

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
OCTOBER 15, 2019

7:30PM

(Sound Check)

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

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

7. APPROVAL OF MINUTES

- September 30, 2019 (Approve)
- October 3, 2019 (Approve)
- October 7, 2019 (Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- COMM193_10_15_19 Pole Hearing - 14 Marlboro Street (PU)
- COMM194_10_15_19 Ltr from Newburyport Livable Streets (P&D)
- COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019 (PS)

10. APPOINTMENTS

- | | | | | |
|--------------------|-------------|----------------------|-----------------|-----------|
| • APPT130_10_15_19 | Susan Brown | First Reading | | |
| | | 40 Fair St | Tree Commission | 10/1/2022 |

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

Budget & Finance

- ORDR144_09_30_19 Tree Care and Plantings Gift Acceptance \$40,732

Public Safety

- ORDR139_09_09_19 Two-Hour Resident Parking Zones
- COMM191_09_30_19 Block Party - Neptune Street - 10/20/19
- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street

**END OF CONSENT AGENDA
REGULAR AGENDA**

11. MAYOR'S UPDATE

12. COMMUNICATIONS

- COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets

13. APPOINTMENTS

Second Reading

Re-Appointments

- | | | | | |
|--------------------|----------------------|--------------|---------------|------------|
| • APPT127_09_30_19 | Paul Healy | 8 N St | CPA Committee | 10/1/2022 |
| • APPT128_09_30_19 | Adrienne Silversmith | 4 Willow Ave | Cultural Comm | 10/30/2022 |

14. ORDERS

-

15. ORDINANCES

- ODNC032_05_13_19 Zoning – Amend Ag-Con District (**2nd Reading**)
- ODNC033_05_13_19 Zoning – Amend Former George W. Brown School Parcels (**2nd Reading**)
- ODNC037_06_24_19 Ordinance regarding City Solicitor Appointment and Duties (**2nd Reading**)

16. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- ORDR119_06_10_19 Bond Order - Streets and Sidewalks \$10M (COTW)
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- COMM192_09_30_19 10-Year Financial Projection (COTW)
- ORDR144_09_30_19 Tree Care and Plantings Gift Acceptance \$40,732

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC042_09_30_19 Parking at Public Parks and Playgrounds

Planning & Development

In Committee:

- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- COMM164_06_24_19 LATE FILE Ltr to Ward 2 Councillor from Eric Goodness
- ODNC038_07_15_19 Zoning Amendment – Waterfront West Overlay District (COTW)
- **ODNC040_08_19_19 Zoning Ordinance re: Kennel/Animal Boarding Use**
- COMM185_09_09_19 Memo re: Waterfront West Sustainability
- **ORDR142_09_09_19 Acceptance of NRA Deed (COTW)**
- **ODNC041_09_09_19 Zoning Map - Colby Farm Residential Overlay District**
- **COMM190_09_30_19 Ltr from Judy Tymon re: Brown School Overlay District**
- APPT129_09_30_19 Malcolm Carnwath 22 Strong St Historical Comm

9/30/2022

Public Safety

In Committee:

- ODNC009_03_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative *(full text available)* (COTW)
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- **ORDR139_09_09_19 Two-Hour Resident Parking Zones**
- **COMM191_09_30_19 Block Party - Neptune Street - 10/20/19**
- **ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street**
- **ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street**

Public Utilities

In Committee:

- COMM122_11_27_17 Mobilite Application/Small Cell Utility Petition (re-file)
- ODNC022_05_29_18 Addition to Chapter 5, Article 6 - Small Cell Sites

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

17. EXECUTIVE SESSION to discuss litigation with respect to the High Street Paving

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

19. GOOD OF THE ORDER

20. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
SEPTEMBER 30, 2019

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Zeid, Devlin, Eigerman, Giunta, Khan, McCauley, Shand, Tontar, Vogel, Connell. 10 present, 1 absent (OBrien).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – COMM192_09_30_19; ORDR140_9_09_19 and ODNC037_06_24_19 updated on desks

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

5. PUBLIC COMMENT

1. Tom Kolterjahn	64 Federal St	Brown School
2. Arissa Ibrahim	85 Prospect St	Brown School
3. Lea Pearson	250 High St	Brown School
4. Mike Merriman	6 Little Pond Rd, Merrimac	Asst Harbormaster
5. Andrew Malatesta	37 Federal St	Asst Harbormaster
6. Gregory Downs	40 Riverview Dr, Newbury	Asst Harbormaster
7. Mike Noonan	47 Milk St	Brown School
8. Judy Tymon	39 Lime St	Brown School
9. Marianne Vesey	10 Kent St	Brown School
10. Renee Hamel	10 Parsons St	Brown School
11. Rebecca Wish Esche	30 Lime St	Brown School
12. Victoria Carr	1 Hill St	Brown School
13. Ed Cameron	5 Milk St	Brown School
14. Madeline Nash	19 Arlington St	Brown School
15. Bill Harris	56 Lime St	Brown School
16. Elizabeth Harris	56 Lime St	Brown School
17. Jeanette Isabella	100 Water St	Brown School
18. Tim Wareham	10 20 th St, Newbury	Asst Harbormaster
19. Roxanne Doherty	52 Milk St	Brown School
20. Sue Benveniste	51 Milk St	Brown School
21. Barbara Oswald	158 State St	Brown School
22. Kathleen Droste	77 Lime St	Brown School
23. Rick Doucette	69 Marlboro St	Brown School
24. Scott Nelson	55 Milk St	Brown School
25. Karen Wiener	7 Lincoln St	Brown School
26. Mary	487A Merrimac St	Brown School

6. COMMENDATION FOR TIM WAREHAM

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 9, 2019 (Approve)

9. TRANSFERS

- NONE

10. COMMUNICATIONS

- COMM190_09_30_19 Ltr from Judy Tymon re: Brown School Overlay District (P&D)
- COMM191_09_30_19 Block Party - Neptune Street - 10/20/19 (PS)

11. APPOINTMENTS

First Reading

Re-Appointments

- APPT127_09_30_19 Paul Healy 8 N St CPA Committee 10/1/2022
- APPT128_09_30_19 Adrienne Silversmith 4 Willow Ave Cultural Comm 10/30/2022

To be Referred to Planning & Development

- APPT129_09_30_19 Malcolm Carnwath 22 Strong St Historical Comm 9/30/2022

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

Budget & Finance

- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM186_09_09_19 FY2019 Year-End Financial Report
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- ORDR140_09_09_19 FY2020 Supplemental Budget Request #1
- ORDR141_09_09_19 Approval to Pay Prior Year Bills (Human Resources, Parks)

Public Safety

- COMM160_06_10_19 Defibrillators on Plum Island
- COMM188_09_09_19 Newburyport Half Marathon - 10/20/2019
- ORDR139_09_09_19 Two-Hour Resident Parking Zones
- ORDR143_09_09_19 Handicapped Parking Space – St. Paul’s Church

**END OF CONSENT AGENDA
REGULAR AGENDA**

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

12. MAYOR’S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Giunta. So voted.

13. COMMUNICATIONS

- COMM192_09_30_19 LATE FILE 10-Year Financial Projection
Motion to refer to Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Vogel. So voted.

14. APPOINTMENTS

Second Reading

- | | | | | |
|-----------------------------|---------------------|------------------------------------|---|-----------|
| • APPT117_09_09_19 | Susan Shefte | 36 Woodland St | Library Board of Directors | 10/1/2026 |
| Councillor Connell recused. | | | | |
| • APPT118_09_09_19 | Gregory A. Downs | 40 Riverview Dr,
Newbury | Asst Harbormaster/Shellfish
Constable/Special Police | 10/1/2022 |
| • APPT119_09_09_19 | Andrew C. Malatesta | 37 Federal St,
Newburyport | Asst Harbormaster/Shellfish
Constable/Special Police | 10/1/2022 |
| • APPT120_09_09_19 | Mike Merriman | 6 Little Pond Rd,
Merrimac | Asst Harbormaster/Shellfish
Constable/Special Police | 10/1/2022 |
| • APPT121_09_09_19 | Tim Wareham | 10 20 th St,
Newbury | Asst Harbormaster/Shellfish
Constable/Special Police | 10/1/2022 |

Re-Appointments

- | | | | | |
|--------------------|---------------------|----------------|-----------------------|------------|
| • APPT123_09_09_19 | Donna Conway | 27 Marlboro St | Emma Andrews Lib Comm | 10/30/2020 |
| • APPT124_09_09_19 | Aine G. Ellrott | 43 Purchase St | Emma Andrews Lib Comm | 10/30/2020 |
| • APPT125_09_09_19 | Elizabeth Valeriani | 29 Oak St | Emma Andrews Lib Comm | 10/30/2020 |
| • APPT126_09_09_19 | Elizabeth L. Watson | 53 Warren St | Emma Andrews Lib Comm | 10/30/2020 |

Motion to approve Second Reading appointments by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 recused (Connell), 1 absent (OBrien). Motion passed.

15. ORDERS

- ORDR144_09_30_19 Tree Care and Plantings Gift Acceptance \$40,732
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
Motion to refer to Public Safety by Councillor Shand, seconded by Councillor Giunta. So voted.
- ORDR146_09_30_19 Restricted Parking - Merrimac Street at Ashland Street
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Vogel. So voted.

16. ORDINANCES

- ODNC039_08_19_19 Amendment to Salary of Elected Officials (**2nd Reading**)
Motion to approve second reading by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- ODNC042_09_30_19 Parking at Public Parks and Playgrounds
Motion to refer to Neighborhood & City Services by Councillor Shand, seconded by Councillor Zeid. So voted.

17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

- **ODNC033_05_13_19 Zoning – Amendment to Former George W. Brown School Parcels**
Councillor Khan recused. Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Motion to amend, add “or 20 senior affordable units” to Maximum Residential

Density in Scenario 1, by Councillor Eigerman, seconded by Councillor Shand. Roll call vote, 7 yes, 2 no (Zeid, Connell), 1 recused (Khan), 1 absent (OBrien). Motion passed. Motion to amend, add “or 24 senior affordable units” to Maximum Residential Density in Scenarios 2 and 3, by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 3 yes (Tontar, Vogel, Connell), 6 no, 1 recused (Khan), 1 absent (OBrien). Motion failed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 recused (Khan), 1 absent (OBrien). Motion passed.

The Council President announced the Council would take a two minute recess.

Budget & Finance

In Committee:

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- **ORDR119_06_10_19 Bond Order - Streets and Sidewalks \$10M**
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to refer to Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)**
Project No. 9 held in committee.
Motion to refer ORDR132_07_15_19, ORDR136_08_19_19, COMM189_09_09_19, collectively, to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **ORDR136_08_19_19 Fuller Track Phase II Loan Order**
- **COMM186_09_09_19 FY2019 Year-End Financial Report**
Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.
- **COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations**
- **ORDR140_09_09_19 FY2020 Supplemental Budget Request #1**
Motion to approve and divide by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 3-0) \$10K for Travel/Training by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$1K for Overtime Animal Control by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$13,621 for Zoning Administration/Enforcement Officer by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve \$59,480 for School Budget by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve (comm vote 2-1) \$10K for Overtime DPS Highway by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 8 yes, 2 no (Zeid, Devlin), 1 absent (OBrien). Motion passed. Motion to approve \$5K for Facilities Maintenance Supplies by Councillor Tontar, seconded by Councillor Khan. So voted (1 no – Zeid). Motion to approve (comm vote 3-0) \$60K for Sidewalk Repairs by Councillor Tontar, seconded by Councillor Khan. Motion to amend, request that sidewalks damaged by roots across the city be prioritized, by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve \$10K for DPS Water Legal Expenses and \$10K for DPS Sewer Legal Expenses, collectively, by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR141_09_09_19 Approval to Pay Prior Year Bills (Human Resources, Parks)**
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

Education

Councillor Giunta announced the next meeting is October 7th at 5:30pm in the Senior/Community Center.

In Committee:

-

General Government

In Committee:

- **ODNC037_06_24_19 Ordinance regarding City Solicitor Appointment and Duties**
Motion to remove from General Government by Councillor Giunta, seconded by Councillor Vogel. So voted. Motion to approve as amended in committee, with insertion of language “proposed by the Mayor and/or the City Solicitor” after “settlement” in Section 2-249, by Councillor Giunta, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- **ORDR135_08_19_19 Election Equipment**
Motion to remove from General Government by Councillor Giunta, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Giunta, seconded by Councillor Tontar. Motion to amend, change “on or before” to “after”, and “Preliminary Election scheduled on September 17” to “Election on November 5”, and strike “Preliminary” on line 7, by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to approve as amended by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen

Planning & Development

In Committee:

- **ODNC008_02_12_18 Disposition of G. W. Brown School**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Vogel. So voted.
- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- **ODNC032_05_13_19 Zoning – Amend Ag-Con District**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 present (Khan), 1 absent (OBrien). Motion passed.
- COMM164_06_24_19 LATE FILE Ltr to Ward 2 Councillor from Eric Goodness
- ODNC038_07_15_19 Zoning Amendment - Waterfront West Overlay District (**COTW**)
Councillor Eigerman suggested the Council discuss the present Waterfront West hearing. Councillor Vogel recused. Councillor Eigerman stated the consensus was not to go forward with the October 10th meeting and he would meet with the ordinance sponsor, Councillor Connell.

Motion to waive the rules, to continue the meeting past 11pm, by Councillor Zeid, seconded by Councillor Tontar. So voted.

- **COMM176_08_19_19 Memo re: Brown School Zoning**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- ODNC040_08_19_19 Zoning Ordinance re: Kennel/Animal Boarding Use
- COMM185_09_09_19 Memo re: Waterfront West Sustainability

- **ORDR142 09 09 19 Acceptance of NRA Deed (COTW)**
- ODNC041_09_09_19 Zoning Map - Colby Farm Residential Overlay District
- **APPT122 09 09 19 Rachel D. Webb PO Box 742 Zoning Board of Appeals 10/1/2020**

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 recused (Devlin), 1 absent (OBrien). Motion passed.

Public Safety

In Committee:

- ODNC009_03_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative *(full text available)* (COTW)
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- **COMM160 06 10 19 Defibrillators on Plum Island**
Motion to receive and file by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **COMM188 09 09 19 Newburyport Half Marathon - 10/20/2019**
Motion to approve, contingent on insurance naming City additional insured, by Councillor Devlin, seconded by Councillor Giunta. So voted.
- **ORDR139 09 09 19 Two-Hour Resident Parking Zones**
Motion to refer to Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **ORDR143 09 09 19 Handicapped Parking Space – St. Paul’s Church**
Motion to approve by Councillor Devlin, seconded by Councillor Shand. So voted.

Public Utilities

In Committee:

- COMM122_11_27_17 Mobilitie Application/Small Cell Utility Petition (re-file)
- ODNC022_05_29_18 Addition to Chapter 5, Article 6 - Small Cell Sites

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

18. GOOD OF THE ORDER

19. EXECUTIVE SESSION to discuss litigation with respect to the High Street Paving

Motion to go in to Executive Session, for the purpose of discussing litigation with respect to High Street Paving, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed. 11:16pm. Motion to come out of Executive Session by Councillor Zeid, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed. 11:43pm. Motion to schedule an Executive Session meeting of the City Council on Thursday, October 3, 2019 at 5:30pm to continue the discussion of litigation with respect to the High Street Paving by Councillor Devlin, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

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

Councillor Devlin recused. Motion to go in to Executive Session, for the purpose of discussing litigation with respect to the 193 High Street Zoning Appeal, by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 recused (Devlin), 1 absent (OBrien). Motion passed. 11:46pm. The Council President

stated the Council would not come back into Open Session. Motion to come out of Executive Session by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 recused (Devlin), 1 absent (OBrien). Motion passed. 12:15am.

EXECUTIVE SESSION MINUTES
OCTOBER 3, 2019

The City Council President, Barry Connell, called the meeting to order at 5:40pm. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Eigerman, Giunta, Khan, Tontar, Zeid, Connell. 6 present, 5 absent (Devlin, McCauley, OBrien, Shand, Vogel).

Motion to go in to Executive Session, for the purpose of discussing litigation with respect to the High Street Paving, by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 6 yes, 5 absent (Devlin, McCauley, OBrien, Shand, Vogel). Motion passed.

Motion to adjourn by Councillor Eigerman, seconded by Councillor Zeid. So voted. 6:30pm.

EXECUTIVE SESSION MINUTES
OCTOBER 7, 2019

The City Council President, Barry Connell, called the meeting to order at 7:30pm. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Eigerman, Giunta, Shand, Tontar, Vogel, Zeid, Connell. 7 present, 4 absent (Khan, McCauley, OBrien, Devlin).

Motion to go in to Executive Session, for the purpose of discussing litigation with respect to the 193 High Street Zoning Appeal, by Councillor Vogel, seconded by Councillor Shand. Roll call vote, 7 yes, 4 absent (Khan, McCauley, OBrien, Devlin). Motion passed. 7:30pm.

Motion to adjourn by Councillor Vogel, seconded by Councillor Zeid. So voted. 9:15pm.

COMMUNICATIONS

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Questions contact John Butler 978-725-1415

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

OCT -7 PM 2:16

North Andover, Massachusetts

To the City Council
Of Newburyport, Massachusetts

Massachusetts Electric Company d/b/a 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:

Marlboro St. - National Grid to install (1) JO pole on 14 Marlboro St. Beginning at a point approximately 20 feet north of the centerline of the intersection of Lincoln St. Install support pole to take the place of the tree guy on the property of 14 Marlboro St.

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 – Marlboro St. - Newburyport, Massachusetts.

28978251

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.

Massachusetts Electric Company d/b/a
NATIONAL GRID
BY Dave Johnson/lla
Engineering Department

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

October 4, 2019

Questions contact – John Butler 978-725-1415

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Newburyport, Massachusetts

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

that Massachusetts Electric Company d/b/a 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 4th day of October 2019.

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 – Marlboro St. - Newburyport, Massachusetts.

28978251 Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a 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:

Marlboro St. - National Grid to install (1) JO pole on 14 Marlboro St. Beginning at a point approximately 20 feet north of the centerline of the intersection of Lincoln St. Install support pole to take the place of the tree guy on the property of 14 Marlboro St.

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
Massachusetts Electric Company d/b/a 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.

.....
.....
.....
.....

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:
City/Town Clerk



JOINT OWNED POLE PETITION

nationalgrid
And
Verizon New England, Inc.

● Proposed J.O. Pole Locations

⊕ Existing J.O. Pole Locations

⋈ Proposed J.O. Anchor Locations

↔ Proposed Pole to Pole Guy

DISTANCES ARE APPROXIMATE

Date: October 1, 2019

Work Request Number: WR 28978251

To Accompany Petition Dated: October 1, 2019

To The: City Of Newburyport, Ma.

For Proposed Pole: 18 - 84 Location: 14 Marlboro St.



October 4, 2019

City Council of Newburyport, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit, please contact:

John Butler 978-725-1415

Please notify National Grid's Lisa Ayres of the hearing date / time.

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Lisa Ayres, 1101 Turnpike Street; North Andover, MA 01845
978-725-1418

Very truly yours,

A handwritten signature in blue ink that reads "Dave Johnson/lla".

Dave Johnson
Supervisor, Distribution Design

Enclosures



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

October 8, 2019

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., request to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Marlboro Street.

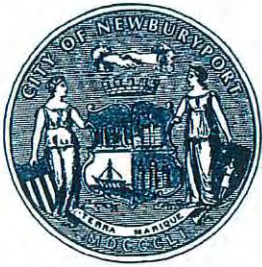
To install (1) JO Pole on 14 Marlboro St., beginning at a point approximately 20 feet north of the centerline on the intersection of Lincoln St. Install support pole to take the place of the tree guy on the property of 14 Marlboro Street.

Location approximately as shown on the plan attached.

Said hearing will be held on Monday, October 28, 2019 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



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

October 7, 2019

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: Marlboro Street – National Grid to install (1) JO pole on 14 Marlboro Street beginning at a point approximately 20 feet north of the centerline of the intersection of Lincoln Street. Install support pole to take the place of the tree guy on the property of 14 Marlboro Street.

The attached are the abutters to the above described location:

Jill Brennan

27/ 41/ / /

FOLEY ROBERT A & RAMONA M L/I
WILLIAM M T & PATRICIA M FOLEY T/E
18 MARLBORO ST
NEWBURYPORT, MA 01950

27/ 42/ / /

MALYNN BRIAN J & KATHLEEN F TRS
MALYNN FAMILY REVOCABLE TRUST
14 MARLBORO ST
NEWBURYPORT, MA 01950

27/ 43/ / /

NASON SCOTT F
12 MARLBORO ST
NEWBURYPORT, MA 01950

30/ 31/ / /

LEAVIS COLSON LINDA
2 LINCOLN ST
NEWBURYPORT, MA 01950

30/ 81/ / /

MOORE KIM BARRETT
JUNE R T/E
15 MARLBORO ST
NEWBURYPORT, MA 01950



September 30, 2019

Dear Mayor and City Council,

As members of Newburyport Livable Streets, we appreciate the progress the City has made in the past few years under your leadership in support of Complete Streets. We also appreciate being invited to be part of the dialogue as we work collectively to improve our community's transportation network. As you know, there is still a lot of work to be done. To ensure that the City continues to follow our Complete Streets Policy, NLS would like to make some suggestions regarding the processes followed by the City during the planning, design, construction and maintenance of our roads and sidewalks.

We would like to focus your attention on a few sections of the City's policy that are relevant to some of the issues we have observed on recent road and sidewalk projects:

City officials shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance. Wherever feasible, Complete Streets design principles shall be incorporated into all new publicly and privately funded projects, and incrementally on existing streets through a series of small improvements and activities over time.

Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in the unusual or extraordinary circumstances listed [in the policy]. Even under the conditions outlined [in the policy], a project's impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.

When designing a street improvement project, the DPS and OPD shall collaborate with all stakeholders to ensure that, wherever feasible, all users and transportation modes are adequately accommodated. These stakeholders may include, but are not limited to neighborhood groups, individual residents, the Police Department, Fire Department, TSAC, Newburyport Commission on Disabilities, and when required any federal or state agency with jurisdiction or direct interest on the proposed project.

As such, the City needs to consider whether there are adjustments that can be incorporated to make the street or sidewalk safer for all users when planning any roadway project - from major projects such as road reconstruction and paving, to maintenance projects such as re-striping and patching after utility

work, to installation of traffic signals. We also believe that Complete Streets principles should apply to all phases of a project (from planning through construction). For example, on the recent High Street repaving and sidewalk project, there was a great deal of frustration on the part of the public when it was discovered that a number of heavily used crosswalks would not be re-striped due to lack of appropriate tip downs (ie ramps) at those access points. If those changes had been identified and communicated early on in the process, there would have been an opportunity for public review and comment and the City might have had a chance to respond and potentially work out a solution (e.g. request more funding to add the required tip downs).

In another example on Merrimac Street, NLS believes incremental changes could have been incorporated into the reconstruction of sidewalks that would have helped to alleviate some of the neighborhood concerns around traffic calming and pedestrian safety. With more advanced notice and an avenue for submitting those suggestions, we believe the City would have had a chance to consider and potentially modify the scope of the project without significant delay or added expense. Furthermore, we believe the decision to install an asphalt sidewalk on a portion of the street is in direct violation of the City Ordinances and, had there been advance notice and opportunity for discussion of the proposed approach, the decision to use asphalt would likely have been avoided.

Finally, with the recent sidewalk work on both Merrimac and High, we have observed that pedestrians have often been forced into the street to walk alongside vehicular traffic with no physical separation. This issue is particularly concerning where projects impact primary routes to school. Furthermore, as the re-striping of the High Street bike lanes has been further delayed, no provisions have been implemented to provide temporary bike lanes or otherwise create a separation between vehicular and bicycle traffic while the pavement work is concluded. As you know, we have been working for many years (with your support) to encourage families to allow their kids to walk and bike to school. When these key routes are temporarily made uncomfortable or, especially, unsafe for pedestrians and bicyclists, they can be discouraged from continuing (or starting in the first place).

With the above examples in mind, we would like to suggest several steps that the city can take before and during construction in order to provide better communication with residents, ensure that projects stay on schedule and that project budgets are adequately planned for, and make sure that all users' concerns and safety are considered. We believe all of these suggestions are consistent with the City's Complete Streets Policy.

- **We recommend the City post a notice of planned roadway projects (including paving and routine maintenance) 3 to 6 months prior to project start and provide a contact point to whom comments and suggestions can be submitted for consideration.** We understand that not all suggestions will be able to be incorporated into every project, but we think it's important for the City to consider every opportunity for incremental changes.
- **We recommend that any construction project that impacts roads, sidewalks, and bike routes have a clear communication and detour plan that includes regular construction schedule updates via social media and the City's web page, road and sidewalk closure information, recommended detour routes, and identification of safe**

crossing points. When school routes are impacted, we recommend that the School Department receive notice well in advance and be provided with a map of the detour routes for walkers and bikers.

- **We recommend that the City require and oversee accommodations and safety measures for bicycles and pedestrians during construction including signage and detours for bicycles and pedestrians.**

As always, NLS is ready and willing to work with the City to develop these procedures and policies for implementing and supporting our Complete Streets Policy. Thank you for your consideration, we look forward to your response and opportunity for further discussion.

Sincerely,

Juliet Walker
Rick Taintor
Christine Wallace
Judy Tymon
Kitty (Mary) Kracj
Robert Uhlig
Benjamin Iacono
Sheila Taintor

on behalf of Newburyport Livable Streets
newburyportlivablestreets@gmail.com

Newburyport Livable Streets seeks to support and improve the health and well-being of our community through education and advocacy related to transportation infrastructure and policies. Our goal is to make it easier for people to bike and walk throughout Newburyport by providing a network of streets, sidewalks and trails that are accessible and comfortable to everyone regardless of age, ability, or mode of travel. We support safe sidewalks, bike routes and neighborhood streets; off-road paths and trails; local transit; and other policies and investments that respect Newburyport's intimate scale and historic character. Livable Streets will nurture a healthy, vibrant city that people want to live in, businesses want to invest in, and tourists want to visit.

Cassandra G. Green

From: Richard Jones
Sent: Monday, September 30, 2019 4:22 PM
To: Cassandra G. Green; Patricia Barker
Subject: FW: [Ext]Newburyport Youth Hockey Request

For October 15th

From: Chris Howgate [<mailto:ch@digitalprospectors.com>]
Sent: Monday, September 30, 2019 2:14 PM
To: Richard Jones
Subject: [Ext]Newburyport Youth Hockey Request

external e-mail use caution opening

Hi Richard,

My name is Chris Howgate and I'm on the board of directors for the NYHL. We will be doing our annual Tag Day fundraiser on November 16th starting at 8am. All the kids in the Newburyport Youth Hockey leagues participate to help reduce ice time cost for the season. We are requesting the ability to stand in front of the Post Office and Library on the sidewalk for the event. We appreciate the approval last year and hope to use the city sidewalk in front of the Post Office and Library again this year. Please let me know if you have any questions.

Thank You,

Chris Howgate
Newburyport Youth Hockey League
781-983-2320

Chris Howgate | Chief Delivery Officer
W: 603.507.6192 | M: 781.983.2320
Digital Prospectors | loveyourjob.com

**APPOINTMENTS
FIRST READING**



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2019 OCT -7 PM 2:33B

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 10, 2019
Subject: Appointment

Donna D. Holaday

I hereby appoint, subject to your approval, the following named individual as a member of the Tree Commission. This term will expire on October 1, 2022.

Susan Brown
40 Fair Street
Newburyport, MA 01950

Sue Brown, LA

40 Fair Street, Newburyport MA 01950-----617.429.9439

sue_sam@comcast.net

PLANNING EXPERIENCE

Manchester-by-the-Sea Town Planner

*Manchester-by-the-Sea
2014-Present*

- Provide technical support to the Town's land use boards, CPC and Board of Selectmen
- Lead project teams in the development of long-term planning documents
- Assist staff, boards and committees in developing land use policies, guidelines, and regulations
- Interface with residents, permit applicants and others on issues related to land use, planning, affordable housing, and other local issues
- Develop and foster professional relationships with local, regional and state agencies

Brown Walker Planners, Inc President

*Newburyport, MA
2007-Present*

- Lead project teams and participate in comprehensive and strategic planning processes to help communities guide change and manage resources
- Develop, coordinate and support public outreach programs and initiatives
- Draft planning documents including master plans, open space and recreation plans, housing production plans, corridor management plans, and trail plans
- Manage office and project budgets and schedules
- Provide peer review services and recommendations to Planning Boards and draft site plan review and special permit decisions
- Provide guidance on zoning ordinances / bylaws and other land use and development regulations and processes
- Solicit and respond to requests for proposals

City of Boston Parks Department Project Manager

*Boston, MA
2000-2005*

- Represented the City of Boston on landscape development issues related to parks and public spaces of the Central Artery Project
- Researched park management models, reviewed and made recommendations for changes to concept, master plan and construction drawings
- Participated in various planning initiatives with Boston Redevelopment Authority

TECHNICAL SKILLS

Word, Excel, PowerPoint, Survey Monkey, Constant Contact

LICENSES

Landscape Architect, Commonwealth of Massachusetts License # 1519

EDUCATION

University of Massachusetts, Amherst: M.A. Landscape Architecture, 2000

University of Maine, Orono, Maine: Landscape Horticulture 1994-1997

University of Maine, Presque Isle: B.S. Health, Physical Education and Recreation, 1980

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

COMMUNICATIONS

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 OCT -8 PM 3:38

TO: MEMBERS OF THE NEWBURYPORT CITY COUNCIL
FROM: CHARLES TONTAR, COUNCILLOR, WARD 4
SUBJECT: ROAD AND SIDEWALK WORK ON MERRIMAC AND HIGH STREETS
DATE: OCTOBER 8, 2019

Honorable Members of the Newburyport City Council:

I am writing to inform you of some of the problems that have occurred with the road and sidewalk work that has been done over the past three months on High and Merrimac Streets in Ward 4. I am going to suggest a path for the development of rules and procedures that will prevent future problems. We should also review Sec. 12-54 of our code of ordinances and consider allowing asphalt sidewalks where appropriate.

Work commenced just before the fourth of July on High Street beginning with sidewalks and some curb work. I immediately received calls from individuals concerned with a set of questions regarding why some sections of the sidewalks were repaired and others were not, why some sections were repaired with one material rather than another, and why some curbs were raised and others were not. I believe we could have done a better job communicating with the public on this phase of work. Anthony Furnari, Director of Public Services, and Jaime Tuccolo, Deputy Director of Public Services, were forthcoming in responding to my questions and spent considerable time speaking directly with concerned residents.

The next phase of the project entailed the milling and paving of High Street. This phase occurred without a hitch. The public was well informed about the timing and anticipated inconvenience. I did not receive any complaints on this phase.

The lining of High Street resulted in a number of complaints regarding the off-center placement of the center line, the meandering route of some of the side lines, and smears from vehicles crossing the lines while the paint was still wet. Efforts to remove the paint have resulted in further complaints and concerns from residents. In addition, some crosswalks had to be removed because they did not conform to ADA requirements, most notably in the vicinity of the Bresnahan School, and this resulted in concerns as well.

DPS, the School District, and the Newburyport police did an exceptional job informing parents at the beginning of the school year of the construction on High Street and the attendant challenges of getting to the Bresnahan School. As a result, I did not receive any complaints regarding the absence of sections and sidewalks.

Given the relatively poor condition of sidewalks on Merrimac Street, it was decided that more time was needed to properly repair them so the milling and paving of Merrimac Street was delayed until the spring of 2020. I received a number of calls and visits to my office hours regarding the sidewalk work that were similar to the ones raised on High Street. There were questions as to why curbing was placed where it was, why some materials were used in one place and not in another, and why some sidewalks were repaired and others were not. A

significant question was raised as to why the sidewalks on Merrimac Street from about Plummer to the roundabout were done with asphalt rather than concrete or brick as required by Sec. 12-54 of the code of ordinances. The answer I was given was that asphalt was about half the cost of concrete and the Administration made the decision that a priority was placed on creating safe walking conditions by repairing more linear feet of sidewalk than could be done if concrete had been used.

There have also been serious concerns by residents regarding the quality of work performed by the contractor. Specifically, the asphalt in some cases is 3 to 4 inches higher than the adjacent walkways into residents' homes. Once again, Anthony Furnari, Director of Public Services, and Jaime Tuccolo, Deputy Director of Public Services, have extended themselves to meet with concerned residents and to assure them that the problems would be satisfactorily repaired.

There are a number of distinct issues that I can identify that should be addressed by the Council in conjunction with the Department of Public Services. First, better communication and information regarding what was to be done and the timing of when it would be done would help. Second, we need to discuss why the Administration did not follow Sec. 12-54 as written. Third, we should reconsider Sec. 12-54. Finally, we need to explore ways of preventing the quality failures that have been identified.

I urge you to refer this communication to the General Government Committee and that that Committee meet with the Administration and Department of Public Services to research ways in which the City can avoid similar problems in the future. I would anticipate new rules and procedures to emerge from that committee as well as potential changes to our code of ordinances.

Thank you.

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

Re-Appointments

- APPT127_09_30_19 Paul Healy 8 N St CPA Committee 10/1/2022
- APPT128_09_30_19 Adrienne Silversmith 4 Willow Ave Cultural Comm 10/30/2022

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

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 13, 2019

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF
NEWBURYPORT, MASSACHUSETTS**

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

APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Section III-C -- Zoning map.

THAT the Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport” be amended pursuant to Section III-D “Changes to Zoning Map” such that all parcels listed in **EXHIBIT A**, attached, are designated as within the Agricultural and/or Conservation (“Ag/Con”) District.

Councillor Jared Eigerman, Ward 2

Councillor Larry G. Giunta, Jr., Ward 5

In City Council September 30, 2019:

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 present (Khan), 1 absent (OBrien). Motion passed.

EXHIBIT A

Parcels Proposed
for
"Ag/Con" District
Designation

(inserted behind)

Exhibit A (Revised Date: 9/11/2019) ODNC032 05 13 19

Parcels Proposed for "Ag/Con" Zoning District Designation

Parcel ID	Ward	Current Zoning	Description
77-25-A	1	R3	Plum Island Lighthouse.
75-173	1	R3	City Owned. Old Point Road Resource Area.
75-177	1	R3	City Owned. Queen Street Resource Area.
32-1	1	R2	Soc. for Preservation / Plum Island Airport.
32-2	1	R2	Federal / Parker River Wildlife Refuge.
31-11	1	R2	Federal / Parker River Wildlife Refuge.
31-29-B	1	R2	Mass Electric, Perkins Park
31-29	1	R2	Mass Electric, Perkins Park
31-30	1	R2	City Owned, Perkins Park.
27-14	1	R2	Private Park, Hale Park.
None	1	R2	Rail Trail, Water to Harrison
None	1	R2	Rail Trail, Purchase to Chestnut
24-71-M	1	R2	Mass Elect, Rail Trail
24-71-L	1	R2	Mass Elect, Rail Trail
24-71-K	1	R2	Mass Elect, Rail Trail
24-71-J	1	R2	Mass Elect, Rail Trail
24-71-I	1	R2	Mass Elect, Rail Trail
24-71-G	1	R2	Mass Elect, Rail Trail
24-71-D	1	R2	Mass Elect, Rail Trail
24-71-C	1	R2	Mass Elect, Rail Trail
24-71-A	1	R2	Mass Elect, Rail Trail
24-71-B	1	R2	Mass Elect, Rail Trail
24-71-E	1	R2	Mass Elect, Rail Trail
24-71-F	1	R2	Mass Elect, Rail Trail
21-71-H	1	R2	Mass Elect, Rail Trail
23-22-A	1	WMD	Mass Elect, Rail Trail
23-22-B	1	WMD	Mass Elect, Rail Trail
23-22-C	1	WMD	Mass Elect, Rail Trail
23-23	1	WMD	City Owned, Rail Trail.
23-24	1	WMD	Mass Elect, Rail Trail
23-11	1	WMD	City Owned, Wastewater Treatment Plant (WWTP).
35-79	2	R3	City Owned, Fulton's Gravel Pit
33-32-A	2	R2	Open Space parcel within Brown Street Ext. Development
33-32-F	2	R2	Open Space parcel within Brown Street Ext. Development
33-7	2	HSRA	City Owned, Parks, March's Hill
33-6	2	HSRA	City Owned, Parks, March's Hill
34-20-A	2	R2	Mass Elect, Rail Trail
None	2	R2	Rail Trail High St to Newbury
34-20	2	R2	City Owned, DPS Water Division.
34-19	2	R2	City Owned Water Tower
34-8	2	R2	Oak Hill Cemetery
19-30	2	R2	City Owned, Parks, Atwood
11-1-B	2	WMU	Waterfront Trust
11-1-D	2	WMU	NRA East Lot
11-1-F	2	WMU	NRA East Lot
11-1-C	2	WMU	NRA East Lot
11-1-E	2	WMU	NRA East Lot
11-1-A	2	WMU	NRA West Lot
1-22-	2	B2	City Owned, Tracy Place Pocket Park.
4-30 ++	2	B2	Inn Street Mall. NOT including the old Inn Street Right-of-Way (R.O.W.)
4-2	2	B2	Inn Street Playground
47-4	2	B3	City Owned, Parks, Brown Square
50-3	3	WMD	Rail trail West of Roue 1
50-64	3	WMD	Rail trail West of Roue 1
52-83	3	WMD	Cashman Park
52-68	3	WMD	Cashman Park
None	3	WMD/I2	Cashman Park (Right-of-Way Strip)

37-1	3	R2	Parks, Fuller Field
None	3	R2	Rail Trail Rt 113 to Low St
35-143	3	R3	Cemetery, Old Hill
35-160	3	R3	Parks, Bartlett Mall
None	3	R3	George Washington Statue
None	3	R3	Rail Trail Rt 113 to Washington
51-42	3	R2	Parks, Cushing
80-1-A	3	I1	Essex Greenbelt. Common Pasture.
78-1-E	3	I1B	Wetlands parcels on Boston Way
78-1-F	3	I1B	Wetlands parcels on Boston Way
78-1-G	3	I1B	Wetlands parcels on Boston Way
None	3	I1B	Rail Trail, MBTA station to Low St
35-105	3	R3	Cemetery, Highland
69-28	4	R2	Parks, Pioneer/Atkinson
97-14	5	R2	City Owned, Colby Farm Lot 8
100-1	5	R1	Woodman Park, Crow Lane
92-11	6	R1	City Owned / Plummer Springs Water Supply Protection
92-10	6	R1	City Owned / Plummer Springs Water Supply Protection
92-9	6	R1	City Owned / Plummer Springs Water Supply Protection
92-8	6	R1	City Owned / Plummer Springs Water Supply Protection
92-7	6	R1	City Owned / Plummer Springs Water Supply Protection
92-6	6	R1	City Owned / Plummer Springs Water Supply Protection
92-5	6	R1	City Owned / Plummer Springs Water Supply Protection
92-4	6	R1	City Owned / Plummer Springs Water Supply Protection
92-3	6	R1	City Owned / Plummer Springs Water Supply Protection
92-2	6	R1	City Owned / Plummer Springs Water Supply Protection
92-1	6	R1	City Owned / Plummer Springs Water Supply Protection
102-2	6	R1	City Owned / Artichoke Reservoir Water Supply Protection
102-3	6	R1	City Owned / Artichoke Reservoir Water Supply Protection
103-85	6	R1	City Owned / Artichoke Reservoir Water Supply Protection
107-1-A	6	R1	Parks, Soccer Fields (Cherry Hill)
107-1	6	R1	Cherry Hill Open Space (Homeowner's Association)
106-31	6	R1	Sawyer Hill Cemetery
106-3	6	R1	City Owned. Undeveloped lot on Hoyts Lane
106-2	6	R1 partial	Maudslay State Park, Parking Lot.
111-50	6	R2	City Owned
112-3	6	R2	Parks, Moseley
72-14	6	R2	Parks, Moseley
110-24	6	R1	City Owned, Well # 2
70-86	6	R2	Parks, Three Roads
70-12	6	R2	Parks, Three Roads
70-3	6	R2	Cemetery, Belleville
110-1	6	R2	Cemetery, St. Mary's
110-20-39	6	R1	Evergreen Subdivision Open Space
110-20-40	6	R1	Evergreen Subdivision Open Space
110-20-41	6	R1	Evergreen Subdivision Open Space
110-20-42	6	R1	Evergreen Subdivision Open Space

Notes & Limitations

†† Zoning change for Parcel 4-30 above (Inn Street Mall) does NOT include the old/excluded Inn Street Right-of-Way (currently zoned B2)

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Introduced May 7th, 2019
As Amended on the Council Floor September 30th, 2019

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT, MASSACHUSETTS RELATIVE TO THE FORMER G.W. BROWN SCHOOL PARCELS

Be it ordained by the City Council of the City of Newburyport that the following be inserted into the Newburyport Zoning Code (NZO):

SECTION XXXII. – BROWN SCHOOL OVERLAY DISTRICT (BSOD)

XXXII-A - Purpose.

Due to the distinct features of land use, architecture, history and property area of the Brown School Property located at 40 Milk Street the Newburyport City Council finds it necessary to enact the Brown School Overlay District (BSOD) under M.G.L c. 40A § 5 for the following purposes:

1. To preserve and enhance the former George W. Brown School, which was completed in 1925, and added onto in 1954, 1970 and 1975, on land that was had been acquired by eminent domain for municipal purposes;
2. To protect the heritage of the city through preservation and adaptive reuse of this Beaux Arts historic structure, which is listed as contributory to the federal and state Newburyport Historic District, which was listed on the National Register of Historic Places and the State Register of Historic Places on August 2, 1984;
3. To prevent adverse influences to this purpose;
4. To foster appropriate use, scale, setbacks, height, design and density of this property and structures that is consistent and complementary to the overall neighborhood character;
6. To encourage attractive and viable development project;
7. To encourage affordable housing within an overall density that is generally consistent with the zoning ordinances, including the rezoning of this area from R-3 to R-2 in 2017, and the immediate neighborhood; and
8. To protect the public park and playground uses to which the property was partially dedicated by order of the Newburyport City Council dated September 30, 2013, and signed by the Mayor on October 16, 2013. For reference, a copy is shown in Appendix A.

XXXII-B - Establishment.

The BSOD is hereby established as an overlay district. The BSOD shall include the buildings and property situated on approximately 54,090 S.F. of land comprising Assessor's Parcel ID Nos. 21-26 (49,135 S.F.) and 21-3 (4,955 S.F.), and commonly known as 42 Milk Street and 99-101 Prospect Street, as shown on the plan on file with the City Clerk. These parcels are extraordinary and distinct due to its size, historic use pattern, and existing structures and merit an overlay district to handle these special considerations. Within the BSOD, the provisions of the underlying R-2 district shall remain in full force and effect except where a special permit is issued under X-H.7.

XXXII-C - Multifamily senior living residential uses.

In addition to uses permitted in the underlying zoning district, multifamily residential use is permitted within the BOSD by special permit, as provided in the following table:

Scenario	Maximum Residential Density	Minimum Senior Affordable Units	Required Off-Street, On-Site Parking
Newburyport Youth Services On-Site			
Gymnasium Retained	15 dwelling units or 20 senior affordable units	20% of all dwelling units	No fewer than two (2) off-street, on-site spaces per dwelling unit of any size shall be provided for project residents, except that for senior affordable units the required off-street, on-site parking shall be 1.5 spaces for the first two (2) such units and one (1) space for all subsequent senior affordable units. 1 per peak-shift Youth Services employee plus 1 per every 50 people of permitted Youth Services occupancy, including within the gymnasium
Newburyport Youth Services Off-Site			
Gymnasium Retained	18 dwelling units or 20 senior affordable units	20% of all dwelling units	No fewer than two (2) off-street, on-site spaces per dwelling unit of any size shall be provided for project residents, except that for senior affordable units the required off-street, on-site parking shall be 1.5 spaces for the first two (2) such units and one (1) space for all subsequent senior affordable units. 3 spaces for the gymnasium use
Gymnasium Razed	20 dwelling units	20% of all dwelling units	No fewer than two (2) off-street, on-site spaces per dwelling unit of any size, whether market-rate or affordable, shall be provided for project residents, except that for senior affordable units the required off-street, on-site parking shall be 1.5 spaces for the first two (2) such units and one (1) space for all subsequent senior affordable units.

1. For purposes of this section, "senior affordable unit" shall mean an affordable unit that both: (a) meets all of the requirements of Section XXX (Inclusionary Affordable Housing) of this ordinance; and (b) that is deed-restricted for occupancy solely by people aged 65 and older.
2. In addition to the parking required shown above, one (1) off-street, on-site common space per each five (5) dwelling units, of any type of size, must be provided for the purposes of guest and/or service parking.
3. For the purposes of clarity, the necessity of off-street, on-site parking is the chief determinant of the appropriate intensity of development at the Brown School Property. Therefore, parking requirements are not waivable or alterable under any circumstances, such as by variance under section X-H.6, nor may proponents provide mitigation (financial or otherwise) instead of adhering to the provisions on required parking prescribed by this overlay district.
4. Except in the case of catastrophe or fire, the original 1920s schoolhouse structure shall be not be demolished or razed.
5. Demolition of accessory structures or additions, such as the those added to the schoolhouse in 1954, 1970 and 1975 may be permitted through the special permit granted by the planning board.
6. A specified area of the Brown School Property shall be reserved for public park and playground uses under the meaning of General Laws Chapter 45, with such area being at least equal in size to the schoolyard located on the southeasterly portion of the Brown School Site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater, as it existed on September 30, 2013.

XXXII-D - Dimensional regulations.

1. Vertical additions to the original 1920s schoolhouse structure shall not be permitted.
2. New or replacement structures shall not exceed 35 feet in height measured pursuant to this ordinance, and shall be set back from all exterior lot lines by a distance of at least ten (10) feet.
3. Screening and space buffers shall be required for any parking areas from abutting lots and public ways.
 - a. Such buffers shall contain a screen of plantings of vertical habit not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than twenty (20) feet on center, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year-round.
 - b. At least fifty (50) percent of the planting shall consist of evergreens and they shall be evenly spaced. A solid wall or fence, five (5) to six (6) feet in height, complemented by suitable plantings, may be substituted for such landscaped buffer strip.
 - c. No screen shall be closer than ten (10) feet to a public way.

XXXII-E - Special permit procedure and criteria.

1. Using the review procedures listed in section X-H.8., an applicant may request a special permit from the planning board pursuant to this Section XXXII, including by submitting the following materials:

- a. A site plan, scale 1" = 20 feet, of the existing conditions, including a dimensional footprint of all existing buildings, parking areas and driveways shall be shown;
- b. A plot plan, scale 1" = 20 feet of all proposed construction, parking and driveways, fence lines, landscaping, lighting, sidewalks, pathways and park areas;
- c. Exterior building elevations, including building and roof materials, cupolas, roof decks, height, colors and fenestration;
- d. A traffic impacts study, which shall consider the surrounding system of public streets adjoining the Brown School Property, the existing and projected future vehicular trip volumes, the number and location of proposed access points to public streets, and existing traffic controls and management measures.

2. The planning board may approve such special permit application provided that all of the requirements of section X-H.5. and, also, the following criteria are met:

- a. The project complies with all provisions of this Section XXXII;
- b. A deeded, perpetual preservation restriction approved by the city council and mayor, to be held by the city, acting by and through its historical commission, to ensure that any changes to the entire exterior of the original 1920s schoolhouse structure, conform to the United States 'Secretary of the Interior's Standards for the Treatment of Properties With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings,' as they may be amended from time to time, including all related guidelines, bulletins and other official guidance promulgated by the National Park Service (Secretary's Standards)
- c. The city council and mayor have approved as to form a proposed, perpetual use restriction to be held by the city acting by and through its parks commission to reserve for public park and playground uses under the meaning of General Laws Chapter 45 an area of the BROWN SCHOOL PROPERTY at least equal in size to the schoolyard located on its southeasterly portion of the Brown School Site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater, as it existed on September 30, 2013.
- d. The project is consistent in design, style, height, materials, scale, massing, setbacks and general character with the neighborhood and abutting properties.

XXXII-F - Severability.

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

Respectfully Submitted,

Sharif I Zeid, Ward 1 City Councillor

In City Council September 30, 2019:

Councillor Khan recused. Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Eigerman,

seconded by Councillor Zeid. Motion to amend, add “or 20 senior affordable units” to Maximum Residential Density in Scenario 1, by Councillor Eigerman, seconded by Councillor Shand. Roll call vote, 7 yes, 2 no (Zeid, Connell), 1 recused (Khan), 1 absent (OBrien). Motion passed. Motion to amend, add “or 24 senior affordable units” to Maximum Residential Density in Scenarios 2 and 3, by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 3 yes (Tontar, Vogel, Connell), 6 no, 1 recused (Khan), 1 absent (OBrien). Motion failed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 recused (Khan), 1 absent (OBrien). Motion passed.

Appendix A: 2013 Order protecting the playground

CITY OF NEWBURYPORT



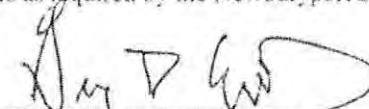
IN CITY COUNCIL

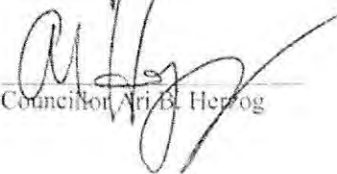
ORDERED:

DATE: September 30, 2013

THAT upon the sale, lease, or removal from service as a public school of any portion of the buildings and grounds of the G. W. Brown Early Elementary School (Map 21 – Parcels 3 and 26), the City of Newburyport shall dedicate and hold permanently for public park and playground uses under the meaning of Chapter 45 of the Massachusetts General Laws an area of such site that is at least equal in size to the school yard currently located on the southeasterly portion of the site, including the mulched area for play equipment, the basketball court, and the so-called amphitheater.

AND THAT this Order is subject to any and all votes as required by the Newburyport School Committee.

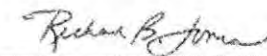

Councillor Gregory D. Earls


Councillor Ari B. Herzog

In City Council September 30, 2013

Motion to approve by Councillor Earls, seconded by Councillor Cameron. So voted.

Approve: 
Donna D. Holaday, Mayor

Attest: 
Richard B. Jones, City Clerk

Date: OCT 16 2013

Appendix B: Map



CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 24, 2019

ORDINANCE REGARDING APPOINTMENT AND DUTIES OF CITY SOLICITOR

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

WHEREAS, Section 1-7 of the Newburyport Charter further provides that the term “City officer,” when used without further qualification or description, is defined to mean “a person having charge of an office or department of the City who in the exercise of the powers or duties of that position exercises some independent statutory authority;”

WHEREAS, Section 2-10 of the Newburyport Charter provides that the Mayor must submit to the City Council the name of each person the Mayor desires to appoint “to any city office as a department head or as a member of a multiple-member body,” but not including any position which is subject to the civil service law.

WHEREAS, the position of City Solicitor is neither a “multiple member body,” nor a “department,” nor a “division” of the City, but instead constitutes a “city office;”

WHEREAS, the position of City Solicitor is not subject to the civil service law;

NOW, THEREFORE, Section 2-246 of Division 7 of Article IV of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with deletions in ~~bold and double-stricken through~~, and additions in bold and double-underlined:

Sec. 2-246. – Appointment; qualifications; term; removal.

Annually in the month of January, the Mayor shall appoint ~~a City solicitor who shall be~~ an attorney and counselor-at-law of the courts of the commonwealth to serve in the office of City Solicitor, the legal department of the City, which appointment shall be confirmed by the City Council pursuant to Section 2-10 of the Newburyport Charter. ~~He~~Once so appointed and confirmed, such attorney and counselor-at law shall hold office until his or her successor is appointed and qualified confirmed, and he or she may be removed at

any time by the Mayor pursuant to subsection (a) of Section 3-4 of the Newburyport Charter.

AND FURTHER, THEREFORE, subsection (6) of Section 2-249 of Division 7 of Article IV of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with deletions in ~~bold and double-strickenthrough~~, and additions in bold and double-underlined:

Sec. 2-249. – General duties.

...

- (6) Settle any suit against the city solely upon approval of the terms of such settlement proposed by the Mayor and/or the City Solicitor by order of the City Council, after receiving the recommendation regarding such terms by its committee on general government, and subject to veto by the Mayor under Section 3-7 of the Newburyport Charter.

...

Jared J. Eigerman, City Council, Ward 2

In City Council September 30, 2019

Motion to remove from General Government by Councillor Giunta, seconded by Councillor Vogel. So voted. Motion to approve as amended in committee, with insertion of language “proposed by the Mayor and/or the City Solicitor” after “settlement” in Section 2-249, by Councillor Giunta, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

COMMITTEE ITEMS

Removal from Committee Form

Instructions: Remit to rjones@cityofnewburyport.com; pbarker@cityofnewburyport.com; cgreen@cityofnewburyport.com by Wednesday, 5 PM preceding Council meeting

Committee Name: Budget and Finance

Committee Chair: Tontar

	Measure Identifier	Measure Title	Amended in Committee? (if yes, attach final version)	Consent Agenda or Regular Agenda?
1.	ORDR144_09_30_19	Tree Care and Plantings Gift Acceptance \$40,732	No	Consent
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

October 15, 2019

Committee Items Budget & Finance

Committee Items:

CONSENT:

- ORDR144_09_30_19 Tree Care and Plantings Gift Acceptance \$40,732

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 30, 2019

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from PCI Synthesis in the amount of \$40,732.00 to be used for tree care and plantings throughout the City as described in the attached memorandum from the Newburyport Tree Commission. This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar



Newburyport Tree Commission

The Newburyport Tree Commission is a volunteer group consisting of seven voting members and 2 alternates appointed by the Mayor with the approval of the City Council. The mission of the Commission is to select, plant, protect, maintain, plan for and increase the health, beauty, quantity, diversity and vitality of Newburyport Trees.

The Newburyport Tree Commission was granted funds by the city in fiscal year 2020 (began July 2019) to serve that mission and plant 30 new trees throughout the city.

In June 2019, the Tree Commission was contacted by PCI Synthesis to fund approximately 63 new trees throughout Newburyport as part of a settlement of an enforcement action with the US EPA.

The Newburyport Tree Commission agrees to the following:

- The donation of \$40,732 will allow the planting of 63 additional trees in several Environmental Justice Areas across the city including low income housing projects and wetland areas. These areas may include:
 - Sullivan Building, State controlled for the Elderly and Disabled
 - Horton Terrace, Federal controlled for the Low income
 - Kelleher Park, State controlled for the Low income
 - Individual houses controlled by the State for the Low income and disadvantaged on Milk, Simmons, Storey, Titcomb & Woodland Streets
 - Wetlands at the Newburyport Business Park
 - Plum Island
- The timeline would begin in Spring 2020 through Fall 2021
- The Commission only plants trees in Spring and Fall to ensure success
- The average cost of a tree for our program is \$650 including the cost to purchase and plant the tree.
- All trees would be planted in new planting sites and would not be planted over stumps of previous trees
- The Commission's policy is to plant trees of a minimum DBH (diameter at breast height) of 1.75" leading to a failure rate of less than 5% over the last 5 years
- The Commission only plants trees that are proven to be successful in our USDA planting zone and have shown to be sufficiently salt-tolerant to thrive on our streets. The Commission has a list of acceptable trees which can be found on our website below. All trees selected will be taken from this list.
https://www.cityofnewburyport.com/sites/newburyportma/files/pages/2018_recommended_street_trees.pdf
- These funds will be subject to approval by the Newburyport City Council

Constance Preston Chair, Newburyport Tree Commission

October 15, 2019
Committee Items-
Planning & Development

Committee Items:

- **ODNC040_08_19_19 Zoning Ordinance re: Kennel/Animal Boarding Use**
- **ORDR142_09_09_19 Acceptance of NRA Deed (COTW)**
- **ODNC041_09_09_19 Zoning Map - Colby Farm Residential Overlay District**
- **COMM190_09_30_19 Ltr from Judy Tymon re: Brown School Overlay District**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 19, 2019
(Revised in Committee 10/2/2019)

AN ZONING ORDINANCE REGARDING KENNEL/ANIMAL BOARDING USE

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

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" by addition of the following provisions for Kennel and Animal Boarding uses:

Section V-D: Table of Use Regulations

4. Business

Table with 17 columns: Use, NUM, C O N, HS R - A, HS R - B, R-1, R-2, R-3, B-1, B-2, B-3, I-1, I-1B, I-2, M, WMD, WMU. Row 1: Kennel / Animal Boarding, 424, N P, NP, NP, NP, NP, NP, NP, NP, NP, SP Planning Board, SP Planning Board, SP Planning Board, NP, NP, NP.

Section V-E: List of Allowable Uses

4. Business

Kennel/Animal Boarding 424 Any building, collection of buildings, and/or property in which dogs, cats, and/or other domesticated animals are housed temporarily. This use may include short term day time care and/or accommodations as well as overnight accommodations. This use does not preclude dog runs and other outdoor spaces for exercise and relief purposes. Grooming may occur as an accessory professional retail use.

Section VI: Dimensional Controls

VI-A - General regulations.

Table of Dimensional Requirements

Use	Num.	District	Lot Area	Street Frontage	Height	% Lot Coverage	Open Space	Yard Requirements		
								Front	Side	Rear
Kennel/Animal Boarding (n)	424	I1	20,000	90	40	50	N/A	20	20	20
		I1B	20,000	90	40	50	N/A	20	20	20

Footnote to Table of Dimensional Requirements:

(n) No Kennel/Animal Boarding use shall be located within five hundred feet (250') of a Residential District.

Section VII-B: Parking Requirements

4. Business

	Num.	Parking Requirement
Kennel/Animal Boarding	424	1 per full time employee during largest work shift, plus 4 visitor spaces

Councillor Joseph H. Devlin

ptD

ORDR142_09_09_19

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 9, 2019

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 deed from the Newburyport Redevelopment Authority (NRA) to the City of Newburyport, in substantially the form attached hereto, for a parcel of land referred to therein as "Lot C". Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of said deed, and to take any other actions necessary to execute this acceptance accordingly.

Councillor Jared J. Eigerman

(SEAL)

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

REGISTER
THIS
COPY

CASE NO. 19 SBQ 04588 03 001

Upon the petition of Newburyport Redevelopment Authority alleging that:

1. Certificate of Title No. 42289 issued from the Essex South Registry District of the Land Court stands in the name of Loretta Graf and Fred W. Graf (also known as F. William Graf), Trustees of the Graf Trust under a Declaration of Trust dated February 15, 1968 and filed as Document No. 1425961.
2. The City of Newburyport took in fee simple title by eminent domain all of the land described in the certificate, as set forth in Document No. 142652 noted on the certificate.
3. All the requirements of Massachusetts General Laws Chapter 79 relative to the taking were complied with.
4. Loretta Graf and Fred W. Graf, Trustees conveyed the land taken by deed registered as Document No. 145107 to the Newburyport Redevelopment Authority.
5. The premises described in said taking are all of the premises shown on Lot C on Land Court Plan No. 4588³ dated June 16, 1914, approved by the Court and filed with Certificate of Title No. 1581 in the Essex South Registry District of the Land Court.

Wherefore, Petitioner prays for the issuance of a new Certificate of Title based on the taking;

After due proceedings, it is **ORDERED**: that pursuant to Deed Document No. 145107, Certificate of Title No. 42289 be cancelled and a new certificate be issued for the land described therein to the Newburyport Redevelopment Authority. A deed from said Authority to the city will be registered to correct the discrepancy between said taking and the aforementioned deed.

By the Court.(Rubin, J.)

Attest:

Deborah J. Patterson
Recorder

Dated: June 5, 2019

A TRUE COPY
ATTEST:

Deborah J. Patterson
RECORDER

EAW/clg

DEED

The **Newburyport Redevelopment Authority**, a public body, corporate and politic, duly organized and existing pursuant to M.G.L. c. 121B (hereinafter the "NRA") having its usual place of business at City of Newburyport, City Hall, 60 Pleasant Street, Newburyport, MA 01950

For consideration of One Dollar (\$1.00) paid hereby grants to the City of Newburyport, a municipal corporation, acting by and through its Conservation Commission, having its place of business at City Hall, 60 Pleasant Street, Newburyport, MA 01950, for open space and passive recreational purposes pursuant to G.L. c. 40 Section 8C

With QUITCLAIM COVENANTS

All that certain parcel of land located off Merrimac Street, Newburyport, Essex County, Massachusetts bounded and described as follows:

- | | |
|---------------|--|
| SOUTHWESTERLY | by lot B, as shown on plan hereinafter mentioned, fifty-two and 20/100 (52.20) feet; |
| NORTHWESTERLY | by the southeasterly line of a Public Way, as shown on said plan, eighty seven and 39/100 (87.39) feet; |
| NORTHEASTERLY | by the Merrimac River fifty three and 98/100 (53.98) feet; and |
| SOUTHEASTERLY | by the northwesterly line of another Public Way, as shown on said plan, seventy three and 54/100 (73.54) feet. |

All of said boundaries are determined by the Court to be located as shown upon plan numbered 4588-B drawn by C. B. Humphrey, Surveyor for the Court, dated June 16, 1914, approved by the Court, filed with Certificate of Title No. 1581 in said Registry, and the above described land is shown thereon as lot C.

There is appurtenant to said lot C a right to pass and repass over and across said lot B, by means of a private crossing not exceeding fifteen feet in width, as mentioned in deed from William E. Chase et al to the Boston & Maine Railroad filed as Document No. 3116 in said Registry.

The above described land has the benefit of and is subject to all rights of way and easements appurtenant thereto.

Subject to an easement for access and maintenance to and from the lawn area on said lot C for the benefit of lot B as shown on said Land Court Plan No. 4588-B as described in Deed from Newburyport Redevelopment Authority to the Newburyport Maritime Society, Inc. dated December 13, 2018 and filed with said Registry District as Document No. 598271 and

Together with the right to maintain, repair and replace the existing encroachments on said lot B as described in the above referenced Deed.

Said lot C shall be kept free of permanent structures and open to the public as permanent open space.

These restrictions and conditions are appurtenant to and benefit the abutting land owned by the Newburyport Redevelopment Authority and the Newburyport Maritime Society, Inc..

For grantor's title see Deed filed as Document No. 45107 and Petition for New Certificate of Title in Land Court Case No. 19 SBQ 04588 03 001 filed herewith.

In Witness Whereof, the said Newburyport Redevelopment Authority has caused these presents to be signed in its name and behalf on this ____th day of _____, 2019 by Andrew M. Sidford, its Chairman duly authorized, attested by Richard Person, its Secretary, and under seal.

Newburyport Redevelopment Authority

By _____
Andrew M. Sidford, Chairman

Attest:

Richard Person, Secretary

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

On this _____ day of _____, 2019 before me, the undersigned notary public, personally appeared Andrew M. Sidford, Chairman of Newburyport Redevelopment Authority, duly authorized, who proved to me through satisfactory evidence of identification which was personal knowledge, to be the person(s) whose name(s) is/are signed on the preceding or attached document and acknowledged to me that he signed the document as Chairman voluntarily for its stated purpose.

Name: _____

Notary Public

My commission expires: _____

NEWBURYPORT REDEVELOPMENT AUTHORITY
CERTIFICATE OF SECRETARY
ACTION BY MAJORITY VOTE OF AUTHORITY MEMBERS
RE: DEED TO NEWBURYPORT WATERFRONT TRUST

The undersigned, being Secretary of the Newburyport Redevelopment Authority, an authority duly established under M. G.L. c. 121B (the "NRA") certifies that the following resolutions were adopted by majority consent of the membership of the NRA, and that each of the following resolutions presently is in full force and effect without change:

Whereas, a Home Rule Petition has been filed with the General Court to dissolve the NRA and to convey all of its lands and assets to the City of Newburyport;

Whereas, title to a registered land parcel described as lot C on Land Court Plan 4588-B remains in the name of the former owners, Loretta Graf and Fred W. Graf, Trustees and the NRA filed a Petition for New Certificate of Title as Land Court Case No. 19 SBQ 04588 03 001;

Whereas, the Order for new Certificate of Title requires the registration of a deed from the NRA to the City of Newburyport;

Whereas, the NRA has voted to make such conveyance as part of the wind down of its activities in anticipation of the passage of the Home Rule Petition;

VOTED: To execute and deliver a Deed to the City of Newburyport. for nominal consideration transferring the land described in Certificate of Title No. 42289; and

VOTED: To authorize the Chairman of the NRA to execute and deliver in the name of and on behalf of the NRA, all deeds, instruments and documents as he shall deem necessary in order to effectuate the transfer of said lot C subject to easements and restrictions;

The undersigned further certifies that the following person is duly elected and qualified officer of the NRA, holding the office opposite his name, and that the signature appearing opposite his office is the genuine signature of such person:

Name: Andrew M. Sidford, Chairman Signature: _____

Executed this _____ day of _____, 2019

Name: Richard Person
Secretary of Newburyport Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

On this _____ day of _____, 2019 before me, the undersigned notary public, personally appeared Richard Person, Secretary of Newburyport Redevelopment Authority, duly authorized, who proved to me through satisfactory evidence of identification which was personal knowledge, to be the person(s) whose name(s) is/are signed on the preceding or attached document and acknowledged to me that he signed the document as Secretary voluntarily for its stated purpose.

Name: _____

Notary Public

My commission expires: _____

PTD

ODNC041_09_09_19

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 9, 2019

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

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

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:

Expand the "Colby Farm Lane Residential Overlay District" (CFL-ROD) to include the following three (3) additional parcels of land currently zoned Residential R1:

1. 8 Colby Farm Road (Map 98 Lot 26)
2. 10 Colby Farm Road (Map 98 Lot 27)
3. 12 Colby Farm Road (Map 98 Lot 5)

Councillor Larry G. Giunta, Jr.

DRD

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 SEP 24 PM 2:40

September 24, 2019

Dear Members of the Newburyport City Council,

The 2018 Newburyport Housing Production Plan provides clear documentation of the City's pressing need for affordable housing for seniors. The redevelopment of the Brown School presents a rare opportunity for the City to step up and address this need.

As stated previously in writing and through testimony at several public hearings, the Newburyport Affordable Housing Trust remains opposed to the proposed Brown School Overlay District as amended on September 11, 2019. Rather, we believe the best approach is to issue an RFP that expresses a preference for affordable rental housing for seniors with a preferred range of number of units and parking spaces, and which does not set a specific limit on the number of units and parking spaces. An RFP would allow for a more informed process that has a better chance of attracting proposals from experienced and qualified affordable housing developers. We believe that the ordinance as drafted is likely to result in a project similar to the Kelly School with only *one additional* affordable unit than what is already required by the City's Inclusionary Zoning.

	12%	Rounded Up
15 units	1.8	2 units
18 units	2.16	3 units

	20%	Rounded Up
15 units	3	3 units
18 units	3.6	4 units

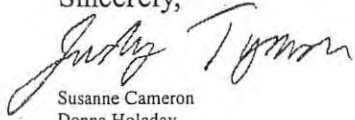
With only a handful of affordable units, the rest of the development under the proposed Overlay District would offer expensive, luxury units like those at the Kelly School. Waterfront West will also bring more high-end housing to Newburyport. Is this the legacy the City wants for the Brown School? Wouldn't we prefer a nice, well-maintained, reasonably-priced residential community that is a benefit to our neighbors, rather than another luxury condominium development?

Furthermore, *if* the proposed Brown School Overlay District is adopted, we request an amendment to the heading on the column "Minimum Senior Affordable Units" to delete the word "Senior" so that it reads simply: "Minimum Affordable Housing." Typically, mixed income housing developments seek to minimize any outward differences between the market rate units and the income-restricted units – with the goal of creating a harmonious residential community where lower income residents feel they are not marked as different from their more affluent neighbors. If the three to four affordable units are restricted to seniors, and the rest of the units are occupied by families, the seniors will easily be identified as different from their neighbors.

Finally, we request that the number of senior affordable units under the column Maximum Residential Density be changed from 20 to 24 units, to allow more flexibility for developers applying for funding for an affordable development project and to better respond to the pressing need for housing that meets the needs of Newburyport seniors.

Thank you for consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Judy Tymon". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Susanne Cameron
Donna Holaday
Madeline Nash
Judy Tymon
Karen Weiner

Committee Items-Public Safety

October 15, 2019

In Committee:

Consent Agenda:

- ORDR139_09_09_19 Two-Hour Resident Parking Zones
- COMM191_09_30_19 Block Party - Neptune Street - 10/20/19
- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Amended as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

Date: September 9, 2019

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1 and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves as follows:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-180(g)	Resident Parking Zones

Amend existing Section as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

(g) Designation of two-hour residential parking permit zones.

(1) *Zone 1*: Includes the following streets between High Street, State Street, the Merrimack River, and Federal Street:

<u>Street</u>	<u>Extent</u>
Center	From Water Street to Middle Street, easterly side
Charter	From State Street to Fair Street, southerly side
Essex	From State Street to Fair Street, both sides
Fair	From Water Street to Liberty Street, easterly side, and westerly side until the southerly edge of the driveway at 2 Fair Street
Fair	From Liberty Street to Prospect Street, <u>both sides easterly side</u>
Fruit	From High Street to Prospect Street, both sides
Garden	From State Street to Otis Place, both sides
Independent	From Water Street to Liberty Street, northwesterly side
Liberty	From State Street to Independent Street, both sides
Liberty	From Independent Street to Federal Street, southeasterly side
Middle	From State Street to Federal Street, southerly side
Orange	From Fair Street to Federal Street, both sides
Otis Place	<u>All, b</u> Both sides

Pike	From Liberty Street to Water Street, westerly side
Prospect	From State Street to Federal Street, southerly side
Spring	From Fair Street to Federal Street, both sides
Temple	From State Street to Federal Street, southerly side

(2) Zone 2: Includes the following streets between High Street, State Street, the Merrimack River, and Winter Street:

<u>Street</u>	<u>Extent</u>
Birch	From Market Street to Summer Street, northerly side
Court	From High Street to Washington Street, southeasterly side
Green	From Harris Street to Merrimac Street
Green	From High Street to Merrimac Street, both sides From Washington Street, except westerly side to Loading Zone in front of 26 Green Street
Harris	From Green Street to State Street, both sides
Market	From High Washington Street to Merrimac Street, both sides
Pleasant	From property at 66 Pleasant Street to Summer Street, both sides
Summer	From property at 31 Summer Street to Merrimac Street, easterly side
Titcomb	From Merrimac Street to Washington Street, both sides
Washington	From Green Street to Winter Market Street, both sides northwesterly side
Washington	From Court Street to Market Street, southeasterly side
Winter	From Washington Street to High Street, westerly side

(3) Zone 3: Includes the following streets located in areas other than between High Street, Winter Street, the Merrimack River, and Federal Street:

<u>Street</u>	<u>Extent</u>
Arlington	From Highland Avenue, both sides to northerly end of those properties known as #23 and #24 on each side of street respectively
Ashland	Beginning at the lower end of Ashland Court and proceeding northerly on the westerly side of Ashland Street to a point of six (6) feet north of the property line between 2 Ashland Street and 345 Merrimac Street
Ashland	Beginning at the lower corner of Ashland Court and proceeding northerly on the easterly side of Ashland Street and Merrimac Street
Bricher	All
Cherry	All
Ferry	In front of property known as 1 Ferry Road, southerly side
Hill	All
Lafayette	From Highland Avenue, both sides in a northerly direction from Washington Street for a distance of one hundred (100) feet

State Beginning at 184 State Street and proceeding southerly to the end of said State Street on the westerly side

Councillor Heather L. Shand

Councillor Jared J. Eigerman



COMM191_09_30_19^{DS}
RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2019 SEP 13 AM 11:19

CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST: Sept 11, 2019

CONTACT INFORMATION

FIRST AND LAST NAMES: John Shortleeve

MAILING ADDRESS: 1 Neptune St.

PHONE NUMBER: 978 884 9446

E-MAIL ADDRESS: JShortleeve@Baystateconsultants.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: October 20, 2019

DESIRED STREET CLOSING LOCATION: Neptune between Purchase + Water
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Neptune @ Water St Neptune @ Purchase

DESIRED STREET CLOSING TIME: Max to 6 PM

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

REGULATIONS

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

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

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

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

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

Applicant signature: John Shusterman Date: 9/11/19

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant Street

Charles [Signature]

Anthony [Signature]

[Signature]

City use only:

Approved _____ Denied _____ Date _____

REGULATIONS

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

CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

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

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

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2. To be responsible for placement, maintenance and removal of barricades.
3. A block party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.) alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.
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9. No residents of the area designated shall be prohibited from attending the party.
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11. Only approved readily removable Barricades will be permitted such as orange cones and sawhorses with a sign. No vehicles will be permitted to be used as a Barricade.
12. Block parties are permitted 10 A.M. – 10 P.M.

Applicant signature: John Shusterman Date: 9/11/19

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL
4 Green Street

[Signature] 9/13/19

FIRE CHIEF
Greenleaf Street

DEPUTY DIRECTOR
1 Perry Way

CITY CLERK
60 Pleasant Street

[Signature]

City use only:

Approved _____ Denied _____ Date _____

PS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Amended as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

Date: September 30, 2019

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1 and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves as follows:

- Chapter 13 Traffic and Motor Vehicles
- Article 2 Administration
- Section 13-29 Snow emergencies

Amend existing Section as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

Upon the declaration of a snow emergency by the superintendent of the department of public works, no parking shall be allowed on any street or way in the city except of the following street(s):

1. Greenleaf Street on the northerly side running from Pond Street to a point 285 feet from Auburn Street

The superintendent, upon such declaration, shall cause notice of the snow emergency to be given by radio broadcast or other suitable media. Upon the declaration of the end of the snow emergency by the superintendent, parking shall be allowed on any street or way in the city. Provided, however, that this section shall not be construed to permit parking where it is specifically prohibited by the provisions of this chapter.

Councillor Heather L. Shand

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 30, 2019

AN ORDER TO RESTRICT PARKING AT DESIGNATED POINT ALONG MERRMAC STREET

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-168	Parking restricted on certain streets.

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

<u>Merrimac Street</u>	<u><i>On the southerly side, starting at the intersection of Ashland Street and running in a westerly direction for a distance of 60 ft</i></u>
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Councillor Charles F. Tontar