queue lengths that block intersections, unless any such impacts are addressed with traffic mitigation, proposed by the applicant's Registered Traffic Engineer and subject to approval by the Planning Board.
- b. All other modifications: In the event that the Zoning Administrator determines that a proposed change to an approved MDP does not meet the requirements for approval as a minor modification pursuant to this Section XXIV-F.3, or in the event that the Planning Board has exercised its discretion not to approve a proposed minor modification pursuant to such subsection, then the applicant shall have the option of seeking an amendment of the MDP by super-majority vote of the City Council.
  - i. The procedure for approval of any amendment to the MDP shall be the same as for a new MDP.
  - ii. Subsequent to the approval of a MDP, the City Council may allow the addition of land to the area of such MDP, by way of an amendment to the MDP, however, any such amendment shall require the consent of the original applicant(s) or its/their successor(s) in interest.

- iii. An amendment to the MDP to add land to the MDP area that is not in consolidated ownership or control of the original applicant(s) or its/their successor(s), may not utilize any of the open space, utilities, streets, parking or any other requirements of the MDP to meet the requirements of this Zoning Ordinance unless authorized by the City Council and also the original applicant(s) or its/their successor(s).
- iv. Any resulting, amended MDP must meet all of the applicable open space, utilities, parking and other requirements of this Section.

**4. Changes in ownership after approval.**

Subsequent to the approval of a MDP, applications for amendments or additions to the MDP shall not require that the land be in a single or consolidated ownership or control. Any approvals granted for a WWOD Project or any portion or phase thereof under this Section XXIV may be freely transferred between owners, provided that the transferee complies with the provisions of this Section XXIV.

**XXIV-G – Development agreement requirements.**

Prior to the submission, review or approval of any BLAR application for land within the area of an approved MDP, the owner(s) of all such land and the City of Newburyport, acting by and through its City Council, shall enter into a development agreement. Such development agreement shall contain provisions to ensure predictable phasing, mitigation measures, and public benefits consistent with the approved MDP. Upon final execution, notice of such agreement shall be recorded by the owner(s) at the Registry of Deeds.

**XXIV-H -- BLAR requirements.**

Following approval of a MDP and final execution of the corresponding Development Agreement, and prior to the issuance of any building permit for any new building, parking lot, fence over six feet in height, or for any extension, alteration, or addition of or to an existing building, parking lot, or fence over six feet in height, or the commencement of any construction pursuant to a MDP within the MDP area, such proposed work shall undergo Building Layout and Architectural Review (BLAR) conducted by the Planning Board. An applicant may seek any number of BLAR Approvals to carry out a WWOD Project or any portion thereof, including each corresponding to a WWOD Project Phase; provided, however, that such phasing is consistent with the Phasing Plan approved by the City Council in connection with the MDP.

The Planning Board shall issue a BLAR approval (a "BLAR Approval") if it finds that the final plans and materials provided by the applicant (i) materially conform to the approved MDP approved by the City Council, and (ii) are otherwise compliant with the standards and requirements set forth in this Section XXIV. The Planning Board's BLAR Approval shall be conclusive evidence of such findings.

**1. Submission requirements for BLAR.**

Each application for BLAR Approval submitted for approval by the Planning Board shall include the following documents to determine the application's consistency with the approved MDP and supporting materials:

- a. An application fee in the amount of five thousand dollars (\$5,000).
- b. A completed application form as prescribed by the Office of Planning & Department;
- c. A written statement by the owner(s) of the property authorizing submittal of the application;

- d. An accurate legal description of the property, including a survey plan providing the total land area and clearly indicating the parcels of land to be included within the applicable WWOD Project and proposed BLAR Approval;
- e. A scaled map or diagram of the property in its existing condition, showing topographical features, including wetlands and water bodies, if any, and utilities;
- f. A statement describing the existing improvements on and use of the subject property and any proposed changes, including proposed total square footages by use;
- g. The location and dimensions of existing and proposed ways whether public or private, for all transportation modes, including pedestrian, bicycle, and vehicular;
- h. Dimensioned architectural drawings, including plans and elevations for all building facades, of the existing and proposed buildings, landscaping, open space; and parking and loading facilities, indicating maximum building height, total floor area, total interior parking spaces, total number of dwelling units and/or hotel guest rooms, and the like;
- i. A proposed comprehensive sign plan;
- j. A proposed utilities plan;
- k. A proposed plan of construction of the project in phases (Phasing Plan);
- l. Technical reports and studies that demonstrate that the WWOD Project Phase is consistent with the reports and studies that were approved by the City Council in connection with the MDP (e.g., a soils report, a traffic impacts study, a parking study, a water / wastewater impact analysis, an analysis of stormwater runoff, a flood-mitigation study and action plan and proposed sustainability measures).

## **2. Complete BLAR applications.**

An application for BLAR Approval shall be determined to be complete when all the required materials have been submitted, and the Zoning Administrator has determined that they are adequate to allow the Planning Board to determine if the required findings under Section XXIV-H can be made.

## **3. Cancellation of BLAR application.**

The Zoning Administrator may cancel a pending application for BLAR Approval, by giving writing notice to the applicant, if information has been requested from the applicant in writing by the Zoning Administrator or the Planning Board, and such information has not been submitted within sixty (60) days. Applications that have been cancelled by the Zoning Administrator shall be considered actions without prejudice, such that immediate re-application for the same WWOD Project Phase is permitted. The re-application shall be subject to all then-current fees and regulations. The applicant may appeal to the Planning Board the Zoning Administrator's decision to cancel its pending application within ten (10) days of the applicant's having received the cancellation decision.

## **4. BLAR application meeting.**

The Planning Board shall conduct a public meeting regarding a BLAR Approval upon receipt of notice from the Zoning Administrator that, pursuant to Section XXIV-H(2), the application materials submitted are adequate to allow the Planning Board to determine if the required findings under Section XXIV-H can be made. The Planning Board may, with the applicant's consent, continue the applicable public meeting associated with BLAR Approval as necessary in order to allow the applicant additional time to provide further

information and/or documentation of compliance with the approved MDP or other requirements of this Section XXIV.

**5. Peer Review of BLAR Application Materials.**

The Planning Board may, at its discretion, require the applicant for BLAR Approval to pay for the cost of consultants necessary to undertake a peer review of any of the technical reports or studies required under Section XXIV-H(1)(I) to determine whether the final plans and materials provided by the applicant satisfy the standard set forth in Section XXIV-H(6) below. Said costs and any such peer reviews shall be undertaken in accordance with MGL Chapter 44 Section 53G.

**6. Grant of BLAR Approval.**

The Planning Board shall grant BLAR Approval upon a finding that the final materials submitted by the applicant (i) materially conform to the approved MDP approved by the City Council, and (ii) are otherwise compliant with the standards and requirements set forth in this Section XXIV. The Planning Board's BLAR Approval shall be conclusive evidence of such findings.

**7. Conditions of BLAR Approval.**

In granting BLAR Approval, the Planning Board may impose reasonable conditions to insure that each WWOD Project Phase is consistent with the MDP approved by the City Council, including the following:

- a. Monitoring of certain development impacts, self-reporting commitments, and other measures to ensure compliance with the approved MDP.
- b. Construction of all buildings, structures, landscaping, and other establishments in accordance with the approved MDP.

**8. Denial of BLAR Approval.**

In the event that the Planning Board denies BLAR Approval, the applicant shall either: (a) withdraw its application; (b) modify its application to make it consistent with the Planning Board's findings, and submit the modified application to the Planning Board for reconsideration of the BLAR Approval; or (c) seek approval of a revised MDP by a super-majority vote of the City Council.

**XXIV-I – Permitting after BLAR Approval.**

**1. Minor modifications to BLAR Approval.**

- a. Following BLAR Approval, minor modifications to such approval may be authorized by the Zoning Administrator administratively, but only if he or she finds that each of the following criteria are satisfied:
  - i. No building square footage, dwelling units, hotel/inn guest rooms, or marina slips will be added;
  - ii. No parking spaces or loading facilities will be eliminated;
  - iii. The minor modification, as a whole, will complement the architectural style of the WWOD Project Phase; and
  - iv. All other requirements of this Section XXIV are met.

- b. The Zoning Administrator may condition his or her decision as to a minor modification to a BLAR Approval by requiring the applicant to submit such materials as may be necessary to make the above findings.
- c. Modifications not meeting the above conditions, as determined by the Zoning Administrator, shall require submittal of an application to the Planning Board to amend the BLAR Approval, using the same procedure as if a new BLAR Approval were sought.

## **2. Finding of conformity prior to Building Permit.**

The Building Commissioner shall be authorized to issue a building permit for a WWOD Project or any portion or phase thereof upon receipt of evidence documenting grant of the related BLAR Approval. Building permits may be sought and issued for individual components of an approved WWOD Project (including any WWOD Project Phase in accordance with an approved MDP and BLAR Approval. Nothing in this Section XXIV shall obligate the applicant to construct all or any portion of the improvements shown on an approved MDP, provided, however, to the extent that the applicant commences construction of any portion of an approved WWOD Project in accordance with an approved BLAR Approval, the applicant shall be obligated to complete construction of all proposed improvements included within such BLAR Approval.

## **3. Issuance of certificates of occupancy.**

The Zoning Administrator may approve, and the Building Commissioner shall subsequently issue certificates of occupancy for any individual component of a WWOD Project or a WWOD Project Phase, without reference to the status of any other component or phase thereof; provided, however, that construction associated with public ways, infrastructure, utilities, and public open space for any applicable WWOD Project Phase shall be substantially complete prior to the issuance of said certificate of occupancy. No certificate of occupancy shall be approved or granted unless all work within the WWOD Project or WWOD Project Phase is substantially completed in accordance with an approved MDP and BLAR Approval. The issuance of a certificate of occupancy for an approved WWOD Project, or any portion or phase thereof, shall be conclusive evidence of said WWOD Project's conformance with this Section XXIV, and no further reviews or approvals shall thereafter be required under this Zoning Ordinance.

## **XXIV-J -- Enforcement:**

The Zoning Administrator shall have jurisdiction to enforce compliance with the standards and requirements of any MDP or BLAR Approval, before, during, and after construction, and may institute legal proceedings or take such other actions as are necessary to ensure compliance.

## **XXIV-K - Severability.**

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

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Councillor Barry N. Connell