

**CITY COUNCIL MEETING AGENDA - VERSION 1**  
**CITY COUNCIL CHAMBERS**  
**OCTOBER 9, 2018**

**7:15PM**

**Pole Hearing – 138 High Street**

**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**

September 24, 2018

(Approve)

**8. TRANSFERS**

- **TRAN027\_10\_09\_18** Sale of Municipal Equip \$18K to School Tech Upgrades \$18K (B&F)
- **TRAN028\_10\_09\_18** Legal Settlements \$22.5K to Reservation Terr Wall \$22.5K (B&F)
- **TRAN029\_10\_09\_18** PI Utility Trust Fund \$99,197 to Olga Way Pump Replace \$99,197 (B&F)

**9. COMMUNICATIONS**

- **COMM089\_10\_09\_18** Stephen Comley (R&F)

**10. APPOINTMENTS**

- **APPT058\_10\_09\_18** Jessica Amorosino 238 High St Human Rights Comm 9/30/2021
- **APPT059\_10\_09\_18** Scott Hanley 1 Milk St Tree Comm 11/1/2021

**Re-Appointments**

- **APPT060\_10\_09\_18** Paul M. Bevilacqua 126 Merrimac St #3 Tree Comm 11/1/2021

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

**11. MAYOR'S UPDATE**

**12. APPOINTMENTS**

**Second Reading**

- **APPT052\_09\_24\_18** Jennifer Groskin 11 Myrtle Ave Human Rights Comm 3/31/2019
- **APPT053\_09\_24\_18** Matt Ellsworth 38 Plummer Ave Parks Comm, Atkinson 5/1/2020

- **APPT054\_09\_24\_18** Charles Griffin 3 Vernon St Parks Comm, Bartlet Mall 5/1/2019
- **APPT055\_09\_24\_18** Ann Lagasse 1 Pipers Quarry Parks Comm 5/1/2022
- **APPT056\_09\_24\_18** Karen Popken 49 Boardman St Parks Comm 5/1/2021
- **APPT057\_09\_24\_18** Kim Turner 27 High St Parks Comm 5/1/2023

**13. ORDERS**

- **ORDR058\_08\_27\_18** CPA Project #4, Slate Roof, Custom House (**TABLED**)
- **ORDR064\_10\_09\_18** Yes on Question 3 Resolution
- **ORDR065\_10\_09\_18** Custom House Resolution

**14. ORDINANCES**

- 

**16. COMMITTEE ITEMS**

**Budget & Finance**

*In Committee:*

- **ORDR007\_01\_29\_18** 41C Amendment
- **ORDR022\_04\_09\_18** Local Retail Sales Tax on Marijuana
- **ORDR061\_09\_24\_18** Gift Acceptance - Strem Chemicals, Inc. \$5,376.96
- **ORDR062\_09\_24\_18** Gift Acceptance - NHS Class of 2018 \$500

**Education**

*In Committee:*

- 

**General Government**

*In Committee:*

- **ODNC007\_02\_12\_18** Amendment to Division 7 – City Solicitor
- **ORDR016\_03\_26\_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System
- **COMM048\_06\_11\_18** Ltr re: Marijuana Retailers Ballot Question

**License & Permits**

*In Committee:*

- **COMM029\_04\_30\_18** Outdoor Seating - West Row Café
- **ODNC023\_05\_29\_18** LATE FILE Amendment to Waterways Fee

**Neighborhoods and City Services**

*In Committee:*

- **ORDR048\_06\_13\_16** Sidewalk Order
- **COMM111\_10\_10\_17** Petition for Road Repairs and Repaving – Squires Glen

**Planning & Development**

*In Committee:*

- **ODNC003\_01\_29\_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008\_02\_12\_18** Disposition of G. W. Brown School
- **ORDR024\_04\_09\_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
- **ODNC014\_04\_30\_18** Amendment to Demolition Delay
- **ORDR033\_05\_14\_18** Adoption of Housing Production Plan
- **ORDR036\_05\_14\_18** Marijuana Retailers Ballot Question

- **ORDR037\_05\_14\_18** Lease of Coast Guard Auxiliary Building on Plum Island Point
- **ORDR054\_08\_13\_18** Preservation Restriction Agreement – 241 High Street
- **ODNC025\_08\_13\_18** Colby Farm Lane Residential Overlay District
- **COMM083\_09\_10\_18** CPA Funding Recommendation for Colby Farm
- **APPT051\_09\_24\_18** Don Walters 15 Smith St CPC, Planning Board 10/1/2021
- **ODNC024\_06\_11\_18** Zoning Amendment - Marijuana Retail Sales Locations (**COTW**)

**Public Safety**

*In Committee:*

- **ODNC009\_02\_12\_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031\_04\_30\_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032\_04\_30\_18** No Parking Merrimac St from Titcomb St Running Westerly
- **ORDR059\_08\_27\_18** Parking Hales Court, Waterfront Trust
- **COMM086\_09\_24\_18** Ltr from Residents of East Boylston Street
- **COMM087\_09\_24\_18** Ltr re: Coffin Street

**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
- **COMM088\_09\_24\_18** Wave Guide Application

**Rules Committee**

*In Committee:*

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

**17. GOOD OF THE ORDER**

**18. ADJOURNMENT**

**nationalgrid**

OFFICE OF THE ATTORNEY GENERAL  
NEW BEDFORD, MA

7:18 SEP 24 PM 2: 28

September 20, 2018

Verizon NE, Inc – ROW Department  
900 Chelmsford St  
Tower 2 Floor 1  
Lowell Ma 01851

Attn.: ROW Agent

Dear ROW Agent:

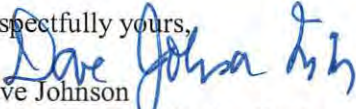
Enclosed please find a Joint Pole Petition, covering joint NATIONAL GRID-VERIZON pole locations

If this petition meets with your approval please sign and forward to:

Maureen Miloro & Lisa Ayres; 1101 Turnpike Street; North Andover, MA 01845 978 725 1418

If you have any questions regarding this permit please contact:  
John Butler 978-725-1415

Respectfully yours,

  
Dave Johnson  
Supervisor, Distribution Design

Enclosures

Questions contact John Butler 978-725-1415

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To City Council  
Of Newburyport Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

High Street - National Grid is petitioning for the installation of 10 foot sidewalk anchor to straighten the Service Pole for 138 High Street. Exact location determined by satisfactory dig safe. Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – High Street - Newburyport Massachusetts

**26813192** September 20, 2018

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID  
BY   
Engineering Department

VERIZON NEW ENGLAND, INC.  
BY \_\_\_\_\_  
Manager / Right of Way

City

Questions contact – name and number 978-725-1415

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To City council of Newburyport Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 29<sup>th</sup> day of September 2018.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – High Street - Newburyport Massachusetts.

**26813192** Dated September 20, 2018. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

High Street - National Grid is petitioning for the installation of 10 foot sidewalk anchor to straighten the Service Pole for 138 High Street. Exact location determined by satisfactory dig safe.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the  
Of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

\_\_\_\_\_  
Massachusetts City/Town Clerk. 20 .

Received and entered in the records of location orders of the City/Town of  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:

City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
At \_\_\_\_\_ a public hearing was held on the petition of  
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

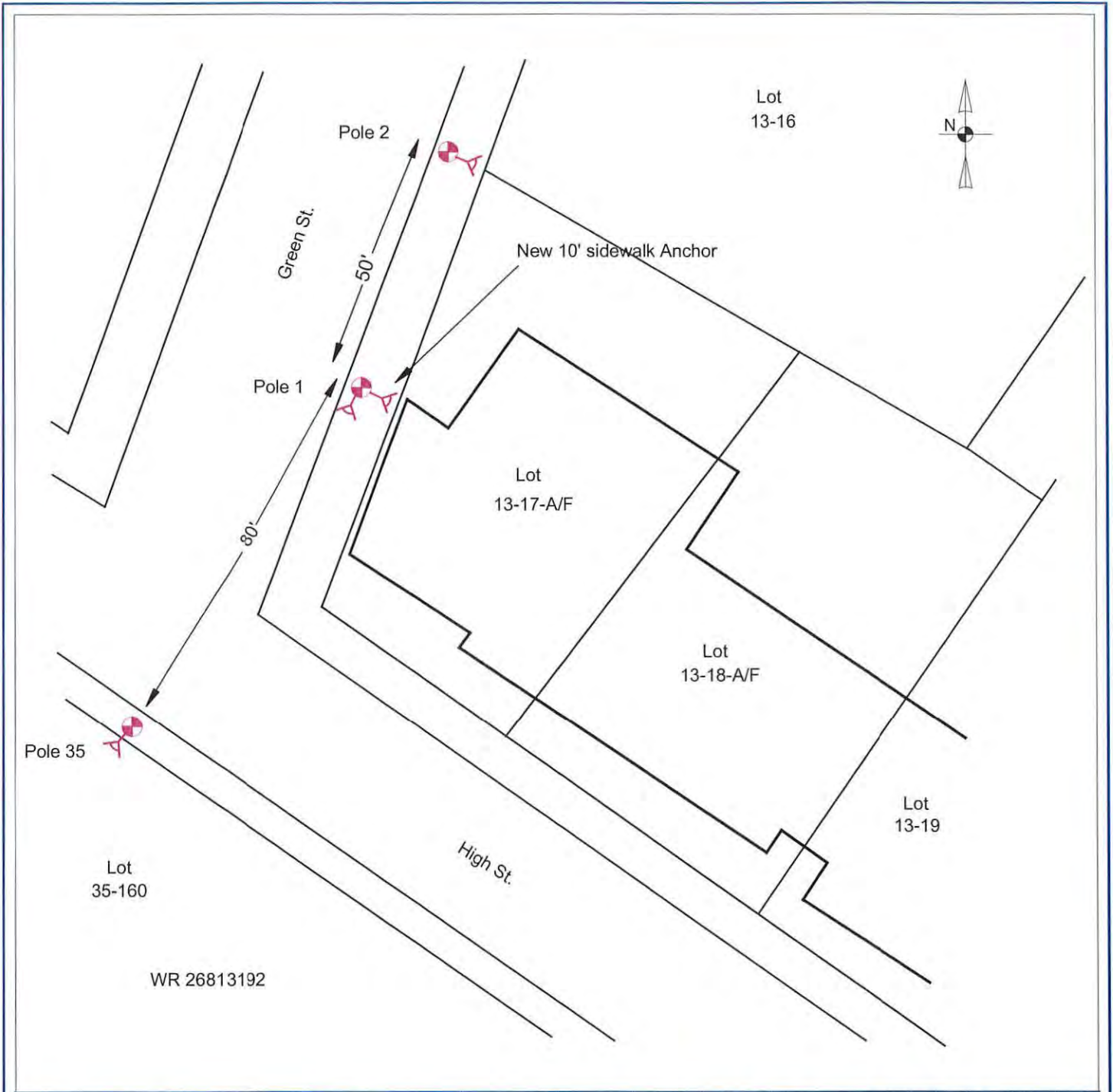
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Board or Council of Town or City, Massachusetts


CERTIFICATE


I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the \_\_\_\_\_ of the City of Massachusetts, on the \_\_\_\_\_ day of 20\_\_\_\_ and recorded with the records of location orders of the said City, Book \_\_\_\_\_, and Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:



**JOINT OWNED POLE PETITION**

 Existing J.O. Pole Locations

 J.O. Anchor Locations

**Petition for the installation of a 10' sidewalk anchor to straighten the Service pole for 138 High Street. Exact location determined by satisfactory dig safe.**

DISTANCES ARE APPROXIMATE

**nationalgrid**  
And  
**Verizon New England, Inc.**

Date: September 19, 2018

Work Request Number: WR 26813192

To Accompany Petition Dated: September 19, 2018

To The: City Of Newburyport, Ma. 01950

For Proposed: Anchor Pole: # 1 Location: 138 High St.





# CITY OF NEWBURYPORT

OFFICE OF THE  
ASSESSOR

JILL BRENNAN  
CITY ASSESSOR

NEWBURYPORT CITY HALL

60 PLEASANT STREET

NEWBURYPORT, MA 01950

TEL: 978-465-4403

FAX: 978-462-8495

[WWW.CITYOFNEWBURYPORT.COM](http://WWW.CITYOFNEWBURYPORT.COM)

September 25, 2018

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**TO: Richard Jones, City Clerk**

**FROM: Board of Assessors**

**RE: 138 High Street – Installation of a 10' sidewalk anchor to straighten the Service pole for 138 High Street.**

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**The attached are the abutters to the above described location:**

*Jill Brennan*

13/ 16/ / /  
CONNOLLY JAMES T. JR.  
GRACIELA GONZALEZ- T/E  
47 GREEN ST  
NEWBURYPORT, MA 01950

13/ 17/A / /  
PEREZ MARIANA  
C/O MARIANA BUGALLO-MUROS  
2204 WEST AZEELE STREET  
TAMPA, FL 33606

13/ 17/B / /  
FINO MICHELLE M  
138 HIGH ST UNIT B  
NEWBURYPORT, MA 01950

13/ 17/C / /  
MANK ANDREA L  
DAVID M J/T  
125 TEN ROD RD  
ROCHESTER, NH 03867

13/ 17/D / /  
MCELLIGOTT SHAWN P  
138 HIGH ST UNIT D  
NEWBURYPORT, MA 01950

13/ 17/E / /  
CAPOLUPO NICOLE TRUSTEE  
NICOLE CAPOLUPO REVOCABLE TRUST  
144 ELM ST  
SALISBURY, MA 01952

13/ 17/F / /  
COLETTI MICHAEL & COLEEN T/E  
11 RICHARDSON PATH  
NEWBURYPORT, MA 01950

13/ 17/G / /  
HAGINICOLAS GEORGE  
STEVEN T/C  
638 KENOZA ST  
HAVERHILL, MA 01830

35/ 160/ / /  
CITY OF NEWBURYPORT  
BARTLETT MALL/ SUPERIOR COURTHOU  
145 HIGH ST  
NEWBURYPORT, MA 01950

46/ 1/ / /  
IMMACULATE CONCEPTION  
EDUCATIONAL ASSN  
42 GREEN ST  
NEWBURYPORT, MA 01950



CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES

CITY CLERK

September 25, 2018

Dear Property Owner:

Notice is hereby given that a public hearing will be held on the petition of National Grid and Verizon New England Inc., for the installation of a 10' sidewalk anchor to straighten the Service Pole for 138 High Street. Location approximately as shown on the plan attached.

Said hearing will be held on Tuesday, October 9, 2018 at 7:15 pm, in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

Sincerely,

Tricia E. Barker  
Assistant City Clerk

**CONSENT AGENDA**

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**SEPTEMBER 24, 2018**

**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 Paul Turbide and William Plante. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, Shand, Connell. 10 present, 1 absent (OBrien).

**(Sound Check)**

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS** – Fall Harvest Fest insurance certificate

Motion to waive the rules, to accept late files, by Councillor Zeid, seconded by Councillor Tontar. So voted.

**5. PUBLIC COMMENT**

1. Jen Groskin	11 Myrtle Ave	HRC appointment
2. Doug Muir	10 Hancock St	Custom House
3. Tim Felter	11 Moseley Pl	Custom House
4. Ralph Williams	95 N Reservation Terr	Custom House
5. Mary Fitzsimmons	7 Arlington St	Marijuana
6. Rita Mihalek	53 Warren St	Custom House
7. Susan Bernhard	20 Windward Dr	Custom House
8. Jeanette Isabella	1 Lime St	Custom House

**6. PRESENTATION ON BARTLET MALL**

Chuck Griffin and Joanna Fernandes spoke about improvements to the Bartlet Mall.

**7. MAYOR'S COMMENT**

The mayor gave an update pursuant to her written communication.

**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.

**8. APPROVAL OF MINUTES**

September 10, 2018

(Approve)

**9. COMMUNICATIONS**

- **COMM086\_09\_24\_18** Ltr from Residents of East Boylston Street (PS)
- **COMM087\_09\_24\_18** Ltr re: Coffin Street (PS)
- **COMM088\_09\_24\_18** Wave Guide Application (PU)

**10. APPOINTMENTS**

**FIRST READING**

**To be Referred to Planning & Development**

- **APPT051\_09\_24\_18** Don Walters 15 Smith St CPC, Planning Board 10/1/2021



Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

***Presentation by Planning Director Andrew Port re: Zoning and Marijuana***

- **ODNC024\_06\_11\_18** Zoning Amendment - Marijuana Retail Sales Locations (**Motion to Reconsider**)  
Councillor Devlin recused. Motion to allow the sole error of the petitioners' not having changed the reference from "Ordinance 16" to "Ordinance 24" by the deadline of noon the next day after the vote to be reconsidered, and reconsider ODNC024\_06\_11\_18 by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to approve as amended in committee by Councillor Eigerman, seconded by Councillor Zeid. Councillor Eigerman withdrew, Councillor Zeid did not. Motion stands. Motion to amend, that the City will issue no more than two retail licenses, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 6 yes, 2 no (Vogel, Earls), 1 present (Eigerman), 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to amend, as read by Planning Director Andrew Port: "The number of Marijuana Retailers permissible to be located in the City shall be limited to twenty percent (20%) of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number", by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 6 yes, 2 no (Vogel, Earls), 1 present (Eigerman), 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to approve as amended is withdrawn by Councillor Zeid and Councillor Eigerman. Motion to refer to Planning & Development and Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 8 yes, 1 no (Zeid), 1 recused (Devlin), 1 absent (OBrien). Motion passed.

- **ODNC016\_04\_30\_18** Marijuana Zoning - Retail Sales (**Motion to Reconsider**)  
Councillor Tontar withdrew his motion to reconsider.

**16. COMMITTEE ITEMS**

**Budget & Finance**

***In Committee:***

- **ORDR007\_01\_29\_18** 41C Amendment
- **ORDR022\_04\_09\_18** Local Retail Sales Tax on Marijuana
- **ORDR060\_08\_27\_18** Host Agreement for Marijuana Cultivation (**COTW**)  
Motion to waive the rules, as the item was not included in the packet, and remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.
- **COMM082\_09\_10\_18** FY2018 Year-End Financial Report  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Withdrawn. Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.

**Education**

Councillor Giunta spoke about new rules at Newburyport High School.

***In Committee:***

- 

**General Government**

***In Committee:***

- **ODNC007\_02\_12\_18** Amendment to Division 7 – City Solicitor
- **ORDR016\_03\_26\_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System
- **COMM048\_06\_11\_18** Ltr re: Marijuana Retailers Ballot Question

## License & Permits

### *In Committee:*

- **COMM029\_04\_30\_18** Outdoor Seating - West Row Café
- **ODNC023\_05\_29\_18** LATE FILE Amendment to Waterways Fee  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Vogel. So voted.  
Motion to approve by Councillor Earls, seconded by Councillor Tontar. Withdrawn. Motion to refer to License & Permit by Councillor Earls, seconded by Councillor Zeid. So voted.
- **COMM064\_07\_16\_18** A-Frame - Sea Bags  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to receive and file by Councillor Earls, seconded by Councillor Devlin. So voted.
- **COMM065\_07\_16\_18** LATE FILE Outdoor Seating - Superfine Food  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Vogel. So voted. Motion to approve as amended, less the table and four chairs in the center as shown in the diagram and updated insurance with no conditions on additional insured, by Councillor Earls, seconded by Councillor Vogel. So voted.
- **COMM071\_08\_13\_18** Designated Driver Service  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Earls, seconded by Councillor Zeid. So voted. Clerk to call the applicant.
- **COMM075\_08\_13\_18** Outdoor Seating – Souffles  
Councillor Vogel recused. Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to approve by Councillor Earls, seconded by Councillor Devlin. So voted.
- **COMM076\_08\_13\_18** A-Frames – Keller Williams Realty  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to approve, for a period of one year, by Councillor Earls, seconded by Councillor Devlin. So voted (1 no - Connell).
- **COMM081\_08\_27\_18** A-Frame – Angry Donut  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Zeid. So voted. Motion to approve, at the corner of Washington Street and Winter Street and pending insurance, by Councillor Earls, seconded by Councillor Devlin. So voted.

## Neighborhoods and City Services

### *In Committee:*

- **ORDR048\_06\_13\_16** Sidewalk Order
- **COMM111\_10\_10\_17** Petition for Road Repairs and Repaving – Squires Glen

## Planning & Development

Planning & Development and Committee of the Whole meeting on October 1st 6:30pm in the City Hall Council Chamber to discuss ODNC024\_06\_11\_18 Zoning Amendment - Marijuana Retail Sales Locations.

### *In Committee:*

- **ODNC003\_01\_29\_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008\_02\_12\_18** Disposition of G. W. Brown School
- **ORDR024\_04\_09\_18** Special Act to Dissolve Newburyport Redevelopment Authority (COTW)
- **ODNC014\_04\_30\_18** Amendment to Demolition Delay
- **ORDR033\_05\_14\_18** Adoption of Housing Production Plan
- **ORDR036\_05\_14\_18** Marijuana Retailers Ballot Question
- **ORDR037\_05\_14\_18** Lease of Coast Guard Auxiliary Building on Plum Island Point
- **ORDR054\_08\_13\_18** Preservation Restriction Agreement – 241 High Street



- **ODNC025\_08\_13\_18** Colby Farm Lane Residential Overlay District
- **APPT049\_08\_27\_18** Mark Moore – 67 Curzon Mill Rd, ZBA 8/1/2019  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- **COMM083\_09\_10\_18** CPA Funding Recommendation for Colby Farm

### **Public Safety**

#### *In Committee:*

- **ODNC009\_02\_12\_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031\_04\_30\_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032\_04\_30\_18** No Parking Merrimac St from Titcomb St Running Westerly
- **ORDR059\_08\_27\_18** Parking Hales Court, Waterfront Trust

### **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

### **17. GOOD OF THE ORDER**

Council President Connell spoke about critical comments, iPads for city councillors, and thank you note from Waterfront Trust. Councillor Zeid recommended the iPad proposal be referred to the Rules Committee.

### **18. ADJOURNMENT**

Motion to adjourn by Councillor Vogel, seconded by Councillor Tontar. So voted. 11:00pm.

## TRANSFERS



# City of Newburyport

## FY 2019

### BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
OCT -2 PM 12:20

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor      **Date Submitted:** 10/9/2018

**Transfer From:**

Account Name	Sale of Municipal Equipment	YTD Bal:	\$ 18,000.00
Account Number:	01040420-48101	Category:	\$ -
Amount:	\$18,000.00	Trans I/O:	\$ -
Why are Funds Available:	<i>Proceeds from the sale of the Surface Pros used to fund the school's computer replacement project. These funds were used to offset the cost of the district-wide computer upgrades.</i>		

**Transfer To:**

Account Name	School Technology Upgrades	YTD Bal:	\$ 50,506.53
Account Number:	3824-49710	Category:	\$ -
Amount:	\$18,000.00	Trans I/O:	\$ -
Why are Funds Needed:	<i>When the City Council appropriated \$196,500 for technology upgrades in the district, School IT Director Don Skane indicated that the old Surface Pros would be sold to help offset the cost of the new Chromebooks. The Surface Pros were sold at \$18,000, which needs to be appropriated to the capital project in order to close out the project.</i>		

Donna D. Holaday, Mayor Ethan R. Manning, Auditor City Council Approval: (Stamp)	 	Date: <u>10/2/18</u> Date: <u>10/2/18</u>
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# City of Newburyport

## FY 2019

### BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
OCT -2 PM 12:20

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor      **Date Submitted:** 10/9/2018

**Transfer From:**

Account Name	Rsv Appr - Legal Settlements	YTD Bal:	\$ 109,323.16
Account Number:	2745-59600	Category:	\$ -
Amount:	\$22,500.00	Trans I/O:	\$ -
Why are Funds Available:	<i>Proceeds from legal settlements are placed into a receipts reserved for appropriation account to be used for any legal municipal purpose at the recommendation of the Mayor and approval by the City Council.</i>		

**Transfer To:**

Account Name	Reservation Terrace Wall Construction	YTD Bal:	\$ -
Account Number:	New Account	Category:	\$ -
Amount:	\$22,500.00	Trans I/O:	\$ -
Why are Funds Needed:	<i>Funds are needed to purchase materials to construct a wall on a section of Reservation Terrace that is susceptible to erosion and flooding. The estimated cost of the concrete blocks is \$22,500.</i>		

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

\_\_\_\_\_  
  
 \_\_\_\_\_

Date: \_\_\_\_\_  
 Date: 10/2/18



Scituate Companies  
 P.O. Box 636  
 Marshfield, Ma 2050  
 Phone: (781) 837-1747  
 Fax: (781) 837-4320

**Quote Number: 26202**

Order Date: 8/1/2018

Customer Copy

<b>Bill to:</b>	CITY OF NEWBURYPORT DEPT OF PUBLIC SERVI 16 A PERRY WAY NEWBURYPORT, MA 01950	<b>Delivery to:</b>	BIN BLOCK 16 A PERRY WAY NEWBURYPORT, MA
<b>Contact:</b>	DAN LYNCH 978-465-4467 X1720	<b>Project Manager:</b>	
<b>Phone :</b>	(978) 465-4467 <b>Fax:</b>	<b>Phone :</b>	<b>Fax:</b>
<b>Customer ID:</b>	NEWBURYPORT PO:	<b>ShipVia:</b>	Unassigned
<b>Terms:</b>	NET 30	<b>Sales Rep:</b>	Don Lash
		<b>Bid Date:</b>	

Qty	Item	Description	Unit Price	TX	Extension
		<b>Structure:</b> <input type="checkbox"/> BIN BLOCK			
225	BIN	2 X 2 X 6 BIN BLOCKS 2,500 PSI UNREINFORCED CONCRETE	\$100.00	<input checked="" type="checkbox"/>	\$22,500.00
					\$22,500.00

**Total Weight**      799,875

<b>Taxable</b>	\$0.00
<b>Non-Taxable</b>	\$22,500.00
<b>Sub Total</b>	\$22,500.00
<b>Tax</b>	\$0.00
<b>Total</b>	\$22,500.00

Returns shall be first-quality only and prior approval will be required. A 25% handling charge and all transportation costs will be deducted.  
 Prices quoted on specific projects are valid for 30 days or the date agreed on the quote.  
 Custom products must have a signed shop drawing & will require a 50% deposit before it's manufactured.  
 Job and materials quoted per information supplied. SCP reserves the right to ammend the above quoted precast products based upon release of full details, job information, as well as approved fabrication drawings.

\_\_\_\_\_  
 Authorized Signature & Title

\_\_\_\_\_  
 Sales Representative



# City of Newburyport

## FY 2019

### BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
10/12/18 2:20 PM

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor      **Date Submitted:** 10/9/2018

**Transfer From:**

Account Name	<u>Plum Island Utility Trust Fund</u>	YTD Bal:	<u>\$ 1,843,922.63</u>
Account Number:	<u>8287-59600</u>	Category:	<u>\$ -</u>
Amount:	<u>\$99,197.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available:	<u>Proceeds from CDM Smith Inc. Settlement Agreement. Must be approved by a two-thirds vote of the City Council in accordance with M.G.L. c. 40, sec. 5B.</u>		

**Transfer To:**

Account Name	<u>Olga Way Pump Replacement Project</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New Account</u>	Category:	<u>\$ -</u>
Amount:	<u>\$99,197.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>Funding is needed to replace the four main pumps at the Olga Way station on Plum Island. The pumps are twelve years old with an estimated useful life of ten years. This funding represents 40% of the estimated project cost of \$241,944; the Town of Newbury has agreed to fund 60% of the project cost for a contribution of \$142,747 (see summary of funding sources below).</u>		

Donna D. Holaday, Mayor		Date:	<u>10/2/18</u>
Ethan R. Manning, Auditor		Date:	<u>10/2/18</u>
City Council Approval: (Stamp)			

**Summary of Funding Sources:**

Plum Island Utility Trust Fund (40%)	\$99,197.00
Town of Newbury (60%)	\$142,747.00
<b>Total Appropriation for Olga Way Pump Replacement Project</b>	<b>\$241,944.00</b>



**City of Newburyport**  
Department of Public Services  
16A Perry Way  
Newburyport, MA 01950

ANTHONY FURNARI, DIRECTOR  
WAYNE S. AMARAL, DEPUTY DIRECTOR/DIRECTOR OF OPERATIONS

PHONE: 978-465-4463  
FAX: 978-465-1623

TO: Donna D. Holaday, Mayor  
FROM: Jamie Tuccolo, Sewer Superintendent  
CC: Anthony Furnari, DPS Director  
DATE: September 27, 2018  
RE: Request of funds and explanation for vacuum pump replacement.

The Sewer Department is requesting to use funds from the Plum Island settlement agreement to purchase and install four new vacuum pumps on Plum Island. Below is a brief synopsis of events explaining how much the current pumps have operated over the years and why new pumps are needed.

**The beginning:**

The Plum Island vacuum sewer system was designed and constructed early 2000's, the system was partially online in 2006, and fully online in 2007. The winter of 2008/09 was the second full year in operation; it was a very cold winter where it became apparent how much the vacuum pumps were running. The weekend of Martin Luther King January 2009, freezes ups were occurring in valve pits throughout the Island. This was mainly due to improper placement of the valve pits during construction (noted in multiple reports) during this time **the vacuum pumps did not shut off, the pumps ran consistency for weeks until we got out of the freeze up situation.** In the Spring of 2009 the City started to make modifications to the system, and it worked well, allowing the pumps to operate as designed.

**Winter 2015:**

The winter of 2015 was historic in so many ways, from extremely cold, to the record amounts of snow, etc. On the Island everything started to unravel after the first of four blizzards in as many weeks. The system went into low vac alarm the week of Christmas. However, the calls were phantom calls; meaning- the issue causing the alarm, reset itself before operators could find and address the issues. On January 23, 2015 the system went into low vac and did not recover for 8 weeks. The operators could not see with the blinding snow, operator safety became an issue; operators had to wait out the storms before being able to address issues. The snow was deep and covering 95% of the valve pits in the roads, by the time operators started to make headway, another storm hit and so on and so forth. At this time the domino effect happened; "Domino effect" a chain reaction when one event sets off a chain of similar events. Keeping the rest of the system operating while repairing Northern Blvd. inner (bay side) and outer (ocean side), meant the pumps would run until the system was back to normal, this was again mainly due to the locations of the valves pits during construction. Another major issue is if one or more of the vacuum pumps went offline, the I-beam inside of the Olga Way station was installed incorrectly and essentially is useless in removing the pump(s) (also, stated in multiple reports). Installation of the new pumps will be adjusted and placed under the current I beam for future O&M if needed.

As most are aware how the rest of the winter went. The system did not come out of low vac for 8 weeks. The vacuum pumps ran the entire time adding stress to the pumps. Again, modifications/improvements were made to the system.

### **Winter 2018**

Record cold temperatures and historic flooding all happened at the same time, once again putting the system in harm's way. Only this time the PI online alarm system was nearly completed allowing operators to go to the problematic valve pit and address issues before a repeat of the domino effect. However, the vacuum pumps again ran nonstop for weeks until the freezing temperature warmed up. The vacuum pumps are the heart of the system, without the pumps the system is useless!

### **Present:**

Vacuum Pumps, and or any pump or mechanical equipment regardless of how well maintained, the O&M program still faces a life expectancy. The current pumps life expectancy of 10 years has past, the pumps are 12 years and are showing signs of fatigue. Run times are longer, it takes all four to get the vacuum to the ends of the Island under normal conditions. Currently the City does not have pump redundancy, meaning, if a pump fails the three other pumps will not be able to maintain. Three new pumps are equivalent to the four current pumps, leaving the fourth for redundancy.

Additional positives to new pumps:

1. The current pump is BUSCH single stage rotary vane RC0630 455 actual cubic feet per minute (ACFM); the new pumps are BUSCH Mink 1202A ACFM 677. Current ACFM total is 1820 compared to new pump 2708 difference of 888 ACFM.
2. The pumps are in fair working condition; however, they are showing significant signs of fatigue. The pumps worked hard throughout the years due to the lack of an alarm system during initial construction. This alarm system would have reduced the excessive time of pump operation as well as provided a more rapid response from staff. This is the way the system is working today following the installation of the alarm system..
3. Reason for requesting funds from the Plum Island settlement agreement The "PLUM ISLAND UTILITY FUND" SECTION III, BULLET 2. "EARMARKED FOR COST AND EXPENSES FROM OR RELATED TO THE PROJECT, INCLUDING BUT NOT LIMITED TO THE REPAIR, MODIFICATION, IMPROVEMENTS OR OPTIMIZATION OF THE PROJECT".
4. The efficiency of the new pumps will not only lower energy costs, it will also greatly reduce the sound level due to the state of the art acoustic system.
5. Four new pumps is the equivalent of five of the existing pumps. Again, this is the redundancy the island so badly needs especially during the colder months.
6. The Plum Island vacuum system is operated solely with these four vacuum pumps, if these pumps fail no vacuum will be produced, rendering the system useless.
7. The new pumps will reduced O&M costs yearly estimated at 8,000 due to the elimination of operating fluids, the new style of vacuum pumps are air cooled and do not require oil changes/filter changes/sight glass changes.
8. There are 1196 accounts on Plum Island, of that 60% are in Newbury and 40% Newburyport.
9. **Newbury voted to allocate a contribution \$142,747 representing 60% of the project cost.**
10. Cost including installation, replacement correctly under I-beam and re piping total cost **\$241,944.**





**Airvac**

Vacuum Technology  
Systems

Aqseptence Group, Inc.  
4217 N Old U.S. 31  
Rochester, IN 46975

Phone +1 574 223 3980  
info.airvac@aqseptence.com  
www.aqseptence.com

July 26, 2018

Jamie Tuccolo

City of Newburyport Sewer  
157 Water Street  
Newburyport, MA 01950

**RE: Plum Island, MA – Vacuum Pump Exchange Program**

Jamie,

The information below is regarding options for exchanging the four current Plum Island vacuum pumps.

Currently, Plum Island has four Busch RCO630 rotary vane vacuum pumps, which are ~12 years old. We recommend replacing/rebuilding/exchanging the pumps every 10 years or 20,000 hours, whichever comes first. However, as Plum Island has done a great job at maintaining these pumps over the years, you have enjoyed the benefit of at least two additional years of life. However, I strongly suggest that you begin to consider a capital plan to replace/rebuild/exchange the pumps to prevent potential failures in the future.

While you and Tony were in Rochester, we showed you the Busch Mink Aqua pumps, which are the standard pumps we currently use and have been using for ~8 years. The key advantages of the Busch Mink Aqua pumps are below, and the recurring maintenance cost of the Mink pumps compared to the RCO630 pumps is ~\$7,295 less (\$4,000 oil per year and \$3,295 exhaust filter per year).

**Mink Advantages**

1. Do not require oil or oil filter (other than one pint of gear box oil, which should be changed every 6 years or 20,000 hours).
2. Do not require exhaust filters
3. Is internal coated with a proprietary material to prevent corrosion due to H<sub>2</sub>S gases and moisture, which is common with vacuum sewer systems
4. More efficient and quieter (MV version)

There are several Mink Aqua pump sizes to choose from and unfortunately there is not an exact replacement for the pumps currently at Plum Island. Therefore, these are the options:

1. **SMALLER** - Replace the current pumps with smaller pumps, but you will need to add an extra (fifth) pump. Plus, you will need to add new starters and electrical control panel components. Additionally, an additional vacuum pump exhaust line will need to be installed to the outside of the building and new inlet piping, valves and moisture separator to the collection tank.

From our discussion during your visit, this option would not be ideal due to space requirements for the fifth pump and its associated costs.

2. LARGER - Replace the current pumps with larger pumps, but still use four of them. The MV1202.AVA6.ZZXZ will provide 222 ACFM more per pump (888 ACFM for four) compared to your current model. This additional ACFM, could very easily mean one less pump would operate per cycle and as these pumps are more efficient and quieter, you have an opportunity to decrease power cost and noise concerns...if they exist. More importantly, during critical times, you will have more ACFM to overcome low vacuum conditions, which means fewer potential disruptions to the community.

Per your request, you have asked us to price the MV1202.AVA6.ZZXZ and offer an exchange price for the existing pump, which you currently have.

Per your request attached is itemized pricing:

1. Cost to replace the four pumps: \$256,844
  - a. (4) MV1202.AVA6.ZZXZ - \$224,208
  - b. (4) Pipe, fittings, valves, etc. - \$19,036
  - c. (4) Installation cost - \$23,600
  - d. (4) Trade in of existing pump - \$10,000 (credit)

As we value our long and outstanding relationship and per your request, Airvac will offer the following additional discounts:

1. Reduce the installation price of the four MV1202.AVA6.ZZXZ pumps by \$5,900
2. Airvac to buy the spare vacuum pump, which is currently in Plum Islands inventory for \$9,000

Assuming the discounts, the final price will be \$241,944.

If you have questions or need clarification, please let me know. This offer is valid for 90 days and does not include applicable taxes or freight.

Sincerely,

**Clint Hawn**  
Chief Operating Officer

**Aqseptence Group, Inc.**  
(574) 208-5903

## Donna Holaday

---

**From:** Town Administrator <administrator@townofnewbury.org>  
**Sent:** Friday, September 28, 2018 11:16 AM  
**To:** NBPT Mayor; Donna Holaday; JR Colby  
**Cc:** 'jamie.tuccolo@gmail.com'  
**Subject:** Pump Station Replacement Project

Please be advised that at their meeting on September 25, 2018, the Newbury Board of Selectmen voted to approve an appropriation of \$142,747 from the Betterment Fund for the purchase and replacement of 4 pumps at the Olga Way pump station.  
We are pleased to partner with you on this project.

The Secretary of State's office has determined that most emails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

Tracy Blais  
Town Administrator  
Town of Newbury  
12 Kent Way  
Suite 101  
Byfield, MA 01922  
978.465.0862 X301  
[administrator@townofnewbury.org](mailto:administrator@townofnewbury.org)



# COMMUNICATIONS

Re: Newburyport City Council Members to consider and vote at October 1, 2018, Meeting to send letters to MA AG Maura Healey and Governor Charles Baker.

Stephen Comley

Sat 9/29/2018 7:33 PM

To: Richard Jones <RJones@CityofNewburyport.com>; envirocom@comcast.net <envirocom@comcast.net>; jdevlinnbpt@gmail.com <jdevlinnbpt@gmail.com>; larrygiunta12@gmail.com <larrygiunta12@gmail.com>; AKhan@CityofNewburyport.com <AKhan@CityofNewburyport.com>; Jeigerman@cityofnewburyport.com <Jeigerman@cityofnewburyport.com>; szejid@cityofnewburyport.com <szejid@cityofnewburyport.com>; Thomasobrien11@aol.com <Thomasobrien11@aol.com>; HShand@cityofnewburyport.com <HShand@cityofnewburyport.com>; bruce@vogelatlargo.com <bruce@vogelatlargo.com>; tontar44@comcast.net <tontar44@comcast.net>; gearls25@comcast.net <gearls25@comcast.net>;

2018 OCT -2 11:10:00  
CITY OF NEWBURYPORT  
NEWBURYPORT, MA

1 attachments (660 KB)

WTP - COMLEY - Herald - fire officials - 9-27-18 001.jpg;

**Update: Attached is 9-27-2018 Boston Herald Article: "Jay Gonzalez says: Baker should "immediately fire Secretary of Public Safety Daniel Bennett and MA State Police Commander, Col. Kerry Gilpin."**

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**From:** Stephen Comley <s.comley.sr@outlook.com>

**Sent:** Friday, September 28, 2018 9:32 AM

**To:** Richard Jones; envirocom@comcast.net; jdevlinnbpt@gmail.com; larrygiunta12@gmail.com; AKhan@CityofNewburyport.com; Jeigerman@cityofnewburyport.com; szejid@cityofnewburyport.com; Thomasobrien11@aol.com; HShand@cityofnewburyport.com; bruce@vogelatlargo.com; tontar44@comcast.net; gearls25@comcast.net

**Subject:** Fw: Newburyport City Council Members to consider and vote at October 1, 2018, Meeting to send letters to MA AG Maura Healey and Governor Charles Baker.

**Subject:** Newburyport City Council Members to consider and vote at October 1, 2018, Meeting to send letters to MA AG Maura Healey and Governor Charles Baker.

City Council Members of Newburyport  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01969

September 28, 2018

Dear Members,

During last Monday's Council Meeting, September 24, 2018, I passed out We The People's (WTP) letter to Council President, Barry Connell, and sent a copy to Newburyport 's City Clerk, Richard B. Jones. WTP's letter was written in hopes a vote would be taken and approved to send letters to MA Attorney General, Maura Healey, and Governor, Charles Baker.

Please review and click on link below for copy of WTP's guest column published in NC as well as other newspapers. We The People (WTP) and our Whistleblowers connected to the GAG ORDERS on the MA State Police and the NH National Guard are requesting Council members to vote during your Council meeting, October 1, 2018, to write letters to MA AG Maura Healey and MA Governor Charles Baker requesting them to publicly support We The People's call for an open public meeting. This Hearing, as the Council Members know, has been endorsed by 7 MA Cities'/Towns' Officials, and others in NH, have called for, will give Past and Present First Responders an opportunity to testify whether they believe the Seabrook Nuclear Plant's Evacuation Plan can be safely, effectively, and timely implemented.

WTP has not only informed MA AG, Maura Healey, about these safety matters but has notified Governor Charles Baker on 4 occasions of these attempts to silence State Troopers. More recently, I spoke with him again on June 6 during a fundraiser at the Ipswich Country Club. At this event, I provided Mr. Baker with more information about these gag orders and also reminded him Sen. Bruce Tarr, Rep. Brad Hill and former Essex County Sheriff, Frank Cousins, had already endorsed WTP's call for this hearing for First Responders. Mr. Baker's response to me was, "Mr. Comley, I want to assure you, I will meet with these officials and you about these important safety matters soon". I still have not heard back from Mr. Baker on when he will meet with WTP

As WTP recently made the Newburyport Council aware, NH Rep. Peter J. Schmidt wrote his letter (attached) to MA AG, Maura Healey, on September 25, 2018, concerning these attempts to silence First Responders, as well as other important issues covered by Rep. Schmidt.

NH Rep. Schmidt, also in his letter to MA AG, Maura Healey, requested her to require a full investigation of what WTP provided, and, what I and others said, concerning a meeting held September 2, 2016. I was invited to attend this meeting by former Deputy Commander of the MA State Police, Francis Hughes, at the MA State Police Barracks in Newbury, MA. These notes and information WTP provided have been reported as missing, now, by Deputy Hughes' former Chief of Staff, Trooper Cristina J. Lucin, in a 2-page letter (attached) to MA State Police Commander, Colonel Kerry A. Gilpin.

A third issue, mentioned in Rep. Peter Schmidt's letter, was a video/pictures taken by the Licensed Drone Operator's Plane which WTP hired during July 4, 2017, of the Hampton and Salisbury Beach areas during the Summer high season. This video shows the extreme traffic congestion typical of that time. Rep. Peter Schmidt's comments pertaining to the video included, "I think a reasonable person would really be hard-pressed to avoid the conclusion that any emergency evacuation under such circumstances would be effectively unworkable, certainly not timely, thus leading to potentially disastrous results".

WTP is hopeful all members of the Newburyport City Council will take time in their very busy schedule to view the several copies of WTP's video I left for Council members to examine WTP's

video of the Hampton and Salisbury Beach areas during the Summer high season when thousands of beach goers were present and traffic was found to be at a standstill during July 4, 2017. WTP's video will be updated soon of what was videod of the beach and traffic conditions during Labor Day and July 4, of this year.

It is quite apparent to WTP, and many others, the Nuclear Regulatory Commission (NRC), Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) has no intention of honoring the requests of the 7 MA, and NH, surrounding communities who are calling for this Hearing for First Responders.

WTP believes it is very important for the members of the Newburyport City to take this next important step and vote to send letters to MA AG, Maura Healey, and MA Governor, Charles Baker. Ultimately and without a doubt the NRC, FEMA and MEMA is not going to protect us and our families, so we who live on the Seacoast and beyond must take control of our own destiny or we are going to wish we had.

If any of the Newburyport Council Members need further clarification or comment from WTP concerning these serious safety matters, please let us know.

Respectfully submitted,



Stephen B. Comley Sr.,

Founder of We The People a National Whistleblower Protection Non-Profit Organization

---

From: david brown <[dbrown@cherokeescout.com](mailto:dbrown@cherokeescout.com)>

Sent: Wednesday, September 26, 2018 2:01 PM

To: Stephen Comley

Subject: your guest column

Stephen:

You can find your guest column at this link:

<https://www.cherokeescout.com/news-subscribers/better-nuclear-evacuation-plans-needed>

Better nuclear evacuation plans needed | Cherokee Scout ...

[www.cherokeescout.com](http://www.cherokeescout.com)

The article "FEMA report: Seabrook Nuclear Plant's evacuation plans OK" in The Daily News proves, once again, the highest authorities in the NRC, FEMA, MEMA and those in the Wash

Best of luck,

David Brown  
Publisher  
Cherokee Scout/Andrews Journal

Office: 89 Sycamore St.  
Murphy, NC 28906  
Phone: (828) 837-5122  
Fax: (828) 837-5832  
Cell: (828) 361-4809  
Twitter: @daviddBstroh

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[www.myandrewsjournal.com](http://www.myandrewsjournal.com)<<http://www.myandrewsjournal.com>>  
Like Cherokee Scout/Andrews Journal on Facebook

"Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them."  
– Thomas Jefferson to Edward Carrington, 1787



# Gonzalez: Baker fails on OT thefts

## Says top officials should be fired

By MARY MARKOS

Gov. Charlie Baker's handling of the state police overtime scandal is under fire by challenger Jay Gonzalez, who is calling on the governor to "immediately fire" Secretary of Public Safety Daniel Bennett and Col. Kerry Gilpin.

Gov. Baker needs to take charge. Enough is enough," Gonzalez said at the State House steps yesterday. "He should finally act with a sense of urgency to fix the culture of corruption and management failures that have resulted in state police officers stealing taxpayers' money."

Gonzalez suggested Baker appoint someone "from the outside" of the state police, which is against the law. When a reporter raised that issue, Gonzalez said, "We should get legislation immediately to do it."

Baker countered yesterday by pointing to all the indictments that have taken place so far, which he said was a result of Bennett and Gilpin's work investigating the disbanded Troop E. He also noted that GPS technology has been installed in more than 1,000 marked cruisers.

"I think the work that's being done by the colonel is exactly the right kind of work to be done," Baker said. "She's the one that led the investigation, expanded it. She's the one that submitted the documentation to both the attorney general and the U.S. Attorney's Office that's led to these indictments and these pleas ... I think she's doing all the things she said she was going to do."

Three former lieutenants were indicted in connection with alleged overtime abuse on the Mass Pike just last week. The trooper pay probe

has netted 46 state cops to date.

"Our Attorney General Maura Healey says there is more to come, and even though the first report was 19 months ago, Gov. Baker did not propose any reforms until about a year later," Gonzalez said. "And now six months after he's proposed those reforms he still failed to implement them."

The governor's campaign spokesman Terry MacCormack said Baker's public safety team has for months been implementing the very reforms his opponent is demanding, "which is why his opponent's credibility continues to be questioned by fellow Democrats."

Democratic state Rep. Angelo J. Puppolo Jr. called Gonzalez's stunt "political nonsense," and expressed his continued support for Gilpin.

— mary.markos@bostonherald.com



STAFF PHOTO BY PATRICK WHITTEMORE, ABOVE; FILE PHOTO BY ANGELA ROWLING  
**"ENOUGH":** Democratic gubernatorial candidate Jay Gonzalez calls for the firing of state police Col. Kerry Gilpin, left.

9/27/18 BOSTON HERALD

(over)



# State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

PO Box 1468  
Dover, NH 03821-1468

Sent Certified Return Receipt Requested

Sept. 25, 2018

The Honorable Maura Healey  
Attorney General of Massachusetts  
One Ashburton Place  
Boston, Massachusetts 02108

Dear General Healey,

I am writing to you again in re the subject of my previous letter, that is, to most earnestly request you to publicly support Stephen Comley, Sr., and We The People's call for an open public meeting in which the First Responders in the region surrounding the Seabrook Station can testify as to the plans and possibilities for safely, effectively and expeditiously evacuating the Seacoast in the event of a nuclear emergency at the Station. I will not repeat the entire case I previously offered on behalf of this request, as that letter speaks for itself; but I stand by my stated argument.

There are, however, several subsequent developments which need to be addressed, since I last wrote to you. I take them in no particular order. First, We The People and Mr. Comley, Sr., have produced a very compelling video of the Hampton Beach area during the summer high season, which shows the extreme traffic congestion typical of that time; and I think a reasonable person would really be hard-pressed to avoid the conclusion that any emergency evacuation under such circumstances would be effectively unworkable, certainly not timely, thus leading to potentially disastrous results.

Second, it has come to my attention that Mr. Comley, Sr., participated in some sort of presentation to the MA State Police where serious notes were taken, though it may not have been transcribed verbatim, and that this record has been lost. Since the content of this presentation was reportedly of a sensitive nature, the disappearance of the record is very troubling.

Third, it has been alleged that there is some sort of gag order involving MA officials, reportedly MA State Police officers and NH National Guard personnel. All of these things, while very different, are nevertheless very serious in terms of effective and legitimate government, and official oversight. The surrounding communities in NH and MA are growing more and more concerned about the safety and security of their citizens, especially their senior citizens. I believe these matters all demand your attention, and appropriate action.

Let me close by again stressing the urgency of permitting the First Responders to inform the local and state governments of Massachusetts and New Hampshire of their present views on the realistic current possibility of protecting and evacuating the people of the Seabrook Station region in the event of a nuclear emergency. As you know, the surrounding towns of NH and MA, through their governing bodies, have strongly endorsed Stephen Comley, Sr., and We The People's call for this First Responder hearing. May we respectfully, and forcefully, urge you to join them and us in this reasonable and common-sense undertaking.

Please contact me at your earliest opportunity in this regard.

Sincerely,

Rep. Peter B. Schmidt  
Strafford- District 19

(over)



# Cherokee Scout

The local news and information source for Cherokee County, North Carolina



## BETTER NUCLEAR EVACUATION PLANS NEEDED

Wed, 09/26/2016 - 11:34am

BY: STEPHEN COMLEY SR. GUEST COLUMN

The article "FEMA report: Seabrook Nuclear Plant's evacuation plans OK" in The Daily News proves, once again, the highest authorities in the NRC, FEMA, MEMA and those in the Washington Beltway are allowing these agencies to continue lying and rubber-stamping the wishes of the nuclear industry instead of protecting the American people's safety while most of the national media turns a blind eye. Peter Robbins, generation communications manager for NextEra Energy, keeps saying, "NextEra is 'uncompromising with safety.'" Then why won't Seabrook Station's owner spend a little bit of the \$17.5 billion NextEra is worth to either put a security staffer in their empty security booth or tear it down?

At least they could start to protect their own employees from having a potential terrorist challenging security lapses at Seabrook Station. In addition, Seabrook Station informants routinely come to We the People with their safety concerns. One said, "NextEra is in urgent need of engineers." Sure makes you wonder who is running the shop. We and our families who live on the Seacoast, and beyond, cannot trust this owner or government agencies willing to continue to justify leaving special-needs citizens behind to be given potassium iodide by volunteers who will stay in the event of a nuclear disaster like at Seabrook Station. These irresponsible representatives tied to nuclear industry profits not only are willing to make this segment of our population expendable, but all first-responders who also have families to protect are to be considered just collateral damage due to gag orders presently imposed on the Massachusetts State Police and New Hampshire National Guard.

This shows just how far these agencies and NextEra Energy are willing to go in protecting their nuclear interests and profits. They have gone even further, as children in high schools within and outside the 10-mile radius of Seabrook Station and other plants across the country have not had legitimate nuclear drills, just paper ones. Where are the voices of parents in this scandal? It certainly is obvious members of the Washington Delegation, all of whom we contacted, believe at least during re-election time that the Seabrook Evacuation Plan is OK, too. U.S. Sens. Elizabeth Warren, Edward Markey, U.S. Rep. Joseph Kennedy III and Seth Moulton have still refused to meet. None have yet endorsed what seven cities have called for.

We the People and responsible officials have called for the NRC/FEMA to hold a legitimate hearing so past and present first responders can testify whether the Seabrook Nuclear Plant's Evacuation plan can be effectively implemented safely and timely.

Not only are these safety matters being covered up by the NRC, FEMA, MEMA



Murphy, NC 28906

### Weather

**65.1 °F**  
Rain Showers   ENE Wind 3.4mph

64 °F 74 °F

60	77	59	80	61	81	62	80
FRI		SAT		SUN		MON	

7:06 AM Thu Sep 27

WillyWeather

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(OVER)

and Washington Beltway, but the highest officials in the Baker Administration still will not call for the full investigation of what We the People provided, and I and others said, during the meeting Sept. 2. Frank Hughes, former deputy commander of the State Police, called for this meeting and asked us to attend at the State Police Barracks in Newbury, Mass.

At this meeting I provided, with their permission, the names of the brave informants connected to the gag orders concerning Seabrook Station's Evacuation Plan. We on the Seacoast and beyond must act and control our own destiny, or we are going to wish we had.

*The writer is founder of We the People, a national whistleblower protection non-profit organization and a prospective 2020 Republican candidate for president of the United States.*

**Section: NEWS FOR SUBSCRIBERS**

Subscribe and see the e-Edition of the Cherokee Scout, Murphy, North Carolina for the complete story.

**RECENT HEADLINES**

- Phillips awarded for 50 years at MGM Brakes
- 'Joe The Digger' turns trash into treasure
- County board puts long-term plan on the shelf
- Teenager accused of hurting infant child



CLICK HERE TO READ CHEROKEE SCOUT, MURPHY, NORTH CAROLINA

**Stephen B. Comley Sr.**

Founder of:

**We The People**  
a National Whistleblowers Protection  
Non-Profit Organization

Box #646 Rowley, MA 01969  
Where Democracy Is Strong  
Email: scomleysr@yahoo.com  
Mobile: 904-206-3114



For More Background on WTP

Google: Steve Comley Nuclear Regulatory Commission

"To The Village Square We Must Take The Facts Of Atomic Energy, From There Must Come America's Voice" Albert Einstein

**VOTE COMLEY FOR PRESIDENT**

"Together we can bring about real change that will repair America"

Democracy only works when people are involved

Stephen Comley Sr.  
P.O. Box #646  
Rowley, MA 01969

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Paid for by the Committee to Elect Comley for President

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As I See It

Stephen B. Comley Sr.

Unlike John Henry's Boston Globe, a few community newspaper owners do not require their reporters to look sideways before they give any coverage to We The People's (WTP) investigations, especially our nuclear ones, which could make the Globe's pro-nuclear readers cancel subscriptions.

One example is WTP's ongoing investigations of Massachusetts State Police "Troopergate" scandals. State police Col. Richard McKeon and Deputy Francis Hughes both retired apparently due to altered police reports involving a judge's daughter found guilty of driving under the influence and negligent operation of a motor vehicle.

WTP's investigation will make the Globe's probe to be a small underbelly of what WTP uncovered, including gag orders on Massachusetts state troopers and New Hampshire National Guard about Seabrook Station's evacuation plan.

WTP's state police informants state, "McKeon and Hughes fell on the sword to protect higher ups." Since WTP brought this troubling information to light, over 200 Massachusetts and New Hampshire first responders have stated to WTP "there is no way to evacuate residents safely and timely in the event of a Seabrook nuclear disaster.

On Sept. 2, 2016, Deputy Hughes, who I respect, invited me to a meeting at the Newbury state police barracks about WTP's concerns of Seabrook Station's evacuation plan. Present, too, was John Giarrusso, nuclear section chief of the Massachusetts Emergency Management Agency. WTP's evidence included, with their permission, identities of the informants connected to the present gag orders.

WTP requested the new

### One example is WTP's ongoing investigations of Massachusetts State Police "Troopergate" scandals.

commander of the state police, Kerry Gilpin, provide WTP with a copy of the notes I know were taken at this meeting. WTP has been informed these records are now missing. WTP has asked the NRC, Massachusetts attorney general and Department of Public Safety Secretary Daniel Bennett to conduct a full investigation of a cover-up of what I provided and said during the meeting Sept. 2.

Since contacting Maura Healey, she set up a four-member legal team which included her chief of staff, Mike Firestone. This team was supposedly to investigate WTP's concerns at Seabrook and cover-ups by the NRC of substandard nuclear parts still built into most U.S. plants, including Seabrook.

I met with Healey's legal team last Oct. 18. When I arrived, I was disappointed to find out my request to be placed under oath wouldn't be granted. I provided the team with lots of WTP's documents, including a copy of a transcript of a tape recording of a WTP NRC informant. This tape was one of many I had during the time when President George H.W. Bush appointed Thornburgh to be his AG at the Department of Justice to conduct a witch hunt of WTP's NRC informants during which time I was under subpoena for over six years in federal court with the charge of "conspiracy to topple the NRC."

Because I wanted WTP's evidence about NRC's cover-ups of unsafe conditions at U.S. plants fully investigated, I called Richard Barkley at the NRC, and

informed of the existence of my tapes and he would not release any to the NRC, DOJ or the FBI due to cover-ups by them which I can prove. I also informed Barkley, Mike Firestone was not to release WTP's tape transcript unless he had my permission.

It certainly appears to WTP, since meeting with Healey's legal team, their investigation of WTP's safety concerns is at a standstill. What is even more disappointing, Healey has yet to support what WTP has gotten seven Massachusetts city and town officials and more recently the selectmen in Hampton Falls, which lies within the 10-mile radius of the Seabrook nuclear plant, to call for the NRC to hold a hearing for first responders.

I know for a fact Gov. Baker has ignored the gag orders state troopers who were told by their superiors not to question the effectiveness of the approved Seabrook Station's evacuation plan. WTP informed Baker on four occasions of these attempts to silence state troopers, most recently when I spoke with Baker about this troubling information on June 6 during a fundraiser at the Ipswich Country Club.

At this event, I provided Mr. Baker more recent information about these gag orders and reminded him again of the cities and towns, and that Sen. Bruce Tarr, Rep. Brad Hill and former Essex County Sheriff Frank Cousins had already endorsed WTP's call for the NRC to hold a hearing for first responders.

Mr. Baker's response to me was, "Mr. Comley, I want to assure you, I will meet with these officials and you about these important safety matters soon." I still have not heard back from Mr. Baker on when he will meet with WTP.

Stephen B. Comley Sr. is founder of We The People and a 2020 Republican candidate for president.

OPINION



Claims of a cover-up and  
call for public hearing

The  
DAILY  
NEWS



New England Newspaper & Press Association's 2017 Newspaper of the Year

WWW.NEWBURYPORTNEWS.COM

WEDNESDAY

July 11, 2018

\$1.50

Stephen B. Comley Sr.

Founder of:

**We The People**

a National Whistleblowers Protection  
Non-Profit Organization

Box #646 Rowley, MA 01969  
Where Democracy Is Strong  
Email: scomleys@yahoo.com  
Mobile: 904-206-3114



For More Background on WTP

Google: Steve Comley Nuclear Regulatory Commission

"To The Village Square We Must Take The Facts Of Atomic Energy, From  
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Democracy only works when people are involved

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904-206-3114

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# CAUTION PRESIDENT TRUMP

SEABROOK NUCLEAR ZONE NO EVACUATION POSSIBLE  
INVESTIGATE THE NUCLEAR REGULATORY COMMISSION



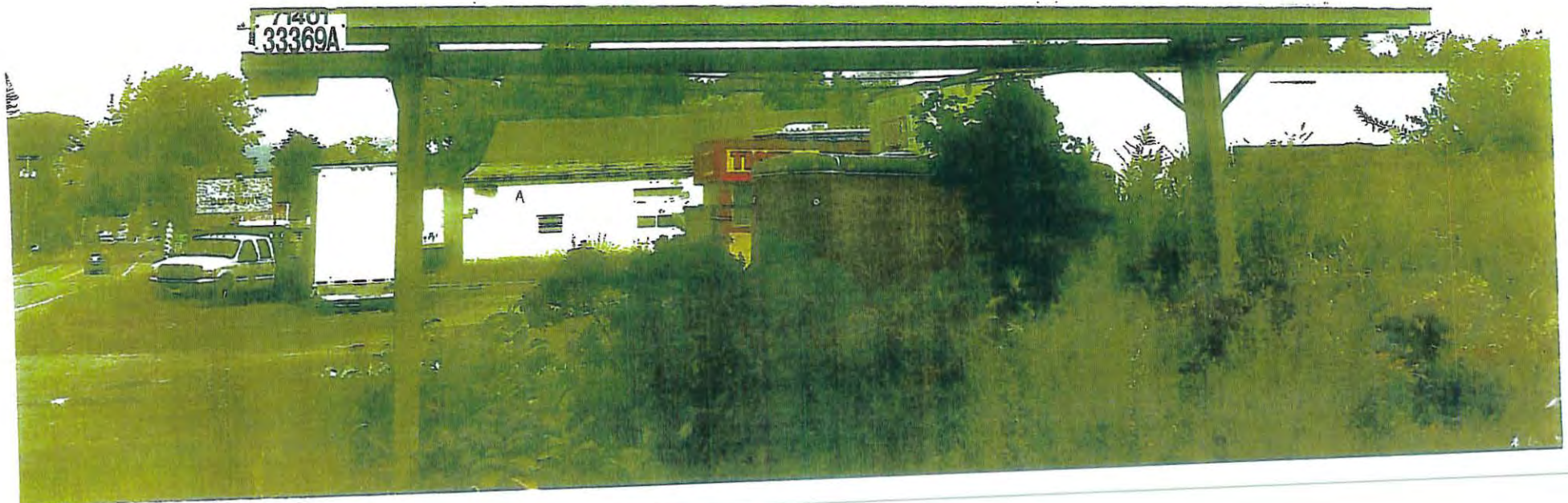
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"To The Village Square We Must Take The Facts Of  
Atomic Energy, From There Must Come America's Voice"  
-Albert Einstein

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71401  
33369A



**APPOINTMENTS  
FIRST READING**



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

CLERK'S OFFICE  
NEWBURYPORT, MA

2018 OCT -2 PM 12:15

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: October 2,, 2018  
Re: Appointment

-----  
I hereby appoint, subject to your approval, the following named individual as a member of the Human Rights Commission. This term shall expire on September 30, 2021.

Jessica Amorosino  
238 High Street  
Newburyport, MA 01950



August 21<sup>st</sup>, 2018

Dear Human Rights Commission Committee Members,

I am very interested in joining the HRC to help with the mission of addressing diversity issues and promoting an inclusive community in Newburyport.

I am very much aligned with the goals and focus of your organization and I would like to use the skills gained in my time as a pediatrician, physician entrepreneur and mother of four ethnically and culturally blended children to help community projects such as yours reach its objectives.

In the past I have started medical missions to developing countries for medical students to expand their horizons and show aspiring physicians there is more to medicine than what they see culturally in the U.S. I have received accolades and awards from my own Korean American community for my academic and professional achievements as an aspiring minority leader.

As a child of East Asian immigrants, living and raising my family in Newburyport I can see what a positive impact an organization such as HRC can have in our community. I am confident that these qualities together with my commitment to your mission will be an asset to your organization.

My enclosed resume will provide you with more details regarding my qualifications and experience. I know that I can bring much benefit with my experience, educational qualifications and skills and I look forward to putting these towards a good cause. I look forward to meeting the committee members this week.

Sincerely,

Jessica Amorosino, MD, FAAP

# JESSICA AMOROSINO, MD, FAAP

238 High Street, Newburyport, MA 01950 | 617-216-6897 | jessica.amorosino@gmail.com

## EDUCATION

Tufts-New England Medical Center, Boston, MA Internship, Residency Pediatric Medicine	2006
Boston University School of Medicine, Boston, MA MD	2003
Boston University, Boston, MA B.A. in Biology, Magna Cum Laude, Trustee Scholar	1999

## WORK EXPERIENCE

MetTrimMD Beverly, MA Co-Founder, President	April 2015 – Present
LT Proactive Care Medical, Newton, MA Medical Director	Feb 2017-Feb 2018
Atrius Health, Harvard Vanguard Medical Associates, Peabody, MA Physician	April 2009 – Present
E-MDS, Austin, TX Physician Consultant, Content Developer	Nov 2011-Nov 2012
Pediatrics West, Westford, MA Physician	Aug 2006-January 2009

## PROFESSIONAL DEVELOPMENT AND COMMUNITY SERVICE

SEAK, INC, Chicago, IL Physician Speaker & Mentor	October 2017 – Present
Anna Jaques Hospital Community Health Foundation, Newburyport, MA Board Member	2015
Babies R US Baby Basic Series, Peabody, MA Course Instructor	2014
Baby Steps Workshop for Expectant Parents, Westford, MA Course Instructor	2008
Advanced Parenting Education in Pediatrics: The APEP Project, Boston, MA Course Instructor	2006

INTERNATIONAL PROFESSIONAL EXPERIENCE

Honduran Medical Mission Volunteer	2003
Tegucigalpa Municipal Hospital, Honduras Organizer & Volunteer	1998
Copprome Orphanage, Honduras Volunteer	1997

OTHER LANGUAGES

Korean—speaking & reading with very basic competence

PROFESSIONAL MEMBERSHIPS, CERTIFICATIONS & LICENSURE

Massachusetts Full Medical License  
American Board of Pediatrics, Board Certified  
American Board of Lifestyle Medicine (Registered for Boards Fall 2018)  
Lifestyle Medicine Coach Certificate @ Wellcoaches (Enrolled in training)  
Member, Obesity Medicine Association  
Member, American College of Lifestyle Medicine  
Member, American Medical Writers Association  
Member, American Academy of Pediatrics  
Member, Massachusetts Medical Society  
Member, Council of Korean Americans



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

RECEIVED  
CITY OF NEWBURYPORT, MA  
SEP 25 11:30

60 PLEASANT STREET - P.O. Box 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: September 25, 2018  
Re: Appointment

-----  
I hereby appoint, subject to your approval, the following named individual as a member of the Tree Commission. This term shall expire on November 1, 2021.

Scott Hanley  
1 Milk Street  
Newburyport, MA 01950

## **Scott Hanley**

Email: scott92794@gmail.com · Phone: 978-270-0210

1 Milk Street Newburyport, MA 01950

---

### **Hanley Law Office**, Newburyport, Massachusetts

*Attorney-at-Law*,

Founder and principal of solo law practice, consumer bankruptcy, residential real estate focus

- Advise and represent individual clients in Massachusetts state and U.S. federal courts
- Consult with prospective and established clients to determine their existing factual and legal posture, establish goal and expectations, present legal and other relevant options, and provide guidance.

### **Fidelity Investments**, Merrimack, New Hampshire

*Full Trader; Workplace Retirement Planning & Advice Consultant*

- Provide consultative retirement planning and investment guidance, education, and fiduciary advice to defined contribution and defined benefits participants of Fidelity client-employers, and Fidelity IRA clients
- Place equity, mutual funds, ETF, options trades for Fidelity clients
- Provide highest quality trading, money movement, account maintenance, and customer service experience to firm customers
- Continuously strive to exceed client satisfaction and efficiency goals while adhering to firm policies and external regulatory and compliance requirements
- Use consultative approach and skills in working with clients to uncover and articulate their present-and long-term account and investment strategies, needs and goals
- FINRA Series 7, NAASA Series 63, 66 licenses

### **Prime Title Services/First Eastern Mortgage Corp.**, Andover, Massachusetts

*Associate Attorney*

- Conduct residential real estate purchase, refinance, and construction loan closings.
- Perform title examination and review, resolve title curative matters.

### **West Group**, Eagan, Minnesota

*Account Executive*

Sell company products and services to law firms in prime Boston territory

- Generate new business through in-person cold-calling and other methods, upsell existing accounts.
- Conduct in-person product demonstration and training sessions for high level decision makers and staff attorneys and paralegals.

### **EDUCATION & LICENSING:**

**Massachusetts School of Law**

Juris Doctor

**Babson College**, Wellesley, MA

Bachelor of Science

Major: Quantitative Methods, School of Management

Licensed to practice law in Commonwealth of Massachusetts, U.S.. Federal Court, District of  
Massachusetts, U.S. Bankruptcy Court, District of Massachusetts.

Massachusetts Real Estate Broker license

Massachusetts Notary Public, New Hampshire Commission of Deeds

Securities Industry Licenses

Financial Industry Regulatory Authority (FINRA):

Series 7 General Securities Representative License

North American Securities Administrators Association (NASAA):

Series 63 Uniform Securities Agent State Law ("Blue Sky") License

Series 66 Uniform Combined State Law License



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

2018 SEP 25 AM 11:07  
CITY OF NEWBURYPORT  
RE: APPOINTMENT

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: September 21, 2018  
Re: Re-Appointment *Donna D. Holaday*

---

I hereby re-appoint, subject to your approval, the following named individual as a member of the Tree Commission. This term shall expire on November 1, 2021.

Paul M. Bevilacqua  
126 Merrimac Street Unit #3  
Newburyport, MA 01950

**VITA**  
**Paul M. Bevilacqua, Ed.D.**  
**126 Merrimac Street Unit 3**  
**Newburyport, MA 01950**  
**(H) 978 465-1341**  
**(C) 978 758-2723**

**EDUCATION** \_\_\_\_\_

Ed.D. Adult and Higher Education  
University of Massachusetts, Amherst, Massachusetts

M.A. Political Science  
Northeastern University, Boston, Massachusetts

A.B. History  
Merrimack College, North Andover, Massachusetts

**ON-GOING PROFESSIONAL DEVELOPMENT** \_\_\_\_\_

Harvard University-Institute of Educational Management

Courses, conferences, and seminars in history, political science, assessment, distance education, human services, health, management, strategic planning, outcomes, succession planning and related

**PROFESSIONAL EMPLOYMENT** \_\_\_\_\_

Consultant –Higher Education

Special Assistant to the President, Northern Essex Community College

Program Development Specialist Massachusetts Colleges Online

Vice President and Dean of Academic Affairs  
Northern Essex Community College, Haverhill, Massachusetts

Assistant Dean/Division Chairperson, Division of Human Services and Health Professions  
Northern Essex Community College, Haverhill, Massachusetts  
[Positions reclassified/titled to reflect increased responsibilities]

Professor/Coordinator, Educational Assistant Program

Professor, History and Government

History teacher, Salem High School, Salem, New Hampshire

**PROFESSIONAL EXPERIENCES** \_\_\_\_\_

**Northern Essex Community College**

Developed and managed the Academic Affairs Division which in FY06 included: a budget of over \$14 million and nearly 500 full/part-time faculty and staff.

Developed and taught courses in History, Political Science, and Education, both alone, as part of various teaching teams, and in a learning community.

Managed and implemented three faculty and staff collective bargaining agreements and a management agreement for non-unit staff.



Participated in several Massachusetts Community College and Board of Higher Education committees, including curriculum, performance standards, Criminal Justice Curriculum review, and collective bargaining.

Supervised, evaluated, and mentored faculty, professional staff, and support staff.

Evaluated, and continuously improved, nationally accredited/approved academic programs that consistently received approval for the maximum period of time.

## **PROFESSIONAL EXPERIENCES**

---

### **Northern Essex Community College**

Developed and implemented a plan to recruit and retain students in cooperation with faculty and other appropriate units of the college, including Admissions, Academic Assessment, Academic Advising, and the Registrar.

Provided leadership, coordination, and problem-solving skills to: develop new facilities; obtain instructional equipment and supplies; and plan for the use of new and existing facilities.

Provided leadership to develop, staff, and support new academic and community service programs, distance education, academic advising, program review, professional development, and adult and alternative education, including credit for life learning.

Developed, reviewed, and, where appropriate, negotiated/mediated contracts, including program affiliations, delivery of off-campus and specialized courses, and other entrepreneurial projects

Encouraged and facilitated the active development of donations to the college

Served as NECC Liaison to the New England Association of Schools and Colleges

## **SIGNIFICANT ACCOMPLISHMENTS**

---

### **Northern Essex Community College**

Provided leadership for the initiation of community-based programs in several Merrimack Valley communities, including: Lawrence, Haverhill, and Amesbury; as well as, with community-based organizations, such as the Massachusetts Department of Mental Retardation, Lahey Clinic, and others. Programs included:

- Adult Basic Education/GED
- Deaf Studies
- Developmental Credit Courses
- Certificate in Human Services: Direct Support
- Certificate and Associate Degrees in Early Childhood Education and Elementary Education
- Law Enforcement Certificate
- Dual Enrollment Agreements
- PATHS

Chaired: NECC Self Study Committee for the New England Association of Schools and Colleges (NEASC) and Reaccreditation/Site Visit, 1998-2000; completion of the Fifth-Year Report 2004-2005; and, development of the Distance Education Report in 2005.

Provided leadership to create and sustain the Center for Teaching and Learning, the Center for Adult and Alternative Education, the Office of Program Review and Assessment, as well as other related activities.

Completed on-going reviews and subsequent changes to the organization of the Academic Affairs Division 1997-2006.

Provided leadership for the integration, college-level development, and initial accreditation of post-secondary programs previously offered at area regional vocational-technical schools.

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

**APPOINTMENTS  
SECOND READING**

## SECOND READING APPOINTMENTS

- **APPT052\_09\_24\_18** Jennifer Groskin 11 Myrtle Ave Human Rights Comm 3/31/2019
- **APPT053\_09\_24\_18** Matt Ellsworth 38 Plummer Ave Parks Comm, Atkinson 5/1/2020
- **APPT054\_09\_24\_18** Charles Griffin 3 Vernon St Parks Comm, Bartlet Mall 5/1/2019
- **APPT055\_09\_24\_18** Ann Lagasse 1 Pipers Quarry Parks Comm 5/1/2022
- **APPT056\_09\_24\_18** Karen Popken 49 Boardman St Parks Comm 5/1/2021
- **APPT057\_09\_24\_18** Kim Turner 27 High St Parks Comm 5/1/2023

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

# ORDERS

CITY OF NEWBURYPORT <sup>ORDR058\_08\_27\_18</sup>  
TABLED



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

ORDERED:

That the City Council appropriates from the Community Preservation Act FY 2019 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following [project], based upon the Community Preservation Committee's recommendation. The source of funds shall be FY2019 estimated revenues and Community Preservation Fund Balance. Said appropriation shall be considered a separate appropriation or reservation in the amount indicated [below]:

Project No.	Project Title	Applicant	Request	Recommendation
4	Slate Roof Replacement	Newburyport Maritime Society, Inc.	\$101,914	\$101,914

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

**NEWBURYPORT CITY COUNCIL**

*A Resolution Reaffirming Current City of Newburyport and Massachusetts Non-Discrimination Laws Prohibiting Discrimination in Places of Public Accommodation on the Basis of Gender Identity and Gender Expression.*

**WHEREAS,** *It is the policy of the City of Newburyport to uphold the human rights of all persons in Newburyport and the free exercise and enjoyment of any rights and privileges secured by the Constitutions and laws of the United States and the Commonwealth of Massachusetts; and*

**WHEREAS,** *The City of Newburyport ensures equal opportunity to each person regardless of race, color, religious creed, national origin, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, source of income or disability where unlawful discrimination exists in housing, employment, education, public accommodations, City services, insurance, banking, credit and health care; and*

**WHEREAS,** *The Massachusetts House of Representatives and Senate approved the addition of gender identity to the Massachusetts Public Accommodations Law (M.G.L c. 272, §§ 92A, 98 and 98A) on July 7, 2016; and*

**WHEREAS,** *Governor Charlie Baker signed this legislation, An Act relative to transgender anti-discrimination (S. 2407), into law on July 8, 2016; and*

**WHEREAS,** *The updated Public Accommodations Law has been in full effect since October 1, 2016; and*

**WHEREAS,** *The November 6, 2018 statewide election includes a ballot question seeking to repeal the provision in the Massachusetts Public Accommodations Law prohibiting discrimination on the basis of gender identity in places of public accommodation; and*

**WHEREAS,** *Repeal of this law would have a devastating effect for transgender and gender non-conforming members of our community and would be against principles we as a city uphold and reaffirm; and*

**BE IT RESOLVED,** *We the members of the Newburyport City Council, do hereby express our commitment to defend transgender equality in Newburyport and will hereby pledge to sign on to Freedom For All Massachusetts' Yes on 3 Coalition to say clearly: Discrimination has no place in Massachusetts and no place in Newburyport.*

**BE IT FURTHER  
RESOLVED,**

*That on this 9th day of September in the year Two Thousand and Eighteen, a copy of this resolution be spread upon the records of the City Council.*

**ATTEST:**

*Members of the Newburyport City Council*

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
*Charles Tontar, Ward 4 Councillor*

\_\_\_\_\_  
*Afroz Khan, Councillor-At-Large*



CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 9, 2018

**A RESOLUTION EXPRESSING CITY OF NEWBURYPORT'S OPPOSITION TO  
PRIVATIZATION OF CUSTOM HOUSE AND ASSOCIATED LAND**

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

**WHEREAS**, The City of Newburyport recognizes the value and importance of public land and public money, and the fundamental responsibility of its elected and appointed officials to protect them;

**WHEREAS**, The City of Newburyport's residents have made substantial financial and in-kind investments into the Custom House Maritime Museum, as have the federal and state governments;

**WHEREAS**, Privatization, despite any restrictions, would mean a loss of control by and connection to the residents and taxpayers of Newburyport who have maintained some control over both the building and its use through their elected and appointed officials over the past 50 years;

**WHEREAS**, It is impossible to devise restrictions on any property transfer that contemplates every possible scenario to protect the public's investment, for all of time;

**WHEREAS**, While a preservation restriction benefiting the Newburyport Historic Commission exists on the building today, it is tied to a lease agreement outside of the control of the City, which would be abrogated by any land transfer;

**WHEREAS**, The City of Newburyport recognizes the importance of the Custom House Maritime Museum to the residents of Newburyport based upon its great cultural, aesthetic, and historical significance, and beyond;

**WHEREAS**, In 1971, 47 years ago, the City of Newburyport codified Sec. 2-106 through 2-109 stating that the Newburyport Historical Commission is expressly authorized to manage the building and serve as lessor:

Sec. 2-106. - Management of *Custom House*.

The Newburyport Historical Commission is hereby authorized and empowered to any such extent as it may already be authorized and empowered by its enabling statute to acquire in the name of the city, and to manage, control, repair, restore, rehabilitate maintain and operate for public purposes the

building situated on Water Street known as the *Custom House*; and, in its discretion to delegate, by lease to any nonprofit group or organization, upon such terms and conditions as it sees fit for any term of years, the management and control of the building and the appurtenant land.

Sec. 2-107. - Funding generally.

In order to acquire, manage, control, repair, restore, rehabilitate, maintain, or operate the *Custom House*, the historical commission may accept funds from any source, and may apply for and accept grants from the state or federal governments or any agency thereof, or from any private person, firm or foundation.

Sec. 2-108. - Lease for management, operation.

Upon acquisition of the *Custom House*, the historical commission shall undertake to enter into a lease with any group or organization for such management, control and operation. The commission shall retain as lessor by the written instrument such powers as may be necessary to ensure that if the building is not being properly maintained, or is being used for purposes other than those for which the historical commission may acquire property, it may resume the exercise of dominion over the property to such extent as may be necessary to bring it into conformity with such purposes.

Sec. 2-109. - Use of city seal; indebtedness.

The use of the city seal is authorized as may be necessary to effectuate the intent of this division. The historical commission shall neither incur nor purport to incur indebtedness on the city's behalf.

**WHEREAS**, The Newburyport City Council undertook a nearly two-year process through its Central Waterfront Ad-Hoc Committee to investigate a permanent resolution of ownership and use of the entire Central Waterfront now owned by the Newburyport Redevelopment Authority,; resulting in the unanimous passage by the City Council on May 30, 2017 of resolution approved in May 2017 (2017 Central Waterfront Resolution) that included a call to implement Sections 2-106 through 2-109 of the Municipal Code;

**WHEREAS**, The Newburyport Redevelopment Authority has been operating without an Urban Renewal Plan for over a decade; and

**WHEREAS**, The City of Newburyport has retained ownership of the Firehouse Center for the Arts and leased it to a non-profit tenant/operator to great success over many years, and regards leases as proper instruments to protect the interests of the public in public property, while supporting charitable organizations with missions that further the City's overall interests;

**NOW, THEREFORE, BE IT RESOLVED**, that:

1. Opposition to the privatization of the Newburyport Custom House property. The City of Newburyport expresses its opposition in principle to the privatization of the Newburyport Custom House property.
2. Request to rescind. The City of Newburyport requests that the Newburyport Redevelopment Authority rescind its RFP and proceed with the tenets of the 2017 Central Waterfront Resolution calling for a transfer of the land to the City for its subsequent committal to a 99-year lease to the Custom House Maritime Museum for a term of 99 years.

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Councillor Sharif I. Zeid

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Councillor Jared J. Eigerman

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Councillor Barry N. Connell

## ORDINANCES

## COMMITTEE ITEMS

**October 9, 2018**  
**Committee on Budget & Finance**

- **ORDR022\_04\_09\_18** – Local Retail Sales Tax on Marijuana.
- **ORDR061\_09\_24\_18** – Gift Acceptance – Strem Chemicals, Inc.  
\$5,376.96.
- **ORDR062\_09\_24\_18** – Gift Acceptance – NHS Class of 2018 \$500.

*BoF  
CJ/BL  
(roll) 11/18*

CITY OF NEWBURYPORT



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

ORDERED:

April 9, 2018

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

**THAT** the City of Newburyport, acting by and through its City Council, hereby accept the provisions of Massachusetts General Laws (MGL) Chapter 64N, Section 3, and impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the City of Newburyport to anyone other than a marijuana establishment at a rate of three per cent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products.

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

BT

ORDR061\_09\_24\_18

CITY OF NEWBURYPORT



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

ORDERED:

September 24, 2018

**THAT, The CITY COUNCIL of the City of Newburyport** accepts an Emergency Management Planning grant from the Commonwealth of Massachusetts in the amount of \$3,220.00 and, furthermore, accepts with gratitude a gift from Strem Chemicals, Inc. in the amount of \$5,376.96. Said funds totaling \$8,596.96 are accepted in accordance with M.G.L. Chapter 44, Section 53A and are hereby appropriated for the purpose of purchasing six (6) sets of tactical gear to be used by Fire Department medical personnel.

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



# Newburyport Fire Department

*Office of the Fire Chief*

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2018 SEP 13 AM 11:57

**To:** Council President Barry Connell, members of the City Council  
**From:** Chief Christopher J. LeClaire  
**Date:** September 13, 2018  
**Re:** **Acceptance of EMPG grant and donation from Strem Chemical**

---

As the world continues the change, the Newburyport Fire Department, an all-hazards response organization, must continue to adapt our readiness through training and equipment acquisitions to adapt to those changes.

Fire departments across the nation are undertaking training that allows them to operate in the warm zone at an active shooter incident. This new tactic allows for medics to enter the area with the police to treat and extract injured people so that they can receive critical care as soon as possible. This will increase the survivability of victims involved in these terrible situations.

In that light, the department is purchasing six (6) sets of tactical gear for our medical personnel, including ballistic helmets and vests, tourniquet pouches, and related equipment. This \$8,596.96 purchase is made possible through two (2) funding sources:

- An EMPG (Emergency Management Planning) grant from the Commonwealth of Massachusetts in the amount of **\$3,220.00**. This grant was originally intended to cover 50% of the project however prices have increased since the grant was applied for.
- A donation from Dr. Michael Strem and the employees of Strem Chemicals, Inc. in the amount of **\$5,376.96** to cover the remainder of the project cost.

Please, by vote of the city council, accept both the EMPG grant and the donation from Strem Chemicals, Inc. so that the fire department can continue to prepare for any incident that may befall our city.

*Department Memorandum*

BT

CITY OF NEWBURYPORT



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

ORDERED:

September 24, 2018

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude a gift from the Newburyport High School Class of 2018 in in the amount of \$500.00 to be used for the creation of an outdoor teaching space at the high school and appropriates said funds to the Gayden Morrill Outdoor Seating Project in accordance with M.G.L. Chapter 44, Section 53A.

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

# LICENSE & PERMIT COMMITTEE ITEMS

- ODNC023\_05\_29\_18 LATE FILE Amendment to Waterways Fee

AMENDED

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL

(a)

**ORDERED:****Sec. 4-73. - Fees.**

*Establishment.* The harbor commission shall establish fees and may amend them, from time to time, for all the facilities governed by this division. The commission shall establish fees subject to the approval of the city council. The fee schedule shall be published and available to the public upon request.

(b)

*Accounts and appropriations.* All of the fees collected under (a) above and any money generated through this division shall be deposited into accounts designated by the city council for the sole purpose of returning the fees to the management and operation of the harbor. Revenues shall not be appropriated from these accounts for any expense except harbor operation, maintenance to the harbor, capital improvements to the harbor and for matching state and local grants for harbor related projects. Approval of the mayor and city council shall be necessary to appropriate the funds for harbor-related operations.

(c)

*Fees and permits for commercial fish pier.*

(1)

Berth permits shall be issued annually for fulltime commercial fishing vessels in any licensed fishery. This facility is not intended for wet storage. If the harbor master determines that a vessel has remained idle for a period of thirty (30) days, that vessel shall be considered in wet storage and the harbor master shall direct the removal of the vessel at the vessel owner's expense. Upon review of the harbor master and the harbor commission the vessel shall forfeit its berthing fee and berthing privileges. Berth permits shall be renewed on October 1 and shall be valid for the period of one (1) year (October 1 to September 30). Applications shall be made available at city hall in the office of planning and development. All vessels must have a minimum of one hundred thousand dollars (\$100,000.00) liability insurance and property damage insurance as a condition of issuance of a berthing permit. Said insurance must name the city as an insured party.

(2)

Pier usage permits shall be renewed on May 1 and shall be valid for the period of one (1) year (May 1 to April 30). Applications shall be made available at city hall in the office of planning and development. All fishing vessels, businesses, corporations and individuals operating on the "fish pier" must have a minimum of one hundred thousand dollars (\$100,000.00) liability insurance and property damage as a condition of issuance of a pier use permit. Fish dealers and fuel dealers shall be required to carry additional insurance or post a bond if deemed necessary by the harbor commission. Said insurance must name the city as an insured party. Vessels holding a pier usage permit are allowed to load and unload their trucks on the pier and unload up to twenty thousand (20,000) pounds of fish per day. A fee of five cents (\$0.05) per pound for each pound in excess of twenty thousand (20,000) pounds shall be assessed by the harbor master.

AMENDED

The fee for transient berthing shall be for a twenty-four-hour period starting from the time of tie-up. (3)

(4)

A fee for transient loading and unloading shall be established by order of the city council. Time limits for loading and unloading shall be set by the harbor master.

(5)

All fees collected at the "fish pier" shall be deposited into an account known as the "fish pier account." This is in accordance with a land use agreement to be executed with the state grant to construct the fish pier. Said revenues deposited in the "fish pier account" shall not be appropriated from this account for any expenses except improvements, repairs, maintenance, and administration of the fish pier.

AMENDED

(d)

*Fees and permits for the central waterfront embayment and bulkheads.*

(1)

Permits for the berthing of fulltime commercial fishing vessels in the central waterfront embayment shall be issued for the season. The season shall be from October 15 to May 15. This facility is not intended for wet storage. If the harbor master determines that a vessel has remained idle for a period of 30 days that vessel shall be considered in wet storage and the harbor master shall direct the removal of the vessel at the vessel owner's expense. Upon review by the harbor master and the harbor commission the vessel shall forfeit its berthing fee and berthing privileges. The berthing permit allows for the berthing of the vessel and the loading and unloading of crew members and their personal gear, etc., at the central waterfront embayment. No fueling or the loading of fish, bait, nets, gear, etc., shall be allowed at the central waterfront embayment. All vessels must have a minimum of one hundred thousand dollars (\$100,000.00) liability insurance and property damage insurance a condition of issuance of a berthing permit. Said insurance shall name the city as an insured party. The berthing fee includes pier usage at the "fish pier" and parking privileges on the pier. Berth permits shall be renewed on October 1 and shall be valid for the season. Applications shall be made available at city hall in the office of planning and development.

(2)

The fee for transient berthing shall be for a twenty-four-hour period starting from the time of tie-up.

(3)

**Central Waterfront Transient docking and mooring permit fees are calculated based the length of stay and upon the linear length of the vessel being berthed. The linear by foot rate for transient berthing is reviewed and set on an annual basis by the Newburyport Harbor Commission. When modified the fee is to be reviewed and approved by both the Harbor Commission and the City Council**

~~The following section entitled Transit Mooring Docking Transit Central Waterfront Docks~~

~~Docking  
Transit Central Waterfront Docks~~

~~Vessels under 60 feet:~~

<del>Vessel length:</del>	<del>Hourly overnight (5:00pm—10:00am)</del>	
<del>Less than 20 feet</del>	<del>\$2.00</del>	<del>\$16.00</del>
<del>20-39 feet</del>	<del>\$3.00</del>	<del>\$24.00</del>
<del>40-59 feet</del>	<del>\$4.00</del>	<del>\$32.00</del>

ODNC023\_05\_29\_18

AMENDED

Shore power/water charge:	Included	
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Vessels 60 feet and over:

Vessel length	Day rates only
60-80 feet	\$90.00
81-100 feet	\$120
101-120 feet	\$150.00
121-140 feet	\$180.00
141-160 feet	\$210
Over 160 feet	\$240.00
Shore power/water charge:	Included

Waterways fee.

(e)

(1)

All vessels over 16 feet, that are required to register with the state or Federal Government, and operating in Newburyport waters over thirty (30) days per season must procure and display a Waterways Permit sticker:

**1. Waterway and Mooring Permits are based upon the footage appearing on your registration or documentation. For all boats 17 feet and greater waterway & Mooring permit fees are**



ODNC023\_05\_29\_18

AMENDED

calculated based upon the linear length of the vessel being permitted. The linear by foot rate for waterway and mooring permits is reviewed and set on an annual basis by the Newburyport Harbor

**Commission. When modified the fee is to be reviewed and approved by both the Harbor Commission and the City Council.**

**2. Boats 16 feet and under are charged a flat rate. The fee is reviewed and set on an annual basis by the Newburyport Harbor Commission. When modified the fee is to be reviewed and approved by both the Harbor Commission and the City Council.**  
..:

**3. Boats 20 feet or greater will also be charged a clean water surcharge. The fee is reviewed and set on an annual basis by the Newburyport Harbor Commission. When modified the fee is to be reviewed and approved by both the Harbor Commission and the City Council.**

4. All vessels in rack storage or stored on trailers in Newburyport Marinas must procure and display a waterways permit sticker. However, any vessel that will not be used during the current boating season may apply for an exemption from the harbormaster with written proof on non-usage.

*Cashman Park boat ramp.* (f)

The fee for launching a vessel at the Cashman Park boat ramp shall be established by the harbor commission with city council approval. (1)

In lieu of single use payment a season pass may be purchased through the harbormaster. (2)

(Ord. of 3-13-89, § 5-6; Ord. of 7-14-92; Ord. of 5-8-06; Ord. of 2-26-07(2); Ord. of 5-9-11)

• **Amendment, addition and deletion by order.**

In order to efficiently and expeditiously address fees and permitting issues for BOATS, DOCKS AND WATERWAYS within the City of Newburyport, any and all amendments, additions and deletions to section 4.73 shall be by order of the council and, furthermore, the clerk's office shall maintain a list of said amendments, additions and deletions and post the same on the appropriate page of the City of Newburyport website.

**October 9, 2018**  
**Committee Items-**  
**Planning & Development**

1. ODNC024 06\_11\_18 Zoning Amendment - Marijuana Retail Sales Locations
2. ODNC025 08\_13\_18 Zoning Amendment -- Colby Farm Land Residential Overlay District
3. ORDR037 05\_14\_18 Lease of Coast Guard Auxiliary Building on Plum Island Point
4. ORDR054 08\_13\_18 Preservation Restriction Agreement – 241 High Street
5. APPT051 09\_24\_18 Don Walters 15 Smith St CPC, Planning Board 10/1/2021
6. COMM083 09\_10\_18 CPA Funding Recommendation for Colby Farm

refer  
POD  
9/24/18

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 11, 2018

Amendment proposed in Cmte. on August 8, 2018

**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:

**THAT** the Zoning Ordinance, Appendix A of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended pursuant to Section XII-B "Adoption and Amendment" as follows:

**Section V-D: Table of Use Regulations**

*Uses numbered 801 ["Marijuana Establishment (with retail sales)"] and 803 ["Medical Marijuana Treatment Center or Registered Marijuana Dispensary (with retail sales)"] shall be permitted only by Special Permit (SP) in the following zoning districts, and so indicated in said table:*

- B-1 (Business District)\*
- ~~B-2 (Downtown Business District)~~
- ~~B-3 (Neighborhood Business District)~~

\* Uses 801 and 803 are permitted solely within that certain B1 zoning district centered around the intersection of State Street and Route 1 (Route 1 Traffic Circle), and, in addition, Use 801 is limited to the Marijuana Retailer subtype. For further limitations see Section XXXI.

Wherever the above referenced uses numbered 801 and 803 are listed as permitted by Special Permit (SP) said notation shall be accompanied by reference to the following footnote to the Table of Use Regulations:

(h) The Planning Board shall act as the designated Special Permit Granting Authority (SPGA) for this use. See Section XXXI entitled "Licensed Marijuana Businesses" for additional requirements and restrictions.

For all other zoning districts the above referenced uses 801 and 803 shall be prohibited, or "Not Permitted" (NP), and so indicated in said table.

**Section V-H: Temporary Moratorium on Recreational Marijuana Establishments**

Delete Section V-H (entitled "Temporary Moratorium on Recreational Marijuana Establishments") in its entirety.

**XXXI-F – Required Buffer Zones & Restrictions on Use.**

Amend Section XXXI-F (entitled "Required Buffer Zones & Restrictions on Use") to read as follows, with deletions ~~double-stricken through and italicized~~, and additions double-underlined and italicized:

1. Residential Districts: No Marijuana Business within the Business and Industry Park zoning districts ~~(BPI-1 and I-1B)~~ shall be located or permitted within two hundred and fifty (250) feet of any residential district measured in a straight line from the nearest point of the property or district line in question to the nearest point of the building or structure where the Marijuana Business is or will be located. Nor shall any Marijuana Business within said districts ~~(BPI-1 and I-1B)~~ be located or permitted northwest of Hale Street. No Marijuana Business within the Business district (B1) shall be located or permitted within one hundred (100) feet of any residential district, measured in a straight line from the nearest point of the property or district line in question to the nearest point of the building or structure where the Marijuana Business is or will be located. Nor shall any Marijuana Business within said district (B1) be located or permitted at a lot that is both west of State Street and north of Parker Street, nor on the easterly side of State Street north of 149 State Street (Map 34, Parcel 14).
2. Protected Uses: No Marijuana Business shall be located or permitted within ~~five hundred (500)~~ two hundred and fifty (250) feet, measured in a straight line from the main entrance of the establishment to be protected and the nearest point of the building or structure where the Marijuana Business is or will be located, of:
  - a. a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
  - b. a pre-existing nursery school or daycare facility;
  - c. a pre-existing public library;
  - d. a pre-existing public park or playground;
  - e. a pre-existing municipal youth or recreation center;
  - f. a pre-existing public swimming pool; or
  - g. any similar pre-existing facility in which children commonly congregate in an organized, ongoing, formal basis.
- ~~3. Measurement: The distance under this section shall be measured in a straight line from the nearest point of the property or district line in question to the nearest point of the building or structure where the Marijuana Business is or will be located.~~

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Councillor Gregory D. Earls

**In City Council September 10, 2018:**

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to approve as amended in committee meeting of August 8, 2018 by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 6 yes, 4 no (Tontar, Vogel, Earls, Khan), 1 recused (Devlin). Motion failed.

Approve: \_\_\_\_\_  
Donna D. Holaday, Mayor

Attest: \_\_\_\_\_  
Richard B. Jones, City Clerk

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

PHD

ODNC025\_08\_13\_18

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 13, 2018

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:

THAT the Zoning Ordinance, Appendix A of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section III-C: Zoning Map.

The Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport," referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D "Changes to Zoning Map" as follows:

- a) Add a so-called "Colby Farm Lane Residential Overlay District" (CFL-ROD) as depicted on the attached map entitled "Colby Farm Lane Residential Overlay District," prepared by the Office of Planning & Development, dated August 7, 2018;
- b) Eliminate the existing "IB-ROD" Overlay District, which is referenced in Section XIV entitled "Open Space Residential Development (OSRD); and
- c) Change the entire existing I-1B District located north of Colby Farm Road and west of Low Street to an R-2 District.

Section XIV: Open Space Residential Development (OSRD)

Section XIV-A: Purposes and intent.

Delete subsection (5) of Section XIV-A, entitled "Purposes and intent," in its entirety, and replace said subsection with the following:

(5) To further the goals and policies of the City of Newburyport Master Plan, Strategic Land Use Plan and Open Space & Recreation Plan, as amended from time to time;

Section XIV-B: Applicability

Delete subsection b. of Section XIV-B, entitled "Applicability," in its entirety, and replace said subsection with the following:

*b. Zoning classification:* Only those tracts located in the following districts shall be eligible for consideration as an OSRD: AC, R1, R2, R3 and the Colby Farm Lane – Residential Overlay District (CFL-ROD). Residential Overlay Districts, such as the CFL-ROD, are intended to provide added incentives for open space protection due to the unique ecological, cultural, and/or aesthetic characteristics of the properties within the overlay district.

**Section XIV-G: Conventional subdivision yield plan – Basic maximum number of lots/dwelling units.**

*Insert a new subsection b. under Section XIV-G, entitled "Conventional subdivision yield plan – Basic maximum number of lots/dwelling units," as follows:*

*b. Determination of yield within CFL-ROD:* Notwithstanding any provision to the contrary, properties within the CFL-ROD are required to establish a determination of yield based on the requirements listed in Section XIV-G(a) using dimensional regulations applicable to the R-2 District.

**Section XIV-I: Open space requirements**

*Delete subsection (i)(d) of Section XIV-I, entitled "Open space requirements," in its entirety, and replace said subsection with the following:*

*d. In the CFL-ROD a minimum of eighty (80) percent of the tract shown on the OSRD-SP plan shall be open space and must be preserved as such in perpetuity in accordance with this subsection.*

*Delete the first two (2) sentences of subsection (vii)(3) of Section XIV-I, entitled "Open space requirements," and replace said sentences with the following:*

*3. A corporation or trust owned individually (for agricultural or conservation purposes only) or jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized ownership thereof shall pass with conveyance of the lot(s) in perpetuity.*

**Section XIV-J: Design standards**

*In subsection (a)(i)(1) of Section XIV-J, entitled "Design standards," replace the word "it" with "its".*

*In subsection (a)(i)(3) of Section XIV-J, entitled "Design standards," replace the word "compliment" with "complement".*

**Section XIV-K: Decision of the planning board**

*In subsection (a)(v) of Section XIV-K, entitled "Decision of the planning board," delete the phrases "(2001)" and "(2004)".*

*Replace the text of subsection (a)(viii) of Section XIV-K, entitled "Decision of the planning board," in its entirety, and replace said text with the following:*

*viii. Whether the proposed construction of housing, landscape and streetscape is in harmony with the overall architectural heritage and historic character of the City of Newburyport; and"*

**Section XIV-L: Increases in permissible density**



Delete subsections (b) and (c) of Section XIV-L, entitled "Increases in permissible density," in their entirety, and replace said subsections with the following:

b. In the CFL-ROD district, the planning board at its discretion may award a density bonus for an OSRD to increase the number of dwelling units beyond the basic maximum number. All projects within the CFL-ROD which provide either: 1) at least eighty-five (85) percent protected open space; or 2) deeded public access to, and improvements on, the protected open space, may be permitted an increase in permissible density of twenty-five (25) percent beyond the basic maximum number to a maximum density of twenty-five (25) units excluding the required percent of affordable housing units.

c. In the AC, RL, R2, R3, and CFL-ROD districts, excluding units required under the Inclusionary Affordable Housing Ordinance, for every one dwelling unit restricted to occupancy for a period of not less than ninety-nine (99) years by persons or families who qualify as low or moderate income, as those terms are defined for the area by the commonwealth's department of housing and community development, the planning board may award a density bonus of two (2) market-rate dwelling units; provided, however, that this density bonus, in aggregate with other density bonuses, shall not exceed twenty-five (25) percent of the basic maximum number.

**Section XIV-N: Affordable housing requirements for OSRD projects**

Insert a new Section XIV-N, entitled "Affordable housing requirements for OSRD projects" to read as follows:

For additional information regarding the minimum affordable housing requirements applicable to all OSRD projects, regardless of any density increases awarded pursuant to Section XIV-L, see Section XXX, entitled "Inclusionary affordable housing."

\_\_\_\_\_  
Councillor Larry G. Giunta, Jr.

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



## CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Order Regarding Lease of Coast Guard Auxiliary Building on Plum Island Point

Date: May 14, 2018

THAT pursuant to General Laws Chapter 40, Sections 15 and 15A the City Council of the City of Newburyport hereby designate the Coast Guard Auxiliary Building and underlying property located at 300 Northern Boulevard as surplus property, no longer required for exclusive use by the City, and further that the Council hereby transfers the care, custody, management and control of said property, including any structures thereon, to the Mayor for the purposes of further conveyance by lease, on terms and conditions, and for such consideration, as the Mayor deems appropriate, provided that as a condition of said lease the City shall:

- a) retain rights to use said building as an election/polling location;
- b) maintain rights for the local Coast Guard Auxiliary (a.k.a. Flotilla 38) to use said building for educational and training purposes consistent with a 2004 Memorandum of Understanding in relation thereto;
- c) require that any rehabilitation, preservation and/or maintenance of said historic building be made in compliance with the Secretary of the Interior's Standards for Rehabilitation; and
- d) require the designated lessee to comply with all terms and conditions memorialized in the 2002 Quitclaim Deed to the City from the United States Coast Guard;
- e) use any proceeds from lease of the subject property to address ongoing Plum Island erosion, its beach/ecosystem, its beach cleanliness and other Newburyport Plum Island concerns.

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Councillor Sharif I. Zeid

AD

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 13, 2018

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

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Preservation Restriction between the City, acting through the Newburyport Historical Commission, and the Historical Society of Old Newbury, for the property located at 241 High Street, Newburyport; and

Further, that the Mayor of the City of Newburyport, the City Council President and City Clerk are hereby authorized to sign the subject Preservation Restriction as may be required, to act on behalf of the City and enter into any and all instruments, including acceptance of said Preservation Restriction, and in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Preservation Restriction accordingly.

Councillor Charles F. Tontar

CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2018 AUG -7 PM 3:45

PRESERVATION RESTRICTION AGREEMENT

between

THE CITY OF NEWBURYPORT

and the

Historical Society of Old Newbury

THIS PRESERVATION RESTRICTION AGREEMENT is made this \_\_\_ day of \_\_\_\_\_, 2018 by and between THE CITY OF NEWBURYPORT, located at 60 Pleasant Street, Newburyport, Massachusetts, 01950, ("Grantor"), and the Historical Society of Old Newbury ("Grantee"), an entity duly organized under the laws of the Commonwealth of Massachusetts and located at 98 High Street, Newburyport, Essex County, Massachusetts, 01950.

WHEREAS, the Grantor is the owner of certain real property located at 241 High Street, Newburyport, Massachusetts, 01950, referred to as "the Property" and containing about 577,170 square feet, more or less, comprising the Property conveyed by Alice A. Atkinson to the City of Newburyport in a deed dated March 30, 1935, recorded with the Southern Essex District Registry of Deeds, book 3030, page 279, and more particularly described in Exhibit A incorporated herein by reference and attached hereto, said Property improved by a building thereon known as the Newburyport High School referred to hereinafter as "the Building", described as follows:

The Building consists of a north-facing, masonry structure of Colonial Revival design constructed in 1937. It is roughly H-shaped in plan with a central three-story block flanked by two angled two-story wings at the façade and two perpendicular wings at the rear. The nine-bay central block has a hipped roof; the five-bay projections are flat-roofed. The red brick building, laid in common bond, has cast stone sills and is ornamented with painted wood trim. The principal (north) elevation is dominated by a two-story portico comprising four Ionic columns, an entablature, and egg-shaped finials above the columns. The frieze contains applied lettering that reads: NEWBURYPORT HIGH SCHOOL. Four brick pilasters rise above the portico, terminating at white painted wood capitals separated from the cornice by white wood panels. A parapet embellished with urns is surmounted by a shallow rectangular tower with quoins and pyramidal finials at the corners and containing a clock face. It supports a two-tier octagonal cupola with balustrades at its four window openings and capped by a copper dome and sailing ship weathervane. The multi-light windows at the principal elevation are 8-over-8 light double hung with rectangular surrounds except for the centered Palladian window at the third story. The double-leaf doors at the main entry, which have divided lights, are framed by a semicircular transom within a pedimented surround. The entrance is approached by shallow concrete steps. A brick wall and white painted steel railings enclosing symmetrical concrete platforms, stairs and sloped paths for handicap access span the width of the façade.

The northeast and northwest facades of the angled wings flanking the main block are nearly

symmetrical with continuous stepped parapets set off by band courses of wood trim accented with modillions and triglyphs. The center bays feature double-leaf entries with high arched transoms; the door surrounds consist of engaged columns and entablatures supporting semicircular paneled arches with cast stone keystones. The double doors are flanked by rectangular transomed single entries with pilastered surrounds. The triple outer bay windows on the first story of the northwest façade have 8-over-8 light central portions separated with wide mullions from narrow 2-over-2 sash; the windows at the northeast façade are simple 8-over-8. Oculus windows at the second story over the arched entries are centered under the pedimented portions of the band course. Blind roundels surmount the transomed rectangular windows on either side of the entries.

The northeast elevation of the northeast wing has seven bays comprising five windows with arched transoms at the second story, five rectangular windows at the first story, and semicircular ground level porticoes at the outside bays. The central window at the second level, centered under the pediment of the painted wood band course that continues around the building from the façade, is Palladian in form with a recessed brick arch and keystone. The multi-light windows at the first story match the triple windows at the northwest façade. The flat-roofed porticoes are framed by pilasters and supported by two Tuscan columns. They have wrought iron roof balustrades and protect double-leaf entries with partial sidelights and elliptical fanlights. The southeast elevation of the northeast wing has five rectangular 4-over-4 light windows at the second story and two double-leaf doors with semicircular fanlights with keystones at the first level. A full-width terrace added at the ground level for utility purposes contains a freight door, a similarly sized louvered opening, and a staircase leading to the railed terrace/walkway.

The northwest elevation of the northwest wing has seven bays. There are triple rectangular multi-light windows at both levels; those at the second story are tall, 9-over-9 lights between 3-over-3s and those at the first story are 8-over-8 between 2-over-2s. A rectangular portico with a wrought iron roof balustrade at the northernmost outside bay has two Tuscan columns and pilasters framing a single, sidelighted, transomed entry. The southwest elevation of the northwest wing has three 9-over-9 windows at the second story. A full-width terrace added at the ground level for utility purposes contains a freight door, a similarly sized louvered opening, and paired staircases leading to the railed terrace/walkway.

A 2001 addition, which is not covered by this Preservation Restriction, adjoins the south walls of the rear projections of the 1937 Building and contributes to the enclosure of an open courtyard. The south elevation at the courtyard has nine bays of single and grouped rectangular windows at three levels. A centered three-bay oriel with a copper roof at the third story is surmounted by an oculus with cast stone keystones under a semicircular cornice projection. The other secondary elevations of the 1937 Building feature single and grouped rectangular windows except for the southeast elevation of the northeast wing, which has double-leaf solid panel doors with elliptical fanlights at the outermost bays.

The 2001 addition and the stadium behind the addition are not covered by this Preservation Restriction.

The Building is further depicted and described in Exhibit B incorporated herein and attached hereto by

reference; and

WHEREAS, the cultural, historical and architectural significance of the Building emanates from its construction in 1937, and its location within the Newburyport Historic District, designated August 2, 1984 and listed on the State and National Registers of Historic Places. The Building is important for its associations with the social and cultural history of Newburyport, and to the public's enjoyment and appreciation of Newburyport's architectural and historical heritage; and

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter "preservation values") and significance of the Building and the Property, and have the common purpose of preserving the aforesaid preservation values and significance of the exterior of the Building and the Property; and

WHEREAS, the preservation values of the Building and the Property are documented in a series of photographs and documents (hereinafter, "Baseline Documentation") incorporated herein and attached hereto as by reference as Exhibit B, which Baseline Documentation the parties agree provides an accurate representation of the Building as of the date of this grant; and

WHEREAS, the Baseline Documentation (Exhibit B) shall consist of the following:

1. A set of twenty-four (24) exterior photographs of the Building taken in April and May 2012 and April and May 2015;
  - a. Photo 1: North elevation (façade).
  - b. Photo 2: Northeast elevation, main entrance (façade).
  - c. Photo 3: Northeast façade and façade, view east.
  - d. Photo 4: Northeast façade.
  - e. Photo 5: Northwest façade.
  - f. Photo 6: Northeast wing, northeast elevation.
  - g. Photo 7: Northeast wing, southeast elevation.
  - h. Photo 8: East elevation, southeast elevation of northeast wing.
  - i. Photo 9: Northwest wing, northwest elevation.
  - j. Photo 10: Northwest wing, northwest and southwest elevations.
  - k. Photo 11: West elevation, southwest elevation of northwest wing, view northeast.
  - l. Photo 12: 2001 addition, east elevation.
  - m. Photo 13: 2001 addition, south elevation.
  - n. Photo 14: 2001 addition, west elevation.
  - o. Photo 15: Courtyard, north wall (south elevation of 1937 building)
  - p. Photo 16: Courtyard, east wall (west elevation of 1937 building)
  - q. Photo 17: Courtyard, south wall (north elevation of 2001 addition)
  - r. Photo 18: Courtyard, west wall (east elevation of 1937 building)
  - s. Photo 19: Façade, character defining features
  - t. Photo 20: Façade, character defining features
  - u. Photo 21: Façade, character defining features
  - v. Photo 22: Northeast façade, character defining features
  - w. Photo 23: Northeast elevation, character defining features

x. Photo 24: Northeast elevation, character defining features

2. List of Character Defining Features:

3. Newburyport Assessors' Parcel Map with Building Footprint: and

WHEREAS, the Grantor has appropriated Community Preservation Act Funds to be expended for the preservation and renovation of the aforementioned Building, under the terms and conditions set forth herein and in such other documents as may be executed in relation to the award of said Funds, and Grantor agrees to accept such Funds to be used exclusively for such purposes and under such terms and conditions ("Restriction" or "Preservation Restriction");

WHEREAS, the Grantor in further consideration of the receipt of such Funds and to ensure the preservation of the aforementioned Building agrees and desires, to impose certain restrictions, obligations and duties upon itself, its successors and assigns, so as to maintain, protect and preserve the architectural and historical integrity of the Building;

WHEREAS, the preservation of the Building is important to the public for the enjoyment and appreciation of its architectural and historical heritage and serves the public interest in a manner consistent with the purposes of Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 ("Act"); and

WHEREAS, the Grantee is a charitable corporation the purposes of which include the preservation of historically significant buildings and sites, is duly organized under the laws of the Commonwealth of Massachusetts, and is authorized to accept, administer and enforce this preservation restriction under the provisions of the Act;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby irrevocably grant and convey to the Grantee in gross in perpetuity this Restriction over the Property and exterior of the Building to be administered, managed and enforced by the Grantee.

I. Purpose: It is the Purpose of this Restriction to assure that the architectural, historic, and cultural features of the exterior of the Building will be retained and maintained forever substantially in its current condition or in a restored condition approved by the Grantee for preservation purposes and to prevent any use or change of the Property or the exterior of the Building that will significantly impair or interfere with the Building's preservation values or alter views of the exterior of the Building.

2. Preservation Restriction: The Grantor grants the Grantee the right to forbid or limit:

- a. any alteration to the appearance, materials, workmanship, condition or structural stability of the Building unless (i) clearly of minor nature and not affecting the characteristics which contribute to the architectural or historical integrity of the Building and the Property, or (ii) the Grantee has previously determined that it will not impair such characteristics after reviewing plans and specifications' submitted by Grantor in accordance with the requirements of paragraph 7, which determination shall not be unreasonably withheld, or (iii) required by casualty or other emergency



promptly reported to Grantee in accordance with the requirements of paragraph 9. For the purposes of this Agreement, interpretation of what constitutes alterations of a minor nature and ordinary maintenance and repair is governed by the Restriction Guidelines, which are attached hereto as Exhibit C and hereby incorporated by reference.

- b. any other act or use that maybe harmful to the historic preservation of the Building or the Property.

3. Restriction as to Expenditure of Funds: Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Grantee may reasonably impose to accomplish the purposes of this Restriction, the Grantor shall expend such Community Preservation Funds to rehabilitate and restore the Building.

4.1. Grantor's Covenants: Covenant to Maintain. Subject to Paragraph 2 and the terms and conditions of this Restriction and such other terms and conditions as the Grantee may reasonably impose to accomplish the purposes of this Restriction, the Grantor covenants and agrees at all times to maintain the Building in the same structural condition and state of repair to that existing following the substantial completion of restoration work to be completed as a result of the expenditure of Community Preservation Funds. Grantor's obligation to maintain shall require replacement, repair, and reconstruction by Grantor whenever necessary to preserve the exterior of the Building. Subject to the casualty provisions of paragraphs 9 and 10, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the Building whenever necessary in accordance with the policies and procedures of the Grantee and in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (36 CFR 67 and 68), as these may be amended from time to time (hereinafter the "Secretary's Standards").

Grantor's covenant herein shall be limited to funds reasonably available therefore. Should the parties disagree as to the need of maintenance or the availability of funds the matter may be submitted by either party for arbitration pursuant to the Massachusetts arbitration statute then in effect.

4.2. Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden except as otherwise conditioned in this paragraph:

- a. the Building shall not be demolished, removed, or razed except as provided in Paragraphs 9 and 10;
- b. the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property near the Building;
- c. no above-ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Property, subject to utility easements already recorded;
- d. no additions and/or outbuildings may be attached to the Building without prior approval of the Grantee; and

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 11, Grantor and the Grantee are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts arbitration statute then in effect, and all other applicable laws, rules, regulations, and ordinances. Arbitrator shall have experience in historic preservation matters.

11. Insurance: Grantor shall keep the Building insured by an insurance company rated "A-1" or better by Best's for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage. Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Building without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver to the Grantee, within ten (10) business days of the Grantee's written request thereof, certificates of such insurance coverage. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

12. Indemnification: Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend, at its own cost and expense, Grantee, its boards, commissions, appointees, agents, directors, employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses and expenditures (including attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Building; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance or regulation as a hazardous, toxic, polluting or contaminating substance; or other injury or other damage occurring on or about the Building; unless such injury, death, or damage is caused by Grantee or its boards, commissions, appointees, agents, directors, employees, or independent contractors. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property with the same effect and priority as a mechanic's lien.

13. Written Notice: Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing:

Grantor: Steve Bergholm, Director of Facilities  
Newburyport Public Schools  
70 Low Street  
Newburyport, Massachusetts 01950

Grantee: Historical Society of Old Newbury  
98 High Street  
Newburyport, Massachusetts 01950

Each party may change its address set forth herein by a notice to such effect to the other party.

14. Evidence of Compliance: Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein, or that otherwise evidence the status of this Restriction to the extent of Grantee's knowledge thereof

15. Inspection: With the consent of Grantor, Grantee or its representatives shall be permitted at reasonable times to inspect the Building and the Property on an annual basis. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

16. Grantee's Remedies: The Grantor, for itself, its assigns and successors, expressly acknowledges that a violation of this Preservation Restriction Agreement, including a failure to expend such Funds for their intended purposes, may result in the Grantee exercising its right to enforce the terms and conditions of the Restriction by seeking appropriate legal and equitable relief, including, but not limited to, restoration of the Building, repayment of the Funds, and such other legal and equitable remedies as may be available to the Grantee to effectuate the purposes of this Restriction and to enforce the Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, Grantor shall reimburse Grantee for any costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including all court costs, and attorneys', architectural, engineering, and expert-witness fees. Grantor shall, at its own expense and with approval of Grantee, reverse any actions or activities which violated this restriction and altered the Building.

Nothing in this Restriction shall impose upon the Grantee any duty to maintain or require that the Building be maintained in any particular state or condition, notwithstanding the Grantee acceptance hereof. Enforcement of the terms of this Preservation Restriction shall be at the discretion of the Grantee. Any election by the Grantee as to the manner and timing of the exercising of its right to enforce this Preservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights. By its acceptance of this Preservation Restriction, the Grantee does not assume any liability or obligation relating to the condition of the Building or the Property, including compliance with hazardous materials or other environmental laws and regulations.

17. Notice from Government Authorities: Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Buildings or Property received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

18. Notice of Proposed Sale: Grantor shall promptly notify Grantee in writing of any proposed sale of the Property and provide the opportunity for Grantee to explain the terms of the Restriction to potential new Grantors prior to sale closing.

19. Runs with the Land: Except as provided in Paragraphs 9 and 10, the restrictions, obligations and duties set forth in this Restriction shall run with the Property and shall inure to the benefit of the Grantee and all parties claiming by, through or under the Grantee and shall bind the Grantor and all parties claiming by, through or under the Grantor. The rights hereby granted to the Grantee constitute the perpetual right of the

Grantee to enforce this Preservation Restriction Agreement. The Grantor hereby covenants for itself to stand seized and hold title to the Property subject to the terms of this Restriction. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest and all persons hereafter claiming under or through Grantor and Grantee, and the words "Grantor", "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, Grantor of the Property shall have no obligation pursuant to this instrument where such Grantor shall cease to have any Grantorship interest in the Property by reason of a bona fide transfer. The restrictions, stipulations and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Property.

20. Assignment: Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national charitable corporation or trust that qualifies under the Act, and whose purposes, inter alia, are to promote preservation of historical, cultural, or architectural resources, provided that any such conveyance, assignment or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out. Grantor shall give prior written approval of such conveyance, assignment, or transfer by Grantee, such approval not to be unreasonably withheld.

21. Recording and Effective Date: Grantor shall do and perform at its own cost all acts necessary to the prompt recording of this Restriction which shall become effective upon its being duly executed by the Grantor and the Grantee, its being approved by the Massachusetts Historical Commission, and its being recorded with the Southern Essex County District Registry of Deeds.

22. Extinguishment: Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Property may make impossible the continued Grantorship or use of the Property for the Purpose of this Restriction and necessitate extinguishment of the Restriction. Such a change in conditions may include, but is not limited to, partial or total destruction of the Building resulting from casualty. Such an extinguishment must meet all the requirements of the Act for extinguishment, including public hearings by the City of Newburyport and the Massachusetts Historical Commission to determine that such extinguishment is in the public interest. In the event of a sale of the Property, net proceeds of sale shall be paid to Grantor.

23. Condemnation: If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, City of Newburyport and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds. Such recovered proceeds shall be paid to Grantor.

24. Interpretation: The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction:

- a. Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Property shall not apply in the construction or interpretation of this Restriction and this instrument shall be interpreted broadly to affect its Purpose and the transfer of rights and the restrictions on use contained herein.
- b. This instrument may be executed in two counterparts, one of which is to be retained by Grantor and the other, after recording, to be retained by Grantee. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern. Except as provided in the preceding sentence, each counterpart shall constitute the entire Restriction of the parties.
- c. This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law or private Restriction either in existence now or at any time subsequent hereto.
- d. Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods or use. In the event of any conflict between any such ordinance or regulation and the terms hereof Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

If any court or other tribunal determines that any provision of this instrument is invalid or unenforceable, such provision shall be deemed to have been incorporated herein automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event any provision invalidated is of such a nature that it cannot be modified, the provision shall be deemed deleted from this Preservation Restriction as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect.

25. Amendment: If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of this Restriction or the status of Grantee under any applicable law. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural and historic values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the Southern Essex County District Registry of Deeds. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

26. Release: This Preservation Restriction is intended to be a restriction in gross in perpetuity and may only be released, in whole or in part, by the Grantee pursuant to the procedures for release established by the Act and otherwise by law, including approvals following public hearings by the City of Newburyport and the Massachusetts Historical Commission to determine that such a release is in the public interest.

27. Archaeological Activities: The conduct of archaeological activities on the Property, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by the Grantor and approved in writing by the Grantee and the State Archaeologist of the Massachusetts Historical Commission (M.G.L. C. 9, Sec. 27C, 950 C.M.R. 70.00).

IN WITNESS WHEREOF, the Grantor sets its hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2018.  
By:

GRANTOR: CITY OF NEWBURYPORT, MASSACHUSETTS

CONVEYANCE AND APPROVAL BY THE CITY OF NEWBURYPORT

I, the undersigned City Clerk of the City of Newburyport, Massachusetts, hereby certify that at a meeting duly held on \_\_\_\_\_, 2018, the City Council voted to convey and approve the foregoing Preservation Restriction Agreement for the preservation of the historic resource of said City and being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 32.

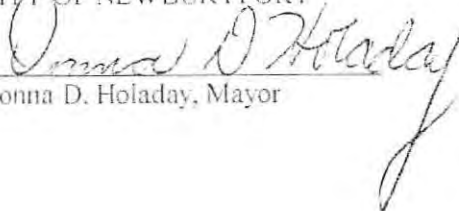
CITY OF NEWBURYPORT

By its Clerk,

\_\_\_\_\_  
Richard B. Jones

The undersigned hereby certifies that the foregoing preservation restriction has been conveyed and approved by the City of Newburyport

CITY OF NEWBURYPORT

  
\_\_\_\_\_  
Donna D. Holaday, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Richard B. Jones, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes as Clerk of the City of Newburyport.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 25<sup>th</sup> day of August, 2018, before me, the undersigned notary public, personally appeared, Donna D. Holaday, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purposes as Mayor of the City of Newburyport.

Sean E. Chregge  
Notary Public  
My Commission Expires: 2/27/20

ACCEPTANCE BY THE GRANTEE

I, the undersigned representative of the Grantee, hereby certify that at a meeting duly held on \_\_\_\_\_, 2018, the trustees voted to accept the foregoing Preservation Restriction Agreement for the preservation of the Newburyport High School and being in the public interest pursuant to Massachusetts General Laws Chapter 184, Section 32.

GRANTEE

Historical Society of Old Newbury

*Jane Wild*

Jane Wild, Co-President

Leslie Ferlazzo, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 2nd day of August, 2018, before me, the undersigned notary public, personally appeared Jane Wild, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes as Clerk of the Grantee.

*Leslie E. Ferlazzo*  
Notary Public  
My Commission Expires: 2/27/20

Essex, ss.

On this \_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned notary public, personally appeared Leslie Ferlazzo, proved to me through satisfactory evidence of identification, which was (a current driver's license) (a current U.S. passport) (my personal knowledge of the identity of the principal), to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he signed it voluntarily for its stated purposes as Clerk of the Grantee.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

EXHIBIT A

Legal Property Description

Land in said NEWBURYPORT with a building thereon, bounded and described as follows, viz:  
Commencing at the Easterly corner thereof on High Street by land of Shepard at a point six and 22/100 feet Northwesterly from a granite post, thence running South 29° 56' 38" West one hundred seventy-eight and 65/100 feet by said land of Shepard to a corner; thence South 60° 03' 22" East by said land of Shepard six feet to land of Pearson; thence South 29° 56' 38" West by lands of various owners nine hundred forty and 33/100 feet to land of Toppan; thence North 63° 01' 27" West by lands of Toppan three hundred



seventy-four and 87/100 feet to Toppan's Lane; thence by Toppan's land North 17° 23' 13" East three hundred one and 88/100 feet to an angle thence North 19° 30' 10" East five hundred three and 54/100 feet to the Southwesterly end of a slight curve; thence on a radius of 286.38-Northeasterly fifty-seven and 81/100 feet to the Northeasterly end of said curve; thence continuing North 31° 03' 56" East two hundred seven and 21/100 feet to the Southwesterly end of a slight curve; thence turning on a radius 194.98-running Northeasterly thirty-nine and 86/100 feet to the Northeasterly end of said curve; thence continuing North 43° 46' 43" East one hundred fifty-four and 95/100 feet to the Southwesterly end of a curve forming the corner of said Toppan's Lane and said High Street; thence on a radius of 35-following said curve fifty-eight and 1/100 feet to the Southeasterly end of mid curve; thence Southeasterly by said High Street four hundred sixty-two and 1/100 feet to the point of beginning. Containing about thirteen and 25/100 acres more or less.

Source: Southern Essex District Registry of Deeds, Book 3030, Page 279-280.

EXHIBIT B-1: BASELINE DOCUMENTATION PLAN

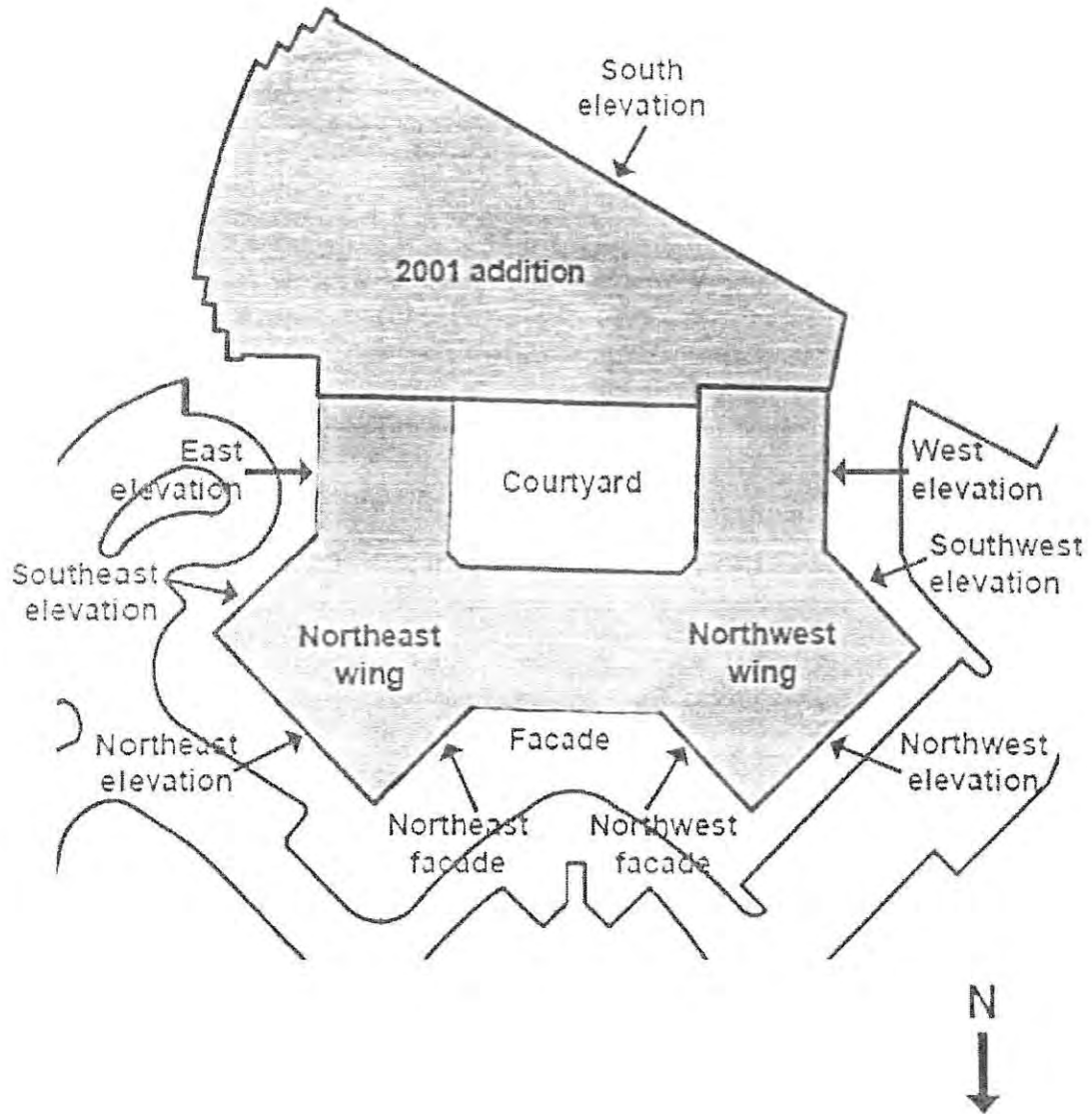


EXHIBIT B-1: BASELINE DOCUMENTATION PHOTOGRAPHS

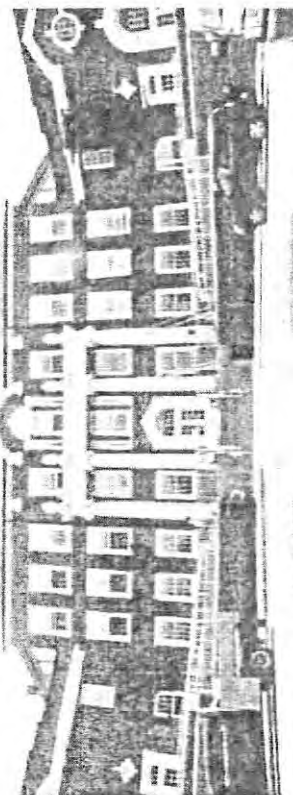
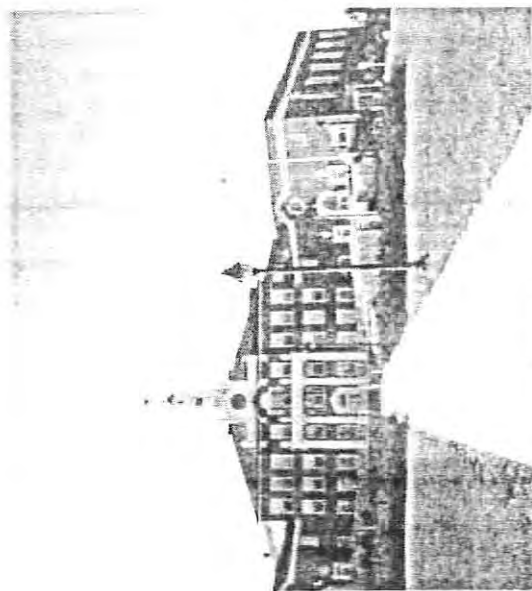
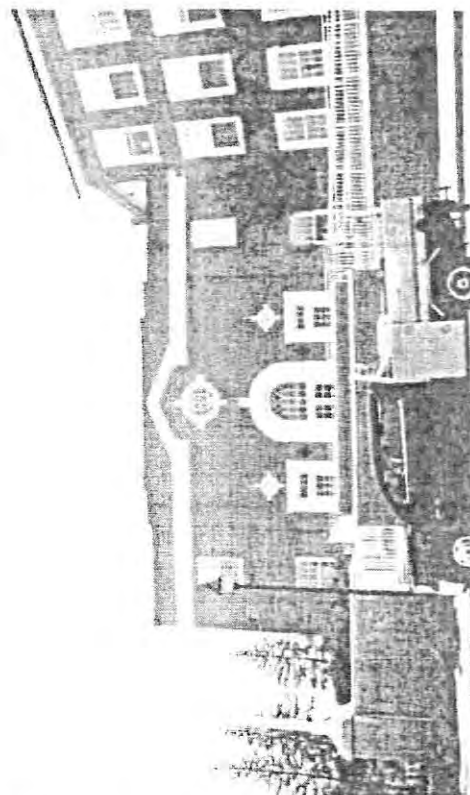
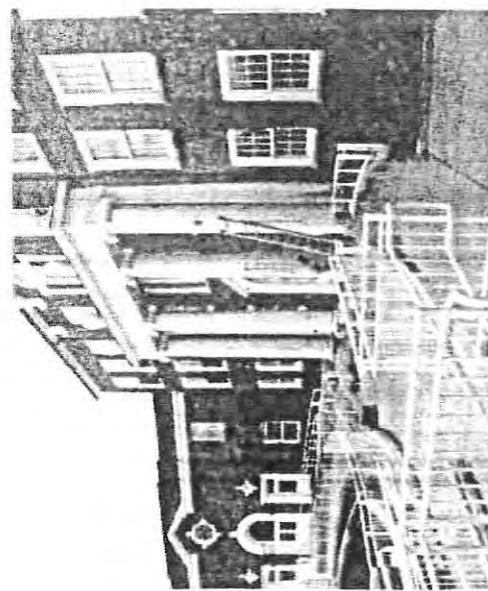


Photo 2. North elevation, main entrance (facade). April 2015.



zation (facade). April 2012.



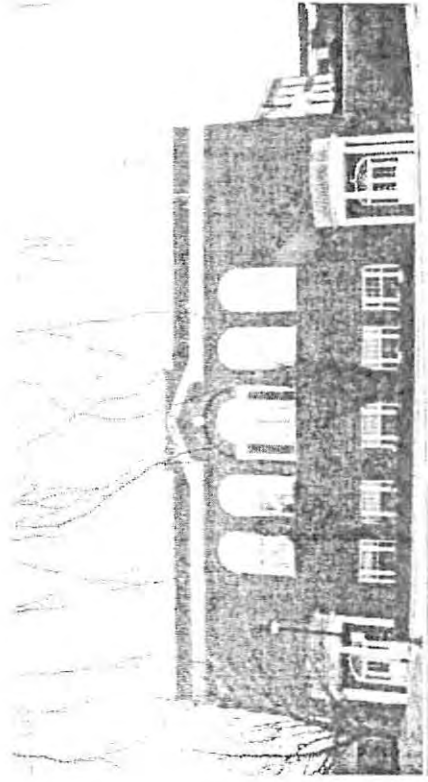
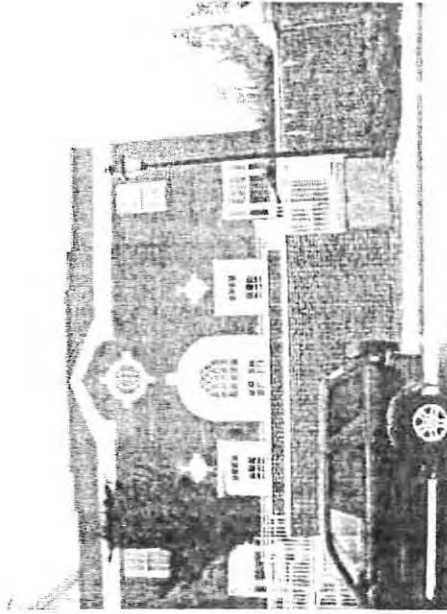
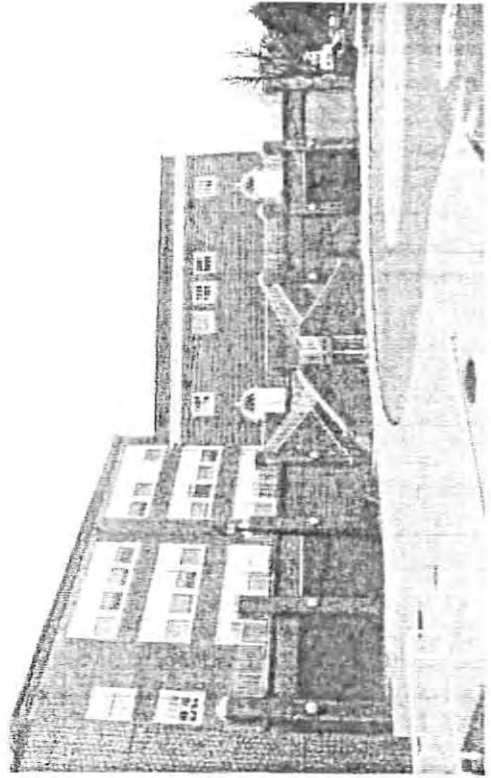
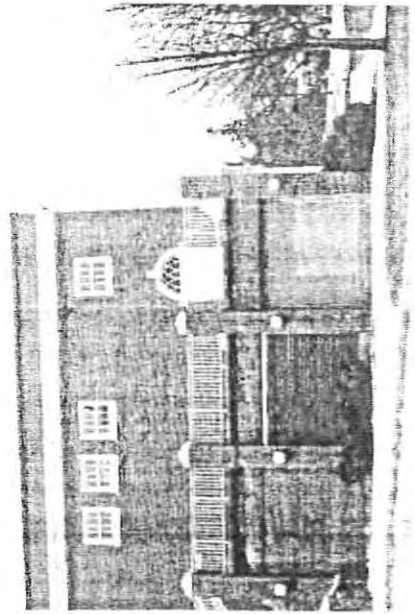
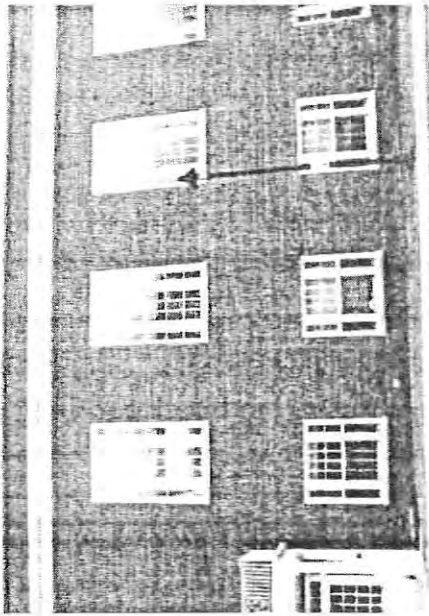


Photo 6. Northeast wing, northeast elevation. April 2015.



west facade. May 2015.





west wing, northwest elevation, April 2015.

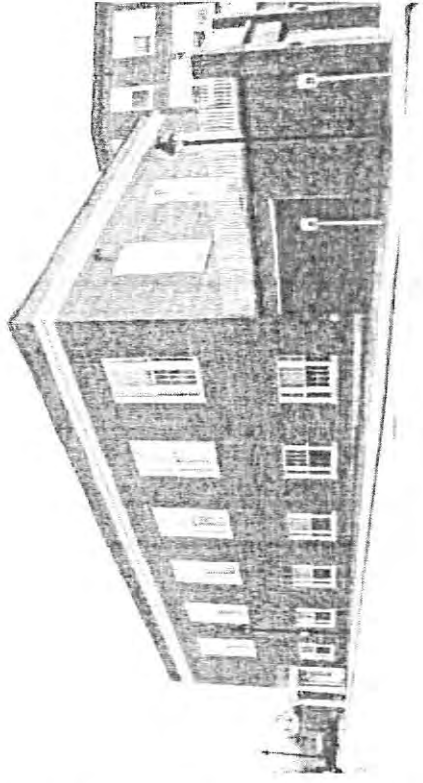
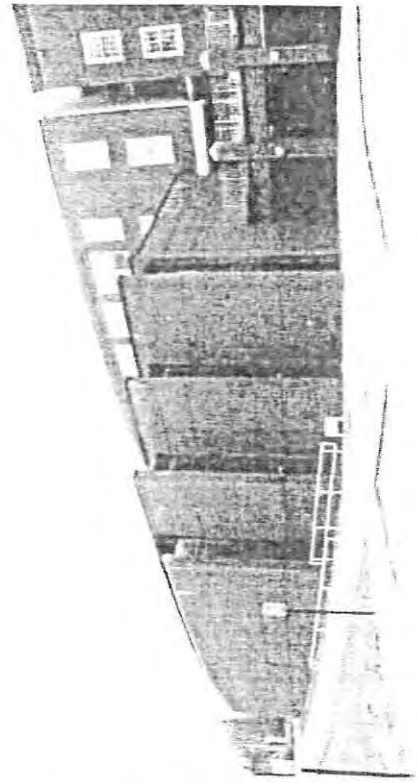
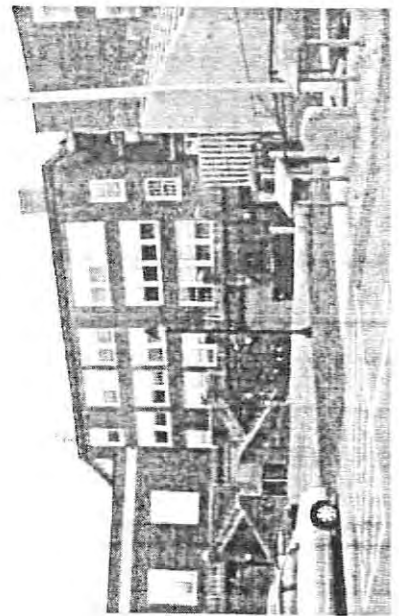


Photo 10, Northwest wing, northwest (left) and southwest (right) elevations, April 2015.



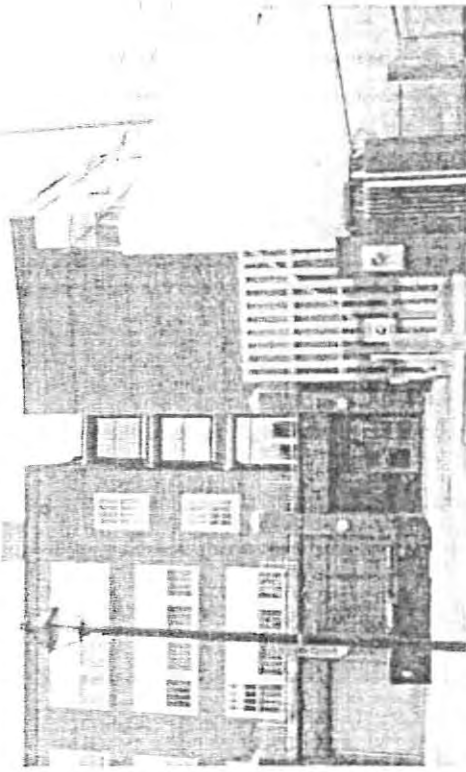
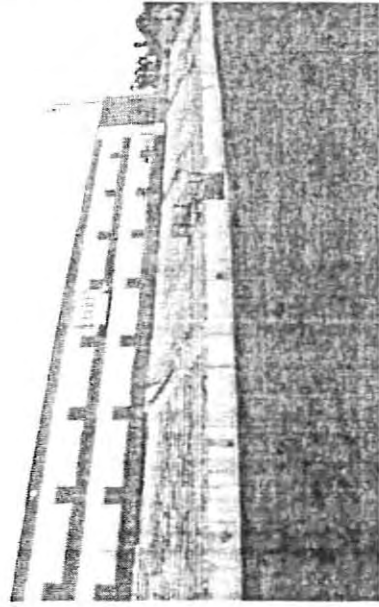
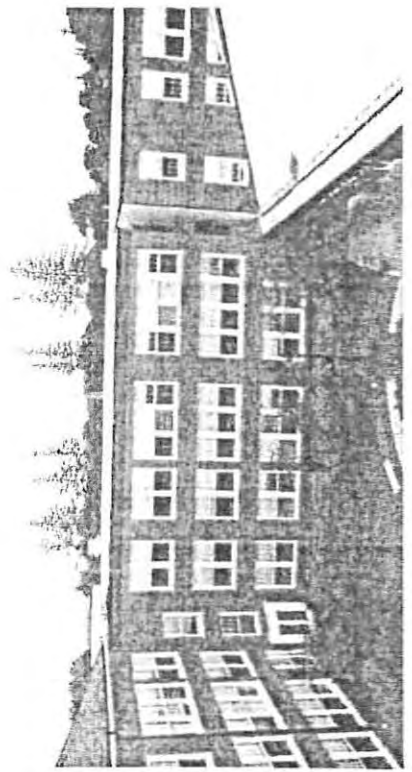
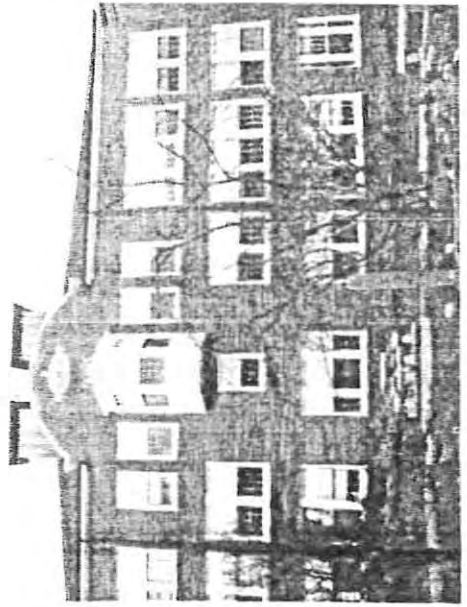


Photo 14. 2001 addition, west elevation (right). April 2015.



addition, south elevation. April 2015.



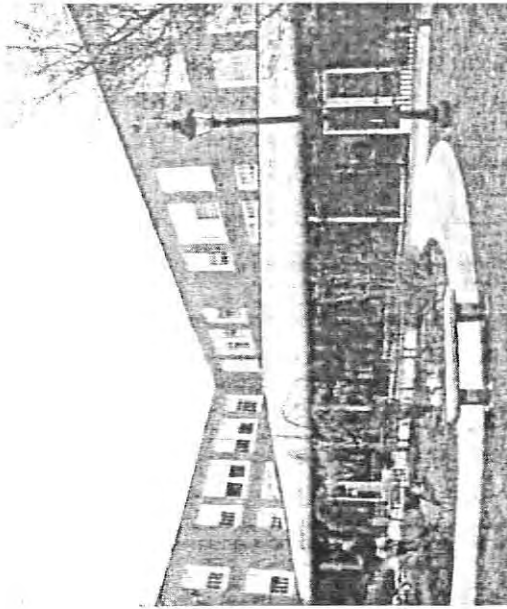
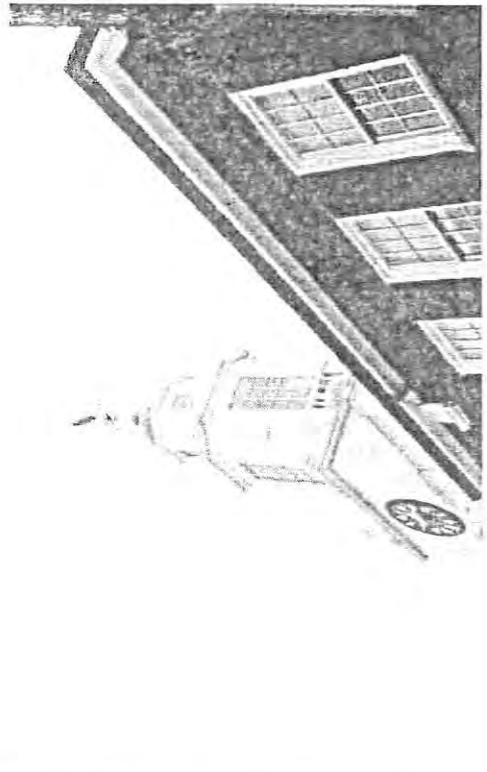
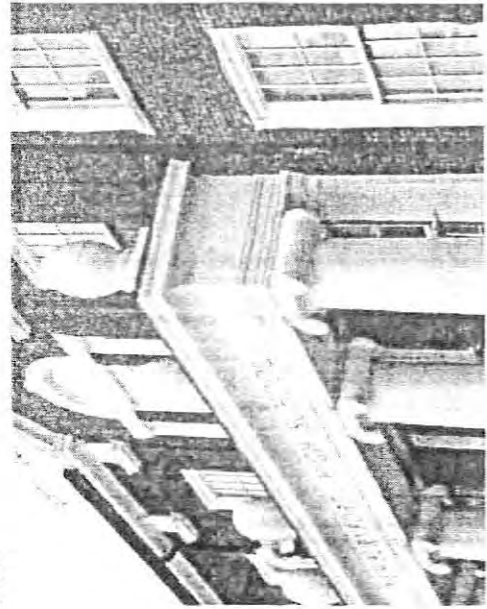
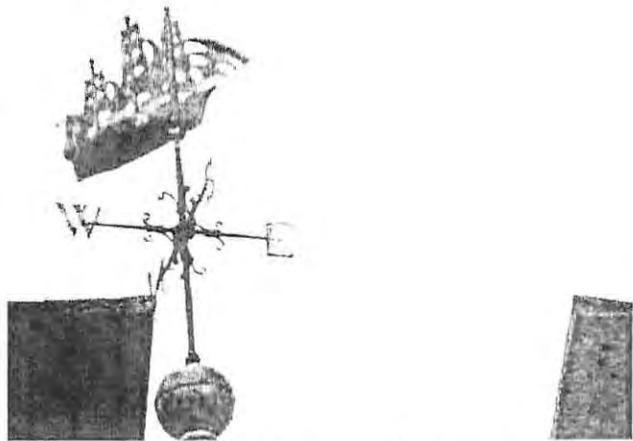


Photo 17. Courtyard, south wall at right (north elevation of 2001 adjacent cafeteria abuts north and east elevations of 2001 building).



Photo 18. Courtyard, west wall (east elevation of 1937 building).





1e. Character defining feature: sailing ship weather-  
April 2015.

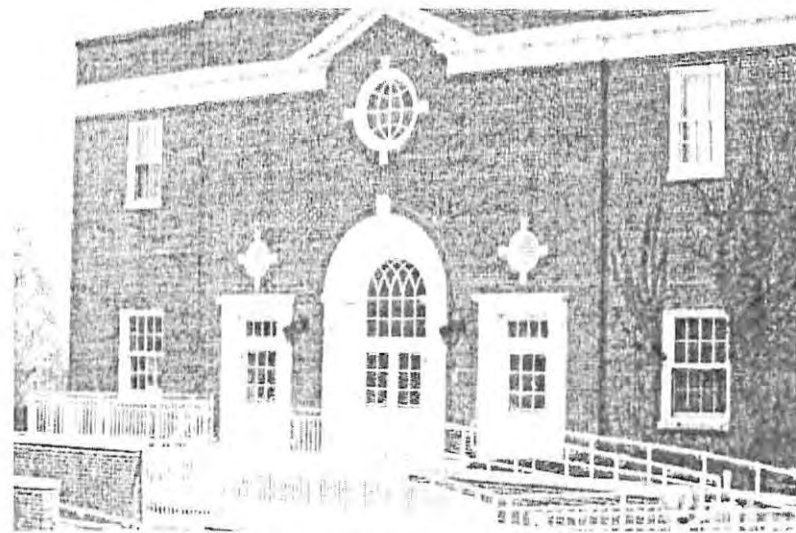
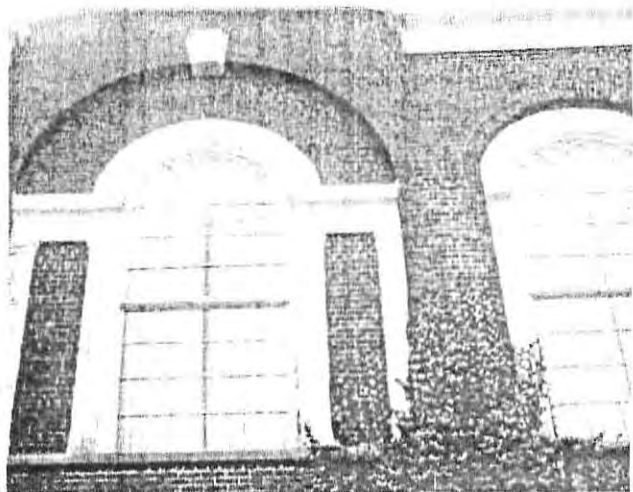
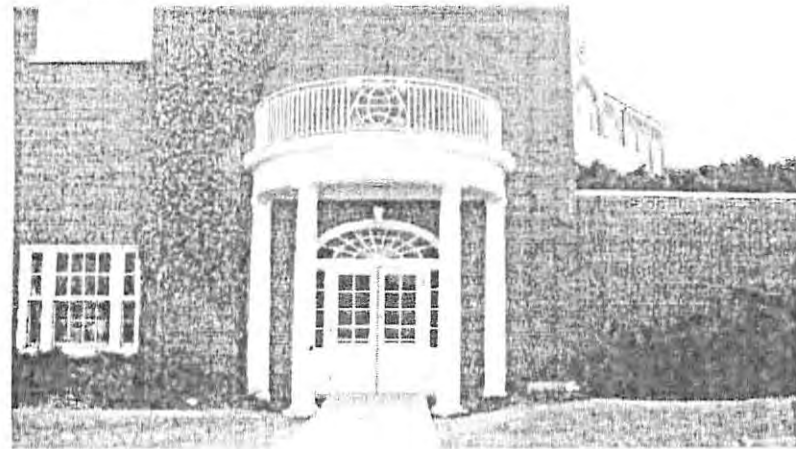


Photo 22. Northeast facade. Character defining features: arched and rectangular door surrounds with pilasters and entablatures; round window and vents with keystone details; dentil molding at cornice below parapet. April 2015.





## EXHIBIT B-2: BASELINE DOCUMENTATION - CHARACTER DEFINING FEATURES

All the bulleted features in the lists that follow should be retained to preserve the historic integrity and significance of the 1937 Building component of the Newburyport High School. Note that the complex, brick-walled ramp system added at the facade obscures the lower portions of the original building and is not character defining.

All of the rectangular window sash have been replaced. No changes were made to masonry openings or the historic brick molds, and the new sash retain the historic light configurations. The arched transoms and the cupola windows have been replaced with identical forms.

### Site and Environment

- Traditional siting at the top of the slope, angled to face a diagonal access on the site.

### Shape and Massing

- U-shaped plan with diagonal projecting masses at the corners.
- Dominate three-story, hip-roofed center block with domed cupola and flat-roofed double height blocks adjacent that screen higher three-story school room "arms" of the U-shaped plan.

### Materials

- Brick
- Painted wood
- Copper roofing and flashing
- Cast stone
- Glass

### Decorative and Stylistic Features by Elevation

#### Facade

- Wood portico, including Ionic columns, entablature, finials and lettering.
- Wood double-leaf main entry, pedimented surround, semicircular transom.
- Centered wood Palladian window at third story and centered tri-part window at second story.
- Cast stone sills.
- Window sash light configuration (8-over-8).
- Centered wood parapet and urns.
- Tower and two-tier, copper-domed, octagonal cupola, base finials, balustrades, ornaments including quoins, wreaths and dentils.
- Sailing ship copper weathervane.
- Clock face.

#### Northeast and Northwest Facades

- Symmetrical triple door configuration.
- Arched wood door surrounds with engaged columns, entablatures and arched transoms.
- Wood band course with centered pediment, modillions and triglyphs.
- Rectangular wood door surrounds with pilasters, entablatures, transoms, and cast stone keystones.
- Wood window surrounds.

- Cast stone sills
- Wood oculus windows with stone keystones
- Blind roundels over rectangular doors
- Stepped brick parapet with wood finials

#### Northeast Wing - Northeast Elevation

- Centered Palladian window with arched recess and stone keystone, arched wood windows at second story
- Triple wood windows at first story
- Cast stone window sills
- Wood band course with centered pediment, modillions and triglyphs
- Brick parapet with wood finials
- Double-leaf entries with partial sidelights and elliptical fanlights
- Semicircular wood porticos with two pilasters and two Tuscan columns
- Decorative semicircular painted wrought iron balustrades over entries

#### Northeast Wing - Southeast Elevation

- Rectangular wood window and door surrounds, cast stone sills
- Double-leaf entries with semicircular fanlights
- Wood band course molding with modillions and triglyphs

#### East Elevation

- Ganged double-sash rectangular windows
- Wood window surrounds, cast stone sills

#### Northwest Wing - Northwest Elevation

- Triple rectangular windows
- Wood window surrounds, cast stone sills
- Wood band course with modillions and triglyphs
- Single entry with transom and partial sidelights
- Rectangular wood portico with two pilasters and two Tuscan columns
- Decorative painted wrought iron balustrade over portico

#### West Elevation

- Ganged double-sash rectangular windows
- Wood window surrounds, cast stone sills

#### Courtyard North Wall (South Elevation of 1937 Building)

- Ganged, single and triple double-hung rectangular windows
- Wood window surrounds, cast stone sills
- Curved brick parapet with elliptical window and cast stone keystones
- Three-bay oriel with copper roof at third story

#### Courtyard East and West Walls

- Ganged and single double-hung rectangular windows
- Wood window surrounds, cast stone sills
- Double glass doors with wood surrounds at northeast and northwest corners

## EXHIBIT C

### RESTRICTION GUIDELINES

#### ATTACHMENT TO PRESERVATION RESTRICTION AGREEMENT BETWEEN GRANTEE AND THE CITY OF NEWBURYPORT

The purpose of the Restriction Guidelines is to clarify Paragraph five (5) of the terms of the Preservation Restriction, which deals with alterations to the Property. Under this section permission from the Grantee is required for any major alteration. Alterations of a minor nature, which are part of ordinary maintenance and repair, do not require review by the Grantee.

In an effort to explain what constitutes a minor alteration and what constitutes a major change, which must be reviewed by the Grantee, the following list has been developed. This list is by no means is this list comprehensive: it is only a sampling of some of the more common alterations, which may be contemplated by the property owner.

#### PAINT

Minor - Exterior or interior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major - Painting or fully stripping decorative surfaces or distinctive stylistic features including murals, stenciling, ornamental woodwork, stone, masonry, decorative or significant original stucco or plaster.

#### WINDOWS AND DOORS

Minor - Regular maintenance including caulking, painting and necessary reglazing. Repair or in-kind replacement of existing individual decayed window parts.

Major - Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change, but with notification it is commonly acceptable.

#### EXTERIOR

Minor - Spot repair of existing cladding and roofing including in-kind replacement of clapboards, shingles, slates, etc.

Major - Large-scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e. removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot repointing of masonry. Structural stabilization of the property is also considered a major alteration.

#### LANDSCAPE/OUTBUILDINGS

Minor - Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major - Moving or subdividing Building or Property; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings, walls, fences; ground disturbance affecting archaeological resources.

#### HEATING / AIR CONDITIONING / ELECTRICAL / PLUMBING SYSTEMS

Minor - Repair of existing systems.

Major - Installing or upgrading systems which will result in major exterior appearance changes (e.g. exterior ducts, piping, ventilators, HVAC units); the removal of substantial quantities of original materials in the course of construction.

Changes classified as major alterations are not necessarily unacceptable. Under the Preservation Restriction such changes must be reviewed by the Grantee and their impact on the historic integrity of the premise assessed.

It is the responsibility of the property owner to notify the Grantee in writing when any major alterations are contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of the Preservation Restriction is to enable the Grantee to review proposed alterations and assess their impact on the integrity of the structure, not to preclude future change. The Grantee will attempt to work with property owner to develop mutually satisfactory solutions that are in the best interests of the Property.

PD



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, Mayor

2018 SEP 18 PM 2:01

60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: September 18, 2018  
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Community Preservation Committee, Planning Board representative for a three year term. This term will expire on October 1, 2021.

Don Walters  
15 Smith Street  
Newburyport, MA 01950

## Donald B. Walters

---

15 Smith St. Newburyport, MA 01950

617 817 4336

dwalters@opes21.com

### PROFILE

Don Walters is an experienced executive with a comprehensive knowledge of all facets of the power generation business. His results oriented leadership style and his hands-on approach are attributes particularly well suited for companies executing new business strategies and development as well as optimizing assets.

### EXPERIENCE

**OPES21, LLC** Newburyport, MA 2016 - Present

*Owner*

- Managing director providing consulting services to the power industry for the 21<sup>st</sup> century.

**Nexamp, Inc.** Boston, MA 2011 - 2016

*Chief Development Officer*

- Managed business development for Nexamp, a solar IPP; drove 240% increase in net revenue.
- Responsible for the search for green-field development and project acquisition opportunities.
- Led review of multi-state regulatory policies and legislation for strategic development.

**Kelson Energy, Inc.** Columbia, MD 2007 – 2011

*Senior Vice President*

- Oversaw all aspects of a \$1B business including acquisition, redevelopment and divestiture.
- Directed complex restructuring to preserve value and facilitate future sales of new Canadian organization established after purchasing a public turned private company.
- Worked with US and Canadian law and accounting firms to develop corporate governance, control, financing and tax management.
- Collaborated with investment bank to implement combined and individual sale processes resulting in the disposition of assets and companies.
- Led the redevelopment of a cogeneration facility after the steam host had shuttered operations, resulting in significant positive valuation.

**Prestrgy LLC** Newburyport, MA 2006 – 2007

*President*

- Developed solar energy facilities in Massachusetts, including regulation and tariff subsidies, site identification and control, permits and tax management.
- Led acquisition of a power plant and preliminary site development for an LNG, evaluated locations and reviewed Local, State and Federal regulations and environmental requirements.

**Calpine** Boston, MA 2001 – 2006

*Vice President*

- Responsible for P&L for the Northeast and Southeast markets and oversight of plant operations, totaling over 8000 MW with a book value well over \$4B.
- Oversaw team bringing projects to financial closing, obtaining Federal, State, and Local permits, monitoring cash flow, and facilitating off-take agreements.

## Donald B. Walters

---

15 Smith St. Newburyport, MA 01950

617 817 4336

dwalters@opes21.com

- Asset Optimization: Led asset managers to increase valuation through net profit programs.
- Incentivized plant managers through assigning P&L responsibilities in operating plants.
- Market Structure: Created program for government affairs, regulatory policy and environmental staff to support long-term P&L goals.

### **Constellation**

Baltimore, MD

1999 – 2001

*Vice President, Business Development*

- Responsible for business development for new merchant power projects in the northern Mid Continent Region, TVA and New England.
- Oversaw the Holland Energy project, a 665 MW Combined Cycle facility, completed in a record 15 month schedule from permitting to construction start.
- Successfully negotiated an attractive below market price EPC contract with Holland Energy.
- Established an Enterprise Zone, saving over \$10 million in taxes and entered into a precedent setting water use contract that served as model for future agreements.

### **Parsons Power**

Reading, PA

1989 – 1999

*Vice President, Business Development*

- Oversaw the global development of power generation projects.
- Managed relationships with major IPPs and OEMs to increase sales.
- Responsible for cogeneration and energy efficiency studies and projects, management of engineering and design group, project control systems for budgets, schedules and quality.
- Led lump sum turnkey and open book contracting and developed joint venture and consortium structures.

### **Burns and Roe**

Oradell, NJ

1974 – 1989

*Manager, Industrial Operations*

- Managed the Southeast region for a top 50 engineering and design firm in the United States.
- Led a major commercial turn-around of the operations and recovery to profitability that was accomplished by staff reorganization, and the execution of key marketing and business goals.
- Expanded the engineering practice services to the energy sector in areas such as waste to energy, industrial cogeneration, IPP owners, municipalities and school systems.
- Broadened firm's scope of work into other sectors including NASA, DOD and Disney.

## **EDUCATION/PROFESSIONAL**

Mr. Walters holds masters' degrees in both science and business administration and is a registered Professional Engineer. He has authored technical papers and has presented at Power Gen, the largest convention for the power sector. Mr. Walters is listed in Who's Who in America.

Don Walters resides in Newburyport near Boston, Massachusetts with his wife and he has three adult children. He is a member of the city Planning Board, Energy Advisory Committee and other civic organizations.

PFD



CITY OF NEWBURYPORT  
OFFICE OF PLANNING AND DEVELOPMENT  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4400 • (978) 465-4452 (FAX)

### MEMORANDUM

TO: Newburyport City Council

FROM: Andrew R. Port, Director of Planning & Development

CC: Donna D. Holaday, Mayor  
2018 Ad Hoc Committee on Colby Farm Preservation

RE: CPA Funding Recommendation: "Colby Farm Open Space Preservation & Viewshed Protection"

DATE: September 10<sup>th</sup>, 2018

---

I respectfully request that the City Council accept the attached Community Preservation Committee (CPC) recommendation as a "late file" at tonight's meeting so that this item may be timely referred to Committee. This will allow well-timed Committee meeting(s) and subsequent Council action without the delay necessitated by referral at a future Council meeting. While we normally submit items for the Council packet one week ahead of Council meetings, last week's holiday (Labor Day), the CPC meeting schedule, and the unique timeline associated with this open space acquisition project require your accommodation under Council rules.

The attached Community Preservation Act (CPA) funding request (recommended by both the CPC and the 2018 Ad Hoc Committee on Colby Farm Preservation) could not have been submitted earlier this year - during the normal CPC grant cycle (February) - because details of the project were not available or finalized with all parties at that time. As such, you are receiving this "out of cycle" CPA funding recommendation now.

I presume the Council will forward this matter to the Budget & Finance Committee for review and recommendation. Thank you in advance for your consideration.



**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE  
SUPPLEMENTAL RECOMMENDATION FOR FY19 APPROPRIATIONS  
(Colby Farm Open Space Preservation & Viewshed Protection)**

The Newburyport Community Preservation Committee (CPC) recommends that the City Council appropriate **\$200,000** from the Community Preservation Act (CPA) Open Space Reserve Fund for the following FY'19 project subject to the conditions hereinafter described.

The following CONDITIONS are common to all recommended projects:

- 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 2018.

Attached are:

- 1. A one page Council Order consistent with this CPC recommendation.
- 2. CPC Recommendation for this appropriation with a brief summary.
- 3. Criteria for project evaluation adopted and published by the CPC.

The estimated Community Preservation Act Open Space Reserve Fund balance, available for this appropriation is now \$829,965.98, taking into consideration the Council's recent FY'19 CPA appropriations for other projects.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair	Jane Healey, Vice Chair
Paul Healy	Mark Rosen
Daniel Koen	Steven Sawyer
Don Little	Sarah White

**Ordered:**

That the City Council appropriates from the Community Preservation Act Open Space Reserve Fund, in accordance with the provisions of M.G.L. Chapter 44B, for the following project, based upon the Community Preservation Committee's recommendation, the total amount of **\$200,000**.

Each project listed below shall be considered a separate appropriation or reservation in the amount indicated for that project.

Project No.	Project Title	Applicant	Request	Recommendation
1	Colby Farm Open Space Preservation & Viewshed Protection	City of Newburyport <i>c/o Office of Planning &amp; Development</i>	\$200,000	\$200,000

This appropriation is subject to a condition that the funds be used to acquire and preserve as deeded and permanently protected open space the following portions of Colby Farm land (*more or less*), as depicted and reconfigured on a schematic Open Space Residential Development (OSRD) plan attached hereto:

- A. Lot 6
- B. Lot 7
- C. Proposed Protected Open Space to City

---

Councillor Charles F. Tontar

Approve:  
Date:

Attest:

**PROJECT NO. 1**  
**Colby Farm Open Space Preservation & Viewshed Protection**

The CPC recommends the appropriation of \$200,000 from the Community Preservation Act Open Space Reserve Fund to be used towards the preservation of open space and viewshed protection at the former Colby Farm property, located at the intersection of Low Street and Colby Farm Lane. The CPA category for this appropriation is Open Space.

**Project Summary:**

These CPA funds would be used as “gap funding” to ensure the preservation of two otherwise developable lots fronting on Low Street at the Colby Farm site (*specifically Lots 6 & 7*). See attached sketch. Several years ago the City purchased Lot 8 with CPA funds for \$275K. Additionally, \$100K was temporarily reserved towards potential acquisition of Lot 1, both for open space protection and possible municipal field space. At that time it was recognized that this \$100K set-aside would not be sufficient to pay for the cost of acquiring Lot 1 itself, let alone the remaining Colby Farm lots which were being marketed and sold for approximately \$250K each (*varying by the size of each lot*). The estimated cost for the City of Newburyport to acquire all remaining Colby Farm lots would be at least \$1.5M [ $\$250K \times 6$  lots; including Lots 1, 2, 3, 4, 6 & 7]. In light of these costs, and the City’s prior expenditure of \$275K to acquire only Lot 8, the cost/benefit ratio of this lesser \$200K appropriation – to preserve the majority of open space at Colby Farm, and the associated views from Low Street – would seem beneficial to the City. And while this scenario presumes the development of 12 new clustered residential structures abutting Colby Farm Lane (*where the barns now stand*), one could easily argue that this project will result in an upgrade to the appearance and condition of Colby Farm Lane.

Since the City’s acquisition of Lot 8 at Colby Farm, a developer has come forward to propose a so-called “Open Space Residential Development” (OSRD) at Colby Farm in lieu of a conventional “sprawl” subdivision wherein all land is carved up into developable lots. The conventional subdivision, and the preferred OSRD, are shown in attached renderings. The proposed OSRD would preserve the majority of land at Colby Farm as open space, with new homes clustered adjacent to Colby Farm Lane. However, the developer cannot also absorb the cost of purchasing lots 6 & 7 which front on Low Street and are essential to preserving the scenic view from Low Street to the existing/proposed open space. A meeting was held with the developer and various City officials to advocate for the inclusion of Lots 6 & 7 in the OSRD program so that more land, and the entire viewshed from Low Street, could be protected. Normally, the purchase of Lots 6 & 7 might cost the City \$500K or more to acquire outright. However, the alternative we now propose is that the City invest \$200K towards the preservation of these additional lots, with the developer covering the difference. In essence, by working cooperatively to ensure Colby Farm is redeveloped as an OSRD (*including lots 6&7*) the City will ensure preservation of this farmland, open space and the scenic views it provides for only \$200K. Prior preservation of Lot 8, buy outright acquisition, cost the City \$275K and this isolated purchase would be rendered meaningless unless combined with the preservation of adjacent lots. An ad hoc committee comprised of representatives from the following groups recommended support for the cooperative OSRD approach since it would be more cost-effective for the purposes of open space and viewshed protection: (a) Planning Board; (b) City Council; (c) Conservation Commission; (d) Community Preservation Committee; (e) Open Space Committee and (f) Office of Planning & Development.

A recorded Conservation Restriction (CR) and a Tripartite Development Agreement, will protect the City’s interest in the deal, including the contribution of CPA funds. A similar arrangement was negotiated for the Woodman Farm property behind the new CVS on Storey Ave, wherein the City waived its “Right of First Refusal” to buy the former Chapter 61A farm land at market value in exchange for the majority of such land being deed-restricted as conservation land. [*Note: No CPA funds were involved in that instance.*] As with Woodman Farm, the City would agree to waive its “Right of First Refusal” to buy the remaining Colby Farm land outright (*and at greater expense*) under M.G.L. Chapter 61A, in exchange for contributing \$200K towards the preservation of lots 6&7 under the proposed OSRD scheme. In turn, the developer will sign a binding commitment to preserve the open space areas shown on the attached renderings, and convey the fee interest in such land (*i.e. ownership*) to the City.

## 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:

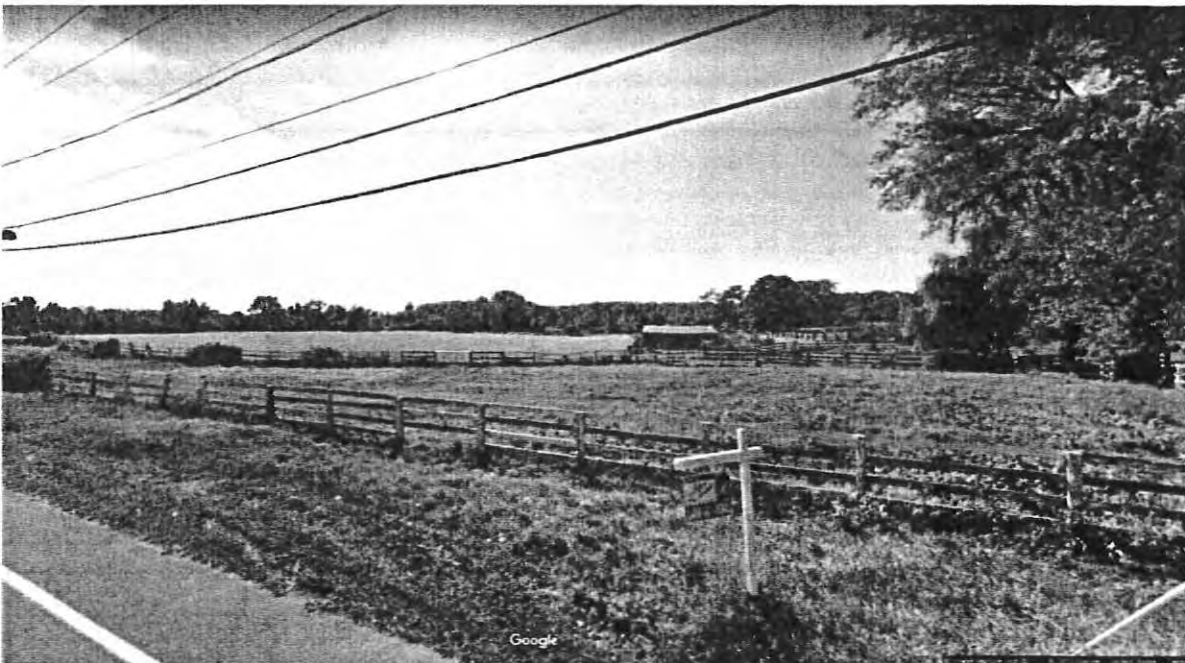
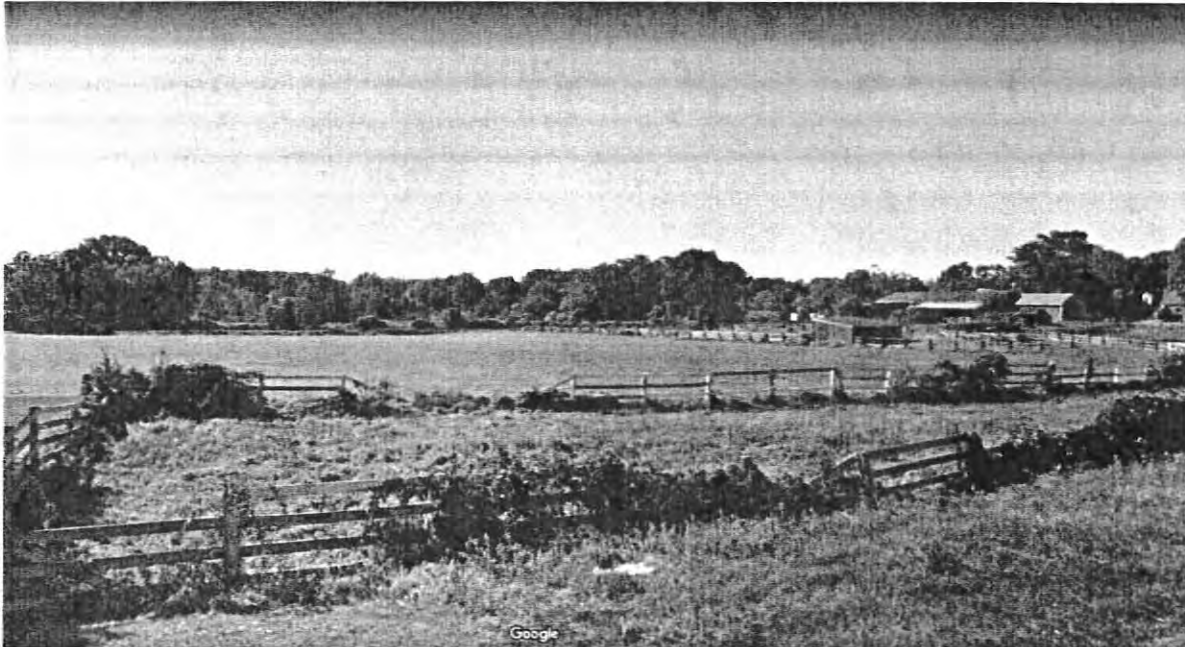
- Contribute to the goal of 10% affordability as defined by chapter 40B of Mass. General Laws.
- Promote a socioeconomic environment that encourages a diversity of income.
- Provide housing that is harmonious in design and scale with the surrounding community.
- Intermingle affordable and market rate 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.

# Colby Farm

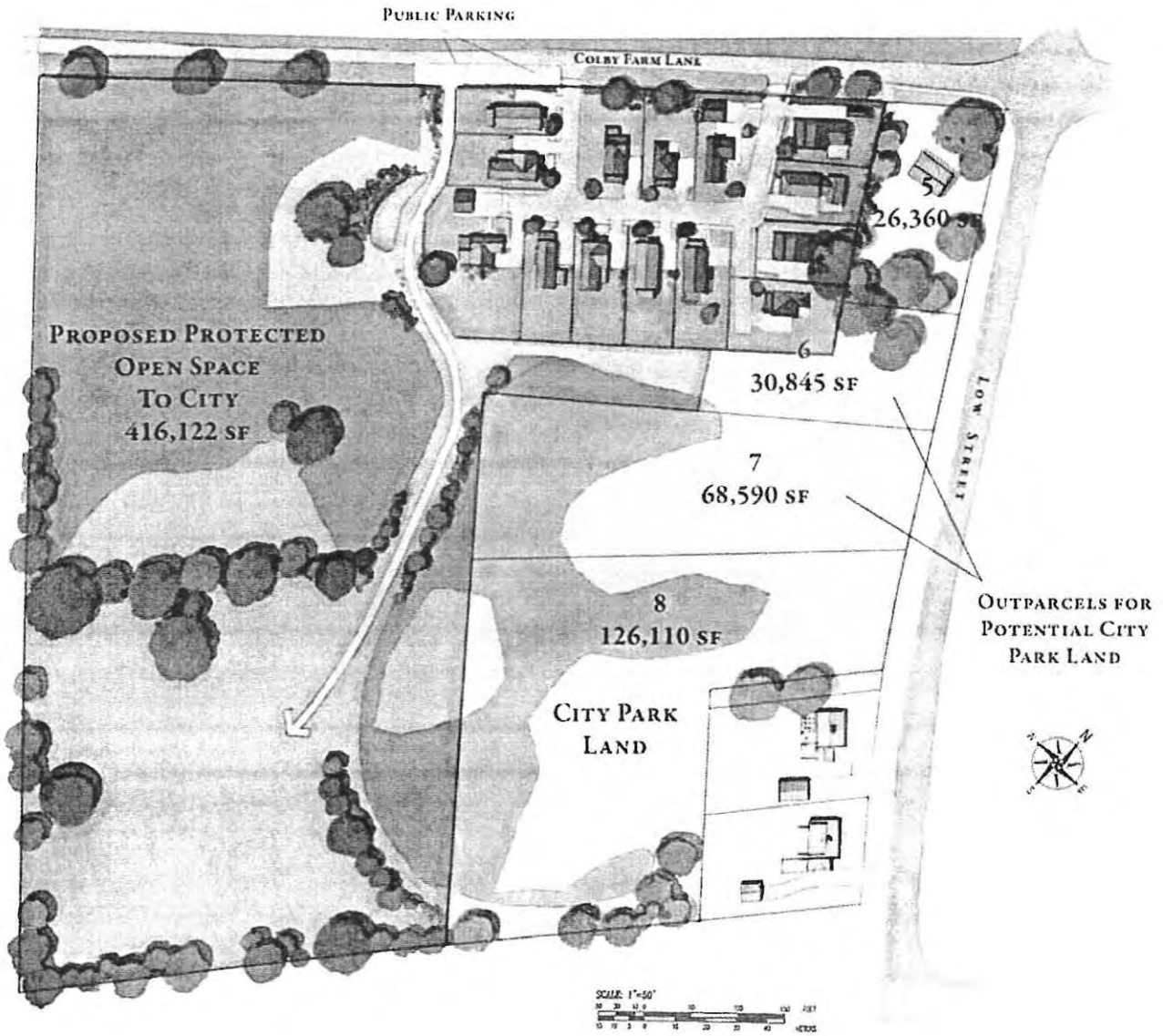
## Scenic Views from Low Street



# Colby Farm

## CONCEPTUAL OSRD PLAN

(14 Lot/ 16 Units, Remaining Land Preserved as Open Space)



**October 9, 2018**  
**Committee Items-Public Utilities**

COMM088\_09\_24\_19 - Wave Guide Application



pU

## PETITION FOR CONDUIT, POLES &amp; WIRES

September 17, 2018

To the City Council of Newburyport:

FirstLight requests permission to locate conduit, poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, under, along and across the following public way:

Low St – From the intersection of Low St @ Hale St excavate by way of directional boring approximately 3000' easterly towards Graf Rd and ending at or near 4 Graf Rd, and place (1) 4" conduit to bring fiber optic services to a customer located at 4 Graf Rd. Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain conduit, poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said conduit to be placed substantially in accordance with the plan filed herewith marked —“Site place Low St – Newburyport, MA” prepared by Waveguide, Inc., dated August 8, 2108.

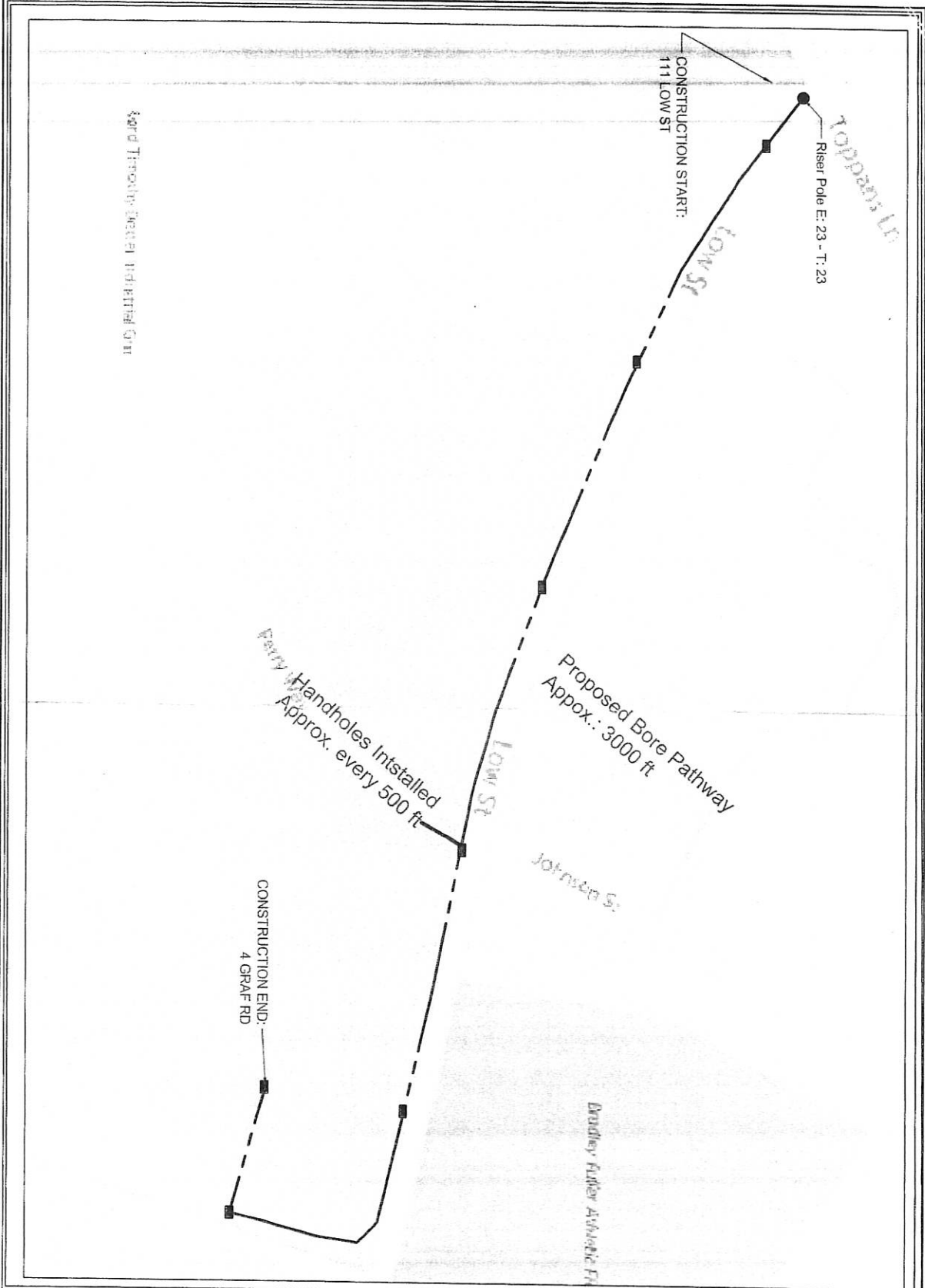
Respectfully submitted:

FIRSTLIGHT

By   
Peter Seehusen  
VP, OSP Engineering & Construction

WAVEGUIDE, INC

By   
Jay Dunn (Agent)  
Utilities Manager



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Bore Pathway</li> <li> Conduit</li> <li> Utility Pole</li> <li> Handhole</li> </ul>	<p><b>Site Plan</b> Low St, Newburyport MA</p>	<p><b>Prepared by:</b> Wovoguide, Inc. 10 N. Southwood Dr. Newbury, MA 01858 508-588-0495</p> <p><b>Prepared for:</b> Friedlight 359 Corporate Dr. Portsmouth, NH 03801</p> <p><b>Issue Date:</b> 08/28/2018</p>	<p><b>Project Location:</b> Latitude: 42.840995 Longitude: -70.869995</p> <p><b>Project Title:</b> Bore Pathway from Low St &amp; Graf Rd Newburyport, MA 01850 Newport Cross Street Main St</p>	<p><b>Project Contacts:</b> Jay Dan Wovoguide - Utilities Manager E-Mail: jdan@wovoguide.com</p>	<p>0095 FL 2018 WDS</p>
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# CITY OF NEWBURYPORT



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

## ORDERED:

By the City Clerk of Newburyport, Massachusetts

## ORDERED:

Notice having been given and a public hearing held as provided by law, that the \_\_\_ Waveguide be and it is hereby granted permission to excavate the public highways and to run and maintain underground conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereafter referred to, , as requested in petition of said company dated the 17th day of September, 2018.

Said underground conduits shall be located substantially in accordance with the plan filed herewith marked Low St., Newburyport, Massachusetts. Site Plan dated 08/29/2018.

The following are public ways or parts of ways under which the underground conduits above referred to may be laid.

See attached plan

I hereby certify that the foregoing order was adopted at a meeting of the \_\_\_\_\_

\_\_\_\_\_, held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_, \_\_\_\_\_ 20\_\_

Received and entered in the records of location orders of the \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_.

Attest:

\_\_\_\_\_

\_\_\_\_\_ hereby certify that on \_\_\_\_\_ 20\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
at \_\_\_\_\_, a public hearing was held on the petition of \_\_\_\_\_

NATIONAL GRID \_\_\_\_\_ for permission to construct the underground conduits  
described in the order herewith recorded, and that I mailed at least seven days  
before said hearing a written notice of the time and place of said hearing to each of the  
owners of real estate (as determined by the last receding assessment for taxation) along  
the ways or part of way upon which the company is permitted to construct the  
underground electric conduits under said order. And thereupon said order was duly  
adopted.

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