

**CITY COUNCIL MEETING AGENDA - VERSION 1**  
**CITY COUNCIL CHAMBERS**  
**NOVEMBER 27, 2017**

**7:30PM**

(Sound Check)

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS Mayor's Update**
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**

November 13, 2017

(Approve)

**8. TRANSFERS**

- **TRAN048\_11\_27\_17** Free Cash \$47,322.10 to Tractor Purchase \$47,322.10 (B&F)

**9. COMMUNICATIONS**

- **COMM120\_11\_27\_17** Councillor Zeid Memo re: Special Events (PS)
- **COMM121\_11\_27\_17** State Automotive Repair - Class II Vehicle License (L&P)
- **COMM122\_11\_27\_17** Mobilitie/Small Cell Utility Petition (PU)

**10. APPOINTMENTS**

- **APPT068\_11\_27\_17** Joe Lamb 14 Russia St Community Pres Comm 1/1/20
- **APPT069\_11\_27\_17** Joseph A. Sederquist 2 Wightman Rd, Asst HarborMstr/Spec Pol Off 12/31/20  
Wilmington
- **APPT070\_11\_27\_17** Paul C. O'Brien 483 Merrimac St Chief Procurement Officer N/A

**Re-Appointments**

- **APPT071\_11\_27\_17** Jill Brennan 24 Webster St Assessor 1/1/21  
#7, Haverhill
- **APPT072\_11\_27\_17** Peter Binette 255 Main St, Building Commissioner 1/1/21  
Amesbury
- **APPT073\_11\_27\_17** Jane Healey 38 Winter St Community Pres Comm 1/1/20
- **APPT074\_11\_27\_17** David Zinck 6 Laurel Rd Electrical Inspector 1/1/19
- **APPT075\_11\_27\_17** Virginia R. Champi 84 Purchase St Emma Andrews Comm 10/30/18
- **APPT076\_11\_27\_17** Aine G. Ellrott 43 Purchase St Emma Andrews Comm 10/30/18
- **APPT077\_11\_27\_17** Elizabeth Valeriani 29 Oak St Emma Andrews Comm 10/30/18
- **APPT078\_11\_27\_17** Elizabeth L. Watson 53 Warren St Emma Andrews Comm 10/30/18  
#315
- **APPT079\_11\_27\_17** Kevin Wallace 40 Oak St Fruit St Comm 11/30/20

- APPT080\_11\_27\_17 Enrico Caruso 34 Russett Hill Rd, Haverhill Asst HarborMstr/Spec Pol Off 12/31/20
- APPT081\_11\_27\_17 Francis F. Chaisson 300 Merrimac St Asst HarborMstr/Spec Pol Off 12/31/20
- APPT082\_11\_27\_17 Michael Chaisson 46 Lake Attitash Rd, Amesbury Asst HarborMstr/Spec Pol Off 12/31/20
- APPT083\_11\_27\_17 Richard Cummings 7 Jewett St, Georgetown Asst HarborMstr/Spec Pol Off 12/31/20
- APPT084\_11\_27\_17 Joseph Grande 52 Linwood Ave, Methuen Asst HarborMstr/Spec Pol Off 12/31/20
- APPT085\_11\_27\_17 Adam R. Hayden 76 Longfellow Dr Asst HarborMstr/Spec Pol Off 12/31/20
- APPT086\_11\_27\_17 James Maranto 167 Harper Ridge Rd, E. Hampstead, NH Asst HarborMstr/Spec Pol Off 12/31/20
- APPT087\_11\_27\_17 Robert Padellaro 17 56<sup>th</sup> St Asst HarborMstr/Spec Pol Off 12/31/20
- APPT088\_11\_27\_17 Richard Puopolo 169 Apache Way, Tewksbury Asst HarborMstr/Spec Pol Off 12/31/20
- APPT089\_11\_27\_17 Daniel Scott Haverhill Asst HarborMstr/Spec Pol Off 12/31/20
- APPT090\_11\_27\_17 Philip Stern 271 Merrimac St, #2 Asst HarborMstr/Spec Pol Off 12/31/20
- APPT091\_11\_27\_17 David Willey 13 Devonshire Crossing, Lowell Asst HarborMstr/Spec Pol Off 12/31/20
- APPT092\_11\_27\_17 Kristian Zoeller 115 Timber Swamp Rd, Hampton, NH Asst HarborMstr/Spec Pol Off 12/31/20
- APPT093\_11\_27\_17 Tracy Maynard 69 Middle St Human Resources Dir 1/1/21
- APPT094\_11\_27\_17 Kathleen Carey 2 Chapel St Lib Board Directors 1/1/24
- APPT095\_11\_27\_17 Marcia Edson 11 Salem St Lib Board Directors 1/1/24
- APPT096\_11\_27\_17 Elizabeth Valeriani 29 Oak St Lib Board Directors 1/1/24

**END OF CONSENT AGENDA  
REGULAR AGENDA**

**11. MAYOR'S UPDATE**

**12. COMMUNICATIONS**

- COMM123\_11\_27\_17 Ahavas Achim Interfaith Candle Lighting - 12/10-12/31

**13. APPOINTMENTS – Second Reading**

- NONE

**14. ORDERS**

- ORDR066\_11\_27\_17 Raffaeie Construction Corp. - Lic Contractor
- ORDR067\_11\_27\_17 Special Counsel - Waterfront West
- ORDR068\_11\_27\_17 Marijuana Moratorium

**15. ORDINANCES**

- NONE

## 15. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

- **ORDR002\_01\_25\_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (**COTW**)
- **ORDR009\_02\_08\_16** Increase Fees for Fire Dept.
- **ORDR010\_02\_08\_16** Increase Fines Parking Violations
- **ORDR039\_05\_31\_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079\_09\_26\_16** Movie Location Order (**L&P**)
- **ORDR032\_06\_12\_17** Nock Parking Lot Order
- **TRAN044\_11\_13\_17** Free Cash \$20K to High School Roof Repairs \$20K
- **TRAN045\_11\_13\_17** Free Cash \$35K to Rail Trail Phase 2 Capital Project \$35K
- **TRAN046\_11\_13\_17** Free Cash \$373,762 to General Fund Budget Reserve \$373,762
- **TRAN047\_11\_13\_17** Free Cash \$300K to Roadway Reconstruction Program \$300K
- **COMM117\_11\_13\_17** Ltr re: Morrill Foundation Funding Directive
- **ORDR061\_11\_13\_17** Home Rule Petition re: Special Election to Accept Clause 41C1-2 (**COTW**)
- **ORDR062\_11\_13\_17** Residential Factor FY2018
- **ORDR063\_11\_13\_17** Tax Rate FY2018
- **ORDR064\_11\_13\_17** Newburyport Parks Conservancy Gift Acceptance \$1689.77
- **ORDR065\_11\_13\_17** Senior Tax Work-Off Income Limit

### General Government

#### *In Committee:*

### Joint Education

#### *In Committee:*

### License & Permits

#### *In Committee:*

- **COMM010\_01\_25\_16** Licensing Commission Acoustic & Amplified Entertainment
- **ORDR079\_09\_26\_16** Movie Location Order (**B&F**)
- **ODNC001\_01\_30\_17** BYOB Ordinance
- **COMM091\_08\_14\_17** A-Frames - Star Nails

### Neighborhoods and City Services

#### *In Committee:*

- **ODNC001\_01\_11\_16** Amend Ch11 Parks and Recreation (**COTW**)
- **ORDR048\_06\_13\_16** Sidewalk Order
- **COMM048\_04\_24\_17** Ltr from Merchants re: Downtown Events (**PS**)
- **COMM111\_10\_10\_17** Petition for Road Repairs and Repaving – Squires Glen

### Planning & Development

#### *In Committee:*

- **COMM023\_02\_27\_17** Zoning Changes to Waterfront West (**COTW**)
- **COMM024\_03\_13\_17** Newburyport's Master Plan - Final Document (**COTW**)
- **COMM030\_03\_28\_17** Pres. Trust Ltr to City Council re: 1690 House
- **COMM038\_03\_28\_17** Lower Custom House Way
- **ORDR015\_04\_10\_17** Complete Streets Policy (**PU**)
- **COMM069\_06\_12\_17** Air Quality Analysis of Intermodal Facility

- **ODNC008\_06\_26\_17** Zoning Amendment – Bed & Breakfast Use (V-D, V-E) **(COTW)**
- **ORDR047\_08\_14\_17** Pilot Program for Wayfinding Signage **(PU, COTW)**
- **ODNC012\_09\_11\_17** Zoning Amendment – Off-Street Parking Regulations **(COTW)**
- **COMM115\_10\_30\_17** **LATE FILE** Memo re: Proposed Zoning Amendments on Council Agenda
- **ODNC017\_10\_30\_17** Zoning Amendment – No Use Variances **(COTW)**
- **ODNC018\_10\_30\_17** Zoning Amendment – Zoning Map R3 to R2 Expanded 10/30/2017 **(COTW)**
- **COMM119\_11\_13\_17** Ltr re: Towle Project / Samuel Morse House
- **ORDR059\_11\_13\_17** Order Authorizing Acceptance of Samuel Morse ("1690") House
- **ORDR060\_11\_13\_17** Order Authorizing Acceptance of Towle Building

## **Public Safety**

### *In Committee:*

- **ORDR077\_09\_12\_16** Parking Restricted on Daniel Lucy Way
- **COMM048\_04\_24\_17** Ltr from Merchants re: Downtown Events **(N&CS)**
- **COMM112\_10\_10\_17** Walk MS: Newburyport – 4/28/2018
- **ORDR055\_10\_10\_17** No Parking - 59th Street

## **Public Utilities**

### *In Committee:*

- **COMM060\_05\_31\_16** Mobilite, LLC Highway Access Permit
- **ORDR015\_04\_10\_17** Complete Streets Policy **(P&D)**
- **ORDR047\_08\_14\_17** Pilot Program for Wayfinding Signage **(P&D, COTW)**
- **ODNC015\_10\_10\_17** Amend Sec. 12-1.3 Signs in Public Ways **(COTW)**

## **Rules Committee**

### *In Committee:*

- **ORDR013\_02\_27\_17** Amend City Council Rules Relating to Bonding Funds **(COTW)**

## **16. GOOD OF THE ORDER**

**17. TABLED – EXECUTIVE SESSION** – To Discuss the Minutes and possible release thereof relating to four Executive Sessions called to discuss the Purchase and Sale Agreement for the Intermodal Transit and Parking Facility located at 90 Pleasant Street and 83 Merrimac Street in Newburyport. The four meetings referenced were held on April 10, 2017, January 9, 2017, December 12, 2016, and October 31, 2016.

## **18. ADJOURNMENT**



**CONSENT AGENDA**

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**NOVEMBER 13, 2017**

**7:15PM**

**Tax Classification Hearing**

The hearing opened at 7:15pm. 11 Councillors present. Grace Connolly and Jill Brennan spoke in favor. No vote was taken. The hearing closed at 7:24pm.

**7:30PM**

The City Council President called the meeting to order at 7:30pm. A moment of silence was held for Ray Brooks, retired firefighter, and Sandy Siemasko, Lt. Richard Siemasko's mother. The Council President led the Council in the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Cronin, Devlin, Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, Connell, OBrien. 11 present.

**(Sound Check)**

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**

**4. LATE FILE ITEMS Mayor's Update, ORDR055\_10\_10\_17, COMM113\_10\_30\_17**

Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Cameron. So voted.

**5. PUBLIC COMMENT**

- |                      |            |                |
|----------------------|------------|----------------|
| 1. Stephanie Niketic | 93 High St | Towle Building |
|----------------------|------------|----------------|

**6. MAYOR'S COMMENT**

The mayor gave an update pursuant to her written communication.

**CONSENT AGENDA**

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**7. APPROVAL OF MINUTES**

October 30, 2017 (Approve)

**8. TRANSFERS**

- **TRAN044\_11\_13\_17** Free Cash \$20K to High School Roof Repairs \$20K (B&F)
- **TRAN045\_11\_13\_17** Free Cash \$35K to Rail Trail Phase 2 Capital Project \$35K (B&F)
- **TRAN046\_11\_13\_17** Free Cash \$373,762 to General Fund Budget Reserve \$373,762 (B&F)
- **TRAN047\_11\_13\_17** Free Cash \$300K to Roadway Reconstruction Program \$300K (B&F)

**9. COMMUNICATIONS**

- **COMM116\_11\_13\_17** Retirement Board Expense Budget CY2018 (R&F)  
Changed from Budget & Finance at request of Councillor OBrien
- **COMM117\_11\_13\_17** Ltr re: Morrill Foundation Funding Directive (B&F)
- **COMM118\_11\_13\_17** Plum Fest - 5/19/2018 (R&F)
- **COMM119\_11\_13\_17** Ltr re: Towle Project / Samuel Morse House (P&D)

**10. APPOINTMENTS**

- **NONE**

**END OF CONSENT AGENDA  
REGULAR AGENDA**

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

**11. MAYOR'S UPDATE**

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

**12. APPOINTMENTS**

**Second Reading**

- |                    |                 |                            |                   |          |
|--------------------|-----------------|----------------------------|-------------------|----------|
| • APPT063_10_30_17 | Karina Moltz    | 15 Summit Pl               | Disabilities Comm | 11/30/20 |
| • APPT064_10_30_17 | Lisa Rowan      | 17 Boardman St             | Disabilities Comm | 11/1/20  |
| • APPT065_10_30_17 | Keith R. Carter | 13 Monarch Wy, Kingston NH | Spec Pol Officer  | N/A      |

**Re-Appointments**

- |                    |                   |                    |           |          |
|--------------------|-------------------|--------------------|-----------|----------|
| • APPT066_10_30_17 | Crispin S. Miller | 1 Parker Ridge Way | Tree Comm | 11/1/20  |
| • APPT067_10_30_17 | Constance Preston | 18 Atwood St       | Tree Comm | 11/30/20 |

Motion to approve second reading appointments by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

**13. ORDERS**

- **ORDR059\_11\_13\_17** Order Authorizing Acceptance of Samuel Morse ("1690") House  
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Giunta. So voted.
- **ORDR060\_11\_13\_17** Order Authorizing Acceptance of Towle Building  
Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR061\_11\_13\_17** Home Rule Petition re: Special Election to Accept Clause 41C1-2  
Councillor Tontar added as sponsor. Motion to refer to Budget & Finance and Committee of the Whole by Councillor Zeid, seconded by Councillor Cameron. So voted.
- **ORDR062\_11\_13\_17** Residential Factor FY2018  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR063\_11\_13\_17** Tax Rate FY2018  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR064\_11\_13\_17** Newburyport Parks Conservancy Gift Acceptance \$1689.77  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR065\_11\_13\_17** Senior Tax Work-Off Income Limit  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.

**14. ORDINANCES**

- **ODNC013\_09\_11\_17** Zoning – High Street Residential Districts (**2<sup>nd</sup> Reading**)  
Motion to approve by Councillor Connell, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 recused (Eigerman). Motion passed.
- **ODNC014\_09\_25\_17** No Smoking at Certain Municipal Facilities (**2<sup>nd</sup> Reading**)  
Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.
- **ODNC016\_10\_10\_17** Update Rules for Special Events (**2<sup>nd</sup> Reading**)  
Motion to approve by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 11 yes. Motion passed.

**15. COMMITTEE ITEMS**

**Budget & Finance**

***In Committee:***

- **ORDR002\_01\_25\_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (**COTW**)
- **ORDR009\_02\_08\_16** Increase Fees for Fire Dept.
- **ORDR010\_02\_08\_16** Increase Fines Parking Violations
- **ORDR039\_05\_31\_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079\_09\_26\_16** Movie Location Order (**L&P**)
- **ORDR032\_06\_12\_17** Nock Parking Lot Order
- **ORDR057\_10\_30\_17** Parks Gift Acceptance  
Motion to remove from Budget & Finance (Comm vote 3-0) by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

**General Government**

***In Committee:***

**Joint Education**

***In Committee:***

Councillor Giunta reported that the superintendent search has received 40 applicants, and also discussed the bus contracts.

**License & Permits**

***In Committee:***

- **COMM010\_01\_25\_16** Licensing Commission Acoustic & Amplified Entertainment
- **ORDR079\_09\_26\_16** Movie Location Order (**B&F**)
- **ODNC001\_01\_30\_17** BYOB Ordinance
- **COMM091\_08\_14\_17** A-Frames - Star Nails  
Motion to remove from License & Permit (Comm vote 2-1) by Councillor Vogel, seconded by Councillor Zeid. Motion to approve by Councillor Vogel, seconded by Councillor Zeid. Withdrawn. Motion to refer to License & Permit by Councillor Zeid, seconded by Councillor Vogel. So voted.
- **COMM109\_09\_11\_17** A-Frames - Ivy Lane  
Motion to remove from License & Permit (Comm vote 3-0) by Councillor Vogel, seconded by Councillor Zeid. Motion to approve by Councillor Vogel, seconded by Councillor Zeid. So voted, 1 no (Eigerman).
- **COMM114\_10\_30\_17** A-Frames - Metzys Cantina  
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Zeid. Motion to approve at corner of Boston Way and Parker Street (Comm vote 3-0) by Councillor Vogel, seconded by Councillor Zeid. So voted, 1 no (Connell). Motion to approve at Scotland Road and Parker Street (Comm vote 2-1) by Councillor Vogel, seconded by Councillor Zeid. 8 yes, 3 no (Connell, Earls, Eigerman).  
Motion passed.

**Neighborhoods and City Services**

***In Committee:***

- **ODNC001\_01\_11\_16** Amend Ch11 Parks and Recreation (**COTW**)
- **ORDR048\_06\_13\_16** Sidewalk Order
- **COMM048\_04\_24\_17** Ltr from Merchants re: Downtown Events (**PS**)
- **COMM111\_10\_10\_17** Petition for Road Repairs and Repaving – Squires Glen

**Planning & Development**

***In Committee:***

- **COMM023\_02\_27\_17** Zoning Changes to Waterfront West (**COTW**)
- **COMM024\_03\_13\_17** Newburyport's Master Plan - Final Document (**COTW**)
- **COMM030\_03\_28\_17** Pres. Trust Ltr to City Council re: 1690 House

- **COMM038\_03\_28\_17** Lower Custom House Way
- **ORDR015\_04\_10\_17** Complete Streets Policy (**PU**)
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- **ODNC008\_06\_26\_17** Zoning Amendment – Bed & Breakfast Use (V-D, V-E) (**COTW**)
- **ORDR047\_08\_14\_17** Pilot Program for Wayfinding Signage (**PU, COTW**)
- **ODNC012\_09\_11\_17** Zoning Amendment – Off-Street Parking Regulations (**COTW**)
- **COMM115\_10\_30\_17** **LATE FILE** Memo re: Proposed Zoning Amendments on Council Agenda
- **ODNC017\_10\_30\_17** Zoning Amendment – No Use Variances (**COTW**)
- **ODNC018\_10\_30\_17** Zoning Amendment – Zoning Map R3 to R2 Expanded 10/30/2017 (**COTW**)

## Public Safety

### *In Committee:*

- **ORDR077\_09\_12\_16** Parking Restricted on Daniel Lucy Way
- **COMM048\_04\_24\_17** Ltr from Merchants re: Downtown Events (**N&CS**)
- **COMM112\_10\_10\_17** Walk MS: Newburyport – 4/28/2018
- **ORDR055\_10\_10\_17** No Parking - 59th Street
- **COMM113\_10\_30\_17** Harborside Half Marathon - 11/19/2017  
Motion to remove from Public Safety (Comm vote 3-0) by Councillor Cronin, seconded by Councillor Cameron. Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.

## Public Utilities

### *In Committee:*

- **COMM060\_05\_31\_16** Mobilitie, LLC Highway Access Permit
- **ORDR015\_04\_10\_17** Complete Streets Policy (**P&D**)
- **ORDR047\_08\_14\_17** Pilot Program for Wayfinding Signage (**P&D, COTW**)
- **ODNC015\_10\_10\_17** Amend Sec. 12-1.3 Signs in Public Ways (**COTW**)
- **ORDR056\_10\_30\_17** Swazy Alexander Landscaping, LLC - Lic Contractor  
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. So voted.

## Rules Committee

### *In Committee:*

- **ORDR013\_02\_27\_17** Amend City Council Rules Relating to Bonding Funds (**COTW**)

## 16. GOOD OF THE ORDER

It was reported that the Beacon Coalition would meet at Blue Ocean in Salisbury on December 1<sup>st</sup>. The Clerk commented that the poll workers and the Clerk's office were once again very professional and worked tirelessly during a long day in which just over 7000 votes were cast.

**17. TABLED – EXECUTIVE SESSION** – To Discuss the Minutes and possible release thereof relating to four Executive Sessions called to discuss the Purchase and Sale Agreement for the Intermodal Transit and Parking Facility located at 90 Pleasant Street and 83 Merrimac Street in Newburyport. The four meetings referenced were held on April 10, 2017, January 9, 2017, December 12, 2016, and October 31, 2016.

Motion to remove from the table by Councillor Tontar, seconded by Councillor Vogel. Motion to table by Councillor Vogel, seconded by Councillor Cameron. So voted.

## 18. ADJOURNMENT

Motion to adjourn by Councillor Cameron, seconded by Councillor Vogel. So voted. 8:28pm.



## TRANSFERS



# City of Newburyport

## FY 2018

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

NOV 21 PM 3:04

**Department:** Mayor's Office

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

**Date Submitted:** 11/27/2017

**Transfer From:**

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,764,777.00
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$47,322.10	Trans Out:	\$ (728,762.00)
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2018 at \$2,493,539. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. The YTD balance includes all requests submitted to-date.</i>		

**Transfer To:**

Account Name	Tractor Purchase	YTD Bal:	\$ -
Account Number:	New Capital Project	Trans In:	\$ -
Amount:	\$47,322.10	Trans Out:	\$ -
Why are Funds Required:	<i>A large tractor is in the Capital Improvement Program to be purchased in FY2018. Purchasing the tractor before the start of winter will allow it to be used for snow removal rather than having to contract out the work or rent equipment as in years past. See explanatory memorandum.</i>		

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


Date: 11/21/17  
Date: 11/21/17



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 27, 2017  
Subject: Tractor Purchase

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A multi-purpose tractor appears in the Capital Improvement Program for funding in FY2018. I respectfully request your approval of an appropriation of \$47,322.10 from free cash so that this piece of equipment will be available to the Parks Department for snow removal during the upcoming winter.

As stated in the CIP, the existing John Deere tractor used by the Parks is too old and too small to adequately perform the necessary tasks, including:

- Snow and ice management of existing and new portions of Clipper City Rail Trail and all parks walkways and parking lots as needed
- Annual slice seeding of athletic fields and lawns
- Regular aeration of athletic fields and lawns
- Mowing large fields
- Excavation and construction support
- Tree planting support
- Unloading and loading site furniture deliveries, playground safety surfacing, other hardscaping and landscaping materials

In prior years, the city contracted out snow removal for the parks/trails and this past winter rented out a skid steer. Given that it costs approximately \$10,000 to rent out a skid steer for the winter, it is much more cost effective to purchase the equipment so that it can be used year-round. The tractor is a 47 horsepower Kubota L4760HSTC with cab and heat, as well as, plow and sander attachments. It is a versatile tractor that can accept a backhoe attachment and other 3 point attachments as needed. The useful life of the tractor is expected to be 15-18 years.

Thank you for your consideration.

KUBOTA  
LANDPRIDE  
TEREX

MB TRACTOR & EQUIPMENT  
Route 125, P.O. Box 487  
Plaistow, NH 03865  
TEL: (603) 382-5031  
Fax: (603) 382-1084

HUSQVARNA  
WALKER  
WOODS

QUOTATION THE BEST TRACTORS & EQUIPMENT ON EARTH

SOLD TO  
NEWB13 NEWBURYPORT PARKS DEPT  
60 PLEASANT ST  
P.O. BOX 550  
NEWBURYPORT, MA 01950

SHIP TO

Sold By: Z88 PO #: Date 10/25/17 QUOTE PQ11464  
Ship By: Tax #: 9:38:36 PRT: 1 Open

Tax	D	Qty	Description	Price	Amount
			GROUP : 01		
			EQUIPMENT QUOTE		
N		1	KUBOTA L4760HSTC	41649.00	41649.00
N		1	L8333 REAR WORK LIGHT KIT	131.00	131.00
N		1	L8364 REAR WIPER KIT	143.00	143.00
N		1	L5534 HIGH AMP ALTERNATOR KIT	463.00	463.00
N		1	REAR WINDOW DEFROST	281.00	281.00
N		1	RADIO KIT INSTALLED	225.00	225.00
N		1	LA1055 LOADER	4898.00	4898.00
N		1	L2265 3RD FUNCTION VALVE KIT	899.00	899.00
N		1	L2296 72" BUCKET	1071.00	1071.00
N		1	TL1748 BOLT ON CUTTING EDGE	227.00	227.00
N		1	BOSS 7.6 PAINTED PLOW	2799.00	2799.00
N		1	TGS600 TAILGATE SPREADER	1749.00	1749.00
N		1	IMPERIAL 3005345 A FRAME HITCH	219.00	219.00
			** TOTAL EQUIPMENT QUOTE		54754.00
N			MUNICIPAL SALE		
			FAC88 DISCOUNT		7498.05
N			PARTS CTR		
		1	KUB 70000-00297 KIT, FROST P120G02	66.15	66.15

Quotes are valid for thirty days. Prices are subject to change at vendors discretion. All prices quoted FOB vendor shipping point unless specifically noted.  
Special order parts are to be prepaid in full in advance, charged to a valid open account, or billed to a credit card.  
There are no returns of special order parts.  
TRUCKING IS NOT COVERED BY THE MANUFACTURERS WARRANTY. TRUCKING COSTS ARE THE RESPONSIBILITY OF THE CUSTOMER.

\*\* SUBTOTAL 47322.10

X Charge Sale

Phone: (978) 992-8093

PAY THIS  
AMOUNT

\$47322.10

# COMMUNICATIONS



11/21/17

City Council President and Members of the City Council,

The topic of special events has come up several times over the course of the last 2 years. Each time one consistent request has been to pull together a list of all the events that the City Council has approved. I have gone through the minutes for all meetings from 1/1/16 through 10/30/17 and put together the attached list showing all events approved by the City Council. I submit it to you for your review and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Sharif", written in a cursive style.

Sharif I. Zeid  
Ward 1 City Councillor

Identifier	Event Date	Event	Multiday	Notes
COMM008_01_25_16	2/11/2016	Special Event App Jeanne Geiger Crisis Ctr Flash Mob		
COMM029-03-14-16	3/14/2016	Ride to End Alzheimer		
COMM007_01_25_16	4/2/2016	Special Event App MS Walk Newburyport		
COMM017_02_08_16	4/10/2016	Special Event Application Spring Fever 5K		
COMM016_02_08_16	5/21/2016	Annual Newburyport Chocolate Tour		
COMM037_03_29_16	5/22/2016	Tour De Cure Ride		
COMM024_02_29_16	5/29/2016	Newburyport Spring Fest	2 days	Chamber Ltr re: Use of Streets for Festival/Events
COMM023_02_29_16	6/6/2016	Hines Soldiers Assistance Fund Race		
COMM051_05_09_16	6/18/2016	Pan-Merrimack Challenge		
COMM024_02_29_16	7/7/2016	Music in Market Sq. Thursdays		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	7/14/2016	Music in Market Sq. Thursdays		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	7/21/2016	Music in Market Sq. Thursdays		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	7/23/2016	Tour d'Elegance		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	7/28/2016	Music in Market Sq. Thursdays		Chamber Ltr re: Use of Streets for Festival/Events
COMM046_04_25_16	7/30/2016	Dates for Yankee Homecoming	7/30/16 - 8/7/16	
COMM048_04_25_16	8/2/2016	Yankee Homecoming Race Application		During Y. Homecoming
COMM042_04_11_16	8/3/2016	Slow Bike Race		
COMM058_05_31_16	8/4/2016	Bed Race Event Application		During Y. Homecoming
COMM024_02_29_16	8/11/2016	Music in Market Sq. Thursdays		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	8/18/2016	Cruisin the 50's		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	8/25/2016	Music in Market Sq. Thursdays		Chamber Ltr re: Use of Streets for Festival/Events
COMM050_05_09_16	9/10/2016	Coast to the Cure Bike Ride		
COMM074_07_11_16	9/18/2016	Pan Mass Challenge Kids Race		
COMM085_08_29_16	9/18/2016	Walk for Kenyan Girls' Education		
COMM083_08_08_16	9/22/2016	Special Event App Grand Tasting App Inn St		
COMM086_08_29_16	9/24/2016	Walk for the Poor		
COMM040_04_11_16	9/25/2016	GNOCA, J Poor, P Holm Run/Walk		
COMM071_07_11_16	10/2/2016	Geiger Walk Against Violence		
COMM024_02_29_16	10/9/2016	Fall Harvest Festival	2 days	Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	10/14/2016	Witches Night Out		Chamber Ltr re: Use of Streets for Festival/Events
COMM090_09_26_16	10/14/2016	American Cancer Society - Tent in Market Square		
COMM024_02_29_16	10/15/2016	Pumpkin Lighting		Chamber Ltr re: Use of Streets for Festival/Events
COMM062_06_13_16	10/23/2016	Newburyport Half Marathon		
COMM093_10_11_16	11/13/2016	LOCO Sports Road Race		

COMM024_02_29_16	11/27/2016	Santa Parade and Tree Lighting		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/2/2016	Invitation Nights, Fridays		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/3/2016	Santa 's Workshop		Chamber Ltr re: Use of Streets for Festival/Events
COMM102_11_14_16	12/3/2016	Ladies Night Out Run		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/4/2016	Santa 's Workshop		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/9/2016	Invitation Nights, Fridays		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/10/2016	Santa 's Workshop		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/11/2016	Santa 's Workshop		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/16/2016	Invitation Nights, Fridays		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/17/2016	Santa 's Workshop		Chamber Ltr re: Use of Streets for Festival/Events
COMM024_02_29_16	12/18/2016	Santa 's Workshop		Chamber Ltr re: Use of Streets for Festival/Events
COMM101_11_14_16	4/1/2017	Walk MS Newburyport		
COMM001_01_09_17	4/9/2017	Spring Fever 5K & Family Fun Run		
COMM094_10_11_16	5/7/2017	Fuel River Rn		
COMM018_02_13_17	5/20/2017	Chocolate Tour, Central Cong		
COMM016_02_13_17	5/28/2017	Newburyport Spring Fest	2 days	Ltr From Chamber re: use of downtown street
COMM045_04_10_17	6/10/2017	Flag Day 5K		
COMM044_04_10_17	6/11/2017	PMC Greater Newburyport Kids' Ride		
COMM054_05_08_17	6/24/2017	Ride to End Alzheimer's		
COMM087_07_10_17	7/10/2017	Walk Against Domestic Violence		
COMM046_04_10_17	7/29/2017	60th Yankee Homecoming	7/29/17 to 8/6/17	
COMM062_05_30_17	8/1/2017	Lion's Club Yankee Homecoming Road Rac		During Y. Homecoming
COMM063_05_30_17	8/2/2017	Slow Bike Race		During Y. Homecoming
COMM081_06_26_17	8/3/2017	Fill the Boot for Muscular Dystrophy Assoc.		
COMM082_06_26_17	8/3/2017	Bed Race		During Y. Homecoming
COMM016_02_13_17	8/17/2017	Cruisin the 50's		Ltr From Chamber re: use of downtown street
COMM094_08_14_17	8/26/2017	Ember Plinko Event		
COMM016_02_13_17	9/2/2017	Riverfront Music Festival		Ltr From Chamber re: use of downtown street
COMM089_07_10_17	9/23/2017	Merrimack River Feline Rescue Society 25th Anniversary		
COMM037_03_28_17	9/24/2017	7th Annual GNOCA 5K Walk		
COMM096_08_14_17	9/30/2017	Friends of the Poor		
COMM093_08_14_17	10/7/2017	Bartlet Mall Day		
COMM016_02_13_17	10/8/2017	Fall Havest Festival	2 days	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	10/14/2017	Pumpkin Lighting		Ltr From Chamber re: use of downtown street
COMM016_02_13_17	10/20/2017	Witches Night Out		Ltr From Chamber re: use of downtown street

COMM088_07_10_17	10/22/2017 Newburyport Half Marathon	
COMM016_02_13_17	10/27/2017 Downton Trick or Treat	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	11/26/2017 Santa Parade and Tree Lighting	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/1/2017 Invitation Night	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/2/2017 Santa's Workshop	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/3/2017 Santa's Workshop	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/8/2017 Invitation Night	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/9/2017 Santa's Workshop	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/10/2017 Santa's Workshop	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/15/2017 Invitation Night	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/16/2017 Santa's Workshop	Ltr From Chamber re: use of downtown street
COMM016_02_13_17	12/17/2017 Santa's Workshop	Ltr From Chamber re: use of downtown street
COMM095_08_14_17	5/6/2018 Newburyport River Run	

**1/1/16 - 10/30/17 City Council Minutes**

THE COMMONWEALTH OF MASSACHUSETTS  
City OF Newburyport  
RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 14 AM 9:58

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a 2 class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? State Automotive Repair

Business address of concern. No. 196 Route One St.,  
Newburyport, MA 01950 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? LLC (Single Member)

3. If an individual, state full name and residential address.  
LLC Manager: Andrew J. de Bernardo  
16 Hickory Lane, Topsfield MA 01983

4. If a co-partnership, state full names and residential addresses of the persons composing it.  
N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? No

Is your principal business that of a motor vehicle junk dealer? No



7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

196 Route One, Newburyport is located just south of the Route One traffic circle. State Automotive occupies approximately 1/3 of a shared building with a retail vendor. Auto repair bays contain lifts, tools, and equipment consistent with any typical auto repair shop. Parking is in front, to the side, and to the rear of building.

8. Are you a recognized agent of a motor vehicle manufacturer? No  
(Yes or No)

If so, state name of manufacturer \_\_\_\_\_

9. Have you a signed contract as required by Section 58, Class 1? N/A  
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes  
(Yes or No)

If so, in what city — town Newburyport, MA

Did you receive a license? Yes For what year? 2016, 2017  
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No  
(Yes or No)

Sign your name in full Andrew J. Daniels, LLC n/a  
(Duly authorized to represent the concern herein mentioned)

Residence 16 Hickory Lane, Topfield MA

**IMPORTANT**

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

**APPLICANT WILL NOT FILL THE FOLLOWING BLANKS**

Application after investigation \_\_\_\_\_  
(Approved or Disapproved)

License No. \_\_\_\_\_ granted \_\_\_\_\_ 20 \_\_\_\_\_ Fee \$ \_\_\_\_\_

Signed \_\_\_\_\_

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

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**CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)**

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

APPLICATION FOR A LICENSE TO BUY, SELL,  
EXCHANGE OR ASSEMBLE SECOND HAND  
MOTOR VEHICLES OR PARTS THEREOF.

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APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. \_\_\_\_\_

Class \_\_\_\_\_ License No. \_\_\_\_\_

Name \_\_\_\_\_

St. and No. \_\_\_\_\_

City — Town \_\_\_\_\_

Date Issued \_\_\_\_\_

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Remarks \_\_\_\_\_

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\_\_\_\_\_

**Richard Jones**

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**From:** Eric Kallio <EKallio@mobilitie.com>  
**Sent:** Tuesday, November 21, 2017 12:18 PM  
**To:** Richard Jones  
**Subject:** Mobilitie/Small Cell Utility Petition for Grant of Location, Intersection of Storey Avenue and Noble Street, Newburyport, MA (BS90XSD32C)  
**Attachments:** BS90XSD32C Cover Letter to Utility Petition.docx; BS90XSD32C Utility Petition and Order.docx; BS90XSD32C\_CONSTDWGS\_20171106\_A.pdf; NGRID Letter of Authorization.pdf

Good Afternoon Richard B. Jones, City Clerk, Newburyport, Massachusetts:

Attached to this email is a Utility Petition application for Mobilitie's small cell attachment to an existing wood utility pole. The location is the intersection of Storey Avenue and Noble Street. Attached are the following supporting documents.

- Cover Letter to Utility Petition
- Utility Petition and Order
- Construction Drawings
- National Grid Letter of Authorization giving permission to Mobilitie to attach to the existing utility pole

Please confirm the date that the City Council will be able to hear this petition and I will be happy to appear in front of this Council. My contact information is listed on the attached documents should any of the councilors have any questions or need additional information as part of their review.

Sincerely,

**Eric Kallio** | NRE Permitting Manager  
Mobile- 978-808-8258  
[ekallio@mobilitie.com](mailto:ekallio@mobilitie.com)

**mobilitie**

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

CONFIDENTIALITY NOTICE / The email message contains confidential and proprietary information, including all attachments (if any) to this email even if such attachments are not separately marked as confidential and/or proprietary. Such information is exclusively for the addressee(s) and no others, unless and to the extent expressly stated above to the contrary. If the recipient of this email is not the addressee, such recipient is prohibited from reading or using this message in any way. If you have received this message by mistake, please call us immediately and destroy the email message and all attachments.





November 21, 2017

City Council Office  
City Hall  
60 Pleasant Street  
Newburyport, MA 01950

**RE:** Utility Petition Application to Attach Small Cell Backhaul Equipment to Existing Utility Pole

Applicant: Mobilitie LLC ("Mobilitie")  
Location: Storey Avenue and Noble Street, Newburyport, MA (Candidate BS90XSD32C)  
Authority: Newburyport City Council

Dear Chair Thomas F. O'Brien, President, Ward 6 Councilor, Richard B. Jones, City Clerk and members of the City Council:

The purpose of this correspondence is to file Mobilitie's enclosed application for a utility petition and order to attach small cell backhaul equipment to an existing utility pole that is located at the Storey Avenue and Noble Street intersection and is owned by National Grid.

### **APPLICANT INFORMATION**

For over 11 years, Mobilitie has deployed a variety of signal strengthening services across the nation. Mobilitie is the nation's largest privately held wireless infrastructure company. In Massachusetts, Mobilitie is registered as a Competitive Local Exchange Carrier ("CLEC"), which is regulated by the Department of Telecommunications and Cable. As provided in this registration, Mobilitie may provide transport, backhaul, broadband, voice, data as well as other infrastructure used by carriers, emergency responders, public safety agencies, backhaul providers and other companies.

Mobilitie is currently in the process of rolling out a Hybrid Transport Network (HTN) to more effectively deploy low cost, high-bandwidth connectivity throughout urban, suburban and rural communities. This HTN will provide backhaul connectivity solutions for customers. Mobilitie will provide a method to connect devices back to a core network (i.e. existing locations), through these small cell locations, where data is processed and routed. Due to the increased demand for data in certain areas, existing locations require enhanced support to provide customers with more reliable service. Small cells are the future for communities that seek non-obtrusive and concealed ways to increase coverage and capacity for its residents. Small cell deployment is essential for the Internet of Things and 5G. The addition of small cells to existing wireless networks will help responders more accurately located wireless 911 calls leading to significant E911 readiness and first responder improvements.

Our primary customer is Sprint. Mobilitie's network, however, can support a variety of technologies and services that require connectivity to the internet, including but not limited to, driverless and connected vehicles (commercial, personal and agricultural), remote weather stations and other mobile service providers. Mobilitie's



small cell sites involve the installation of a small, low-powered transmit/receive antenna that communicates with wireless devices, a wireless backhaul antenna that connects the facility to the carrier's core network and compact radio equipment mounted on either new or existing utility light poles. This proposed Sprint small cell location will add capacity to the existing wireless network in Newburyport and is designed to blend with existing infrastructure.

## **PROJECT NARRATIVE**

Mobilitie's equipment, including its antennas and supporting MMS boxes, have been designed to avoid aesthetic impact on residents and compliment the overall community. Mobilitie has developed a host of structures to accommodate various community and local situations that include attachments to basic wooden telephone poles as well as stealth designed street light structures. As a company, Mobilitie is committed to meeting municipal design standards, while making sure residents have the highest quality connectivity to wireless communication. The site is designed and intended to provide additional data capacity and denser coverage in the city to satisfy the growing data service needs.

Summary of key points for the proposed installation:

<u>Location:</u>	Intersection of Storey Avenue and Noble Street
<u>Height of Existing Pole:</u>	31'
<u>Height of Existing Pole w/Proposed Equipment:</u>	34'
<u>Ownership:</u>	National Grid

## **CLOSING REMARKS**

In summary, the attached small cell backhaul equipment is necessary to support and enhance the existing Sprint locations in Newburyport to provide reliable data coverage for customers now and in the future. The need is driven by the exponential increase for wireless data services by Sprint customers in the proposed area.

To provide high quality service to consumers and support this demand as well as expected future demand with 5G, Mobilitie request that the City Council grant the utility petition and order for this installation and any conditions as deemed necessary to allow this proposed installation in the City of Newburyport.

Thank you for your consideration in this matter. If the Select Board should have any questions regarding this petition, please do not hesitate to contact me directly at 978-808-8258 or by email at [EKallio@mobilitie.com](mailto:EKallio@mobilitie.com).

Truly Yours,

Eric Kallio  
Permitting Manager, New England  
62A West Street  
Swansey, NH 03446

# nationalgrid

40 Sylvan Road  
Waltham MA 02451

September 7, 2017

**Attention: State and Municipal Permitting Authorities**

**RE: Evidence of Pole Attachment Agreement and Consent to File for Permits  
Granted to Mobilitie**

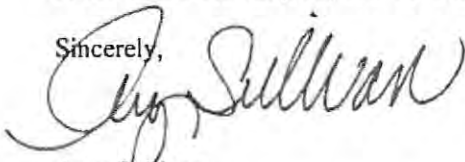
To Whom It May Concern:

The undersigned jointly owns and controls certain utility poles in public rights-of-way and on private property throughout the geographic areas where it operates.

Please be advised that the undersigned has entered into a Pole Attachment Agreement ("Agreement") authorizing Mobilitie ("Applicant") to install, attach, maintain, repair, upgrade and use wireless communications equipment and appurtenances on certain utility poles pursuant to the terms and conditions of the Agreement. Permission is hereby granted to Applicant, or its agents, to make application for any Land Use, Access, Building, Electrical or Regulatory Permit(s) required to effectuate the initial installation, on-going maintenance and upgrades or replacements of said equipment.

Please contact me at (978) 725-1130 if you have any questions.

Sincerely,



Amy Sullivan  
Third Party Attachment Analyst

# nationalgrid

40 Sylvan Road  
Waltham MA 02451

September 7, 2017

**Attention: State and Municipal Permitting Authorities**

**RE: Evidence of Pole Attachment Agreement and Consent to File for Permits  
Granted to Mobilitie**

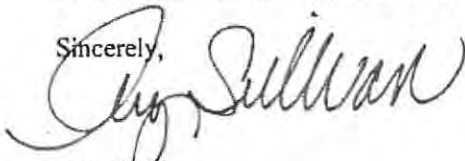
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Sincerely,



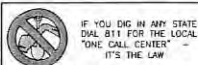
Amy Sullivan  
Third Party Attachment Analyst

SITE ID-CANDIDATE LETTER/CASCADE ID-CANDIDATE LETTER:

9MAB001238C/BS90XSD32C

LATITUDE/LONGITUDE:  
42.820658/-70.907972

CROSS STREET:  
STOREY AVE & NOBLE ST  
CITY, STATE, ZIP:  
NEWBURYPORT, MA 01950



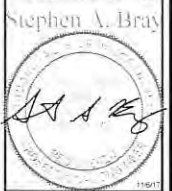
THE UTILITIES SHOWN HEREIN ARE FOR THE CONTRACTOR'S INFORMATION ONLY. THESE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO THE UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

NOTE:  
GENERAL CONTRACTOR IS REQUIRED TO CROSS CHECK COORDINATES, EXHIBIT PHOTO, AERIAL PHOTO AND SITE PLAN TO ENSURE PROPER POLE LOCATION PRIOR TO BREAKING GROUND. CONCERNS OR QUESTIONS SHOULD BE IMMEDIATELY DIRECTED TO ASSIGNED MOBILITE C.A.

**mobilitie**

PROJECT NO. 9MAB001238C  
DRAWN BY: MC  
CHECKED BY: SJB

A 11-06-15 FOR CLIENT REVIEW



IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE PRELION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THIS PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OF EFFECT ON DRAINAGE, NO SANITARY SEWER SERVICE, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS (N).

SITE INFORMATION

SITE ID:	9MAB001238C
CASCADE ID:	BS90XSD32C
LATITUDE:	42.820658
LONGITUDE:	-70.907972
CROSS STREET:	STOREY AVE & NOBLE ST
CITY, STATE, ZIP:	NEWBURYPORT, MA 01950
COUNTY:	ESSEX COUNTY
JURISDICTION:	NEWBURYPORT CITY
PROPERTY OWNER:	PUBLIC RIGHT-OF-WAY
APPLICANT:	MOBILITE, LLC 120 S RIVERSIDE PLAZA, SUITE 1800 CHICAGO, IL 60606 PHONE: (312) 838-3400

ENGINEER

KMB DESIGN GROUP, LLC  
1800 ROUTE 34, SUITE 209  
WALL, NJ 07719  
FOR QUESTIONS EMAIL: DESIGNTEAM@KMBDG.COM  
TELE: (732) 280-3923 FAX: (732) 280-3980 www.KMBDG.com

DO NOT SCALE DRAWINGS

CONTRACTORS SHALL VERIFY ALL PLANS, (E) DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

LOCATION MAPS

VICINITY MAP



REGIONAL MAP



PROJECT DESCRIPTION

END USER PROPOSES TO INSTALL EQUIPMENT ON AN EXISTING WOOD LIGHT POLE WITHIN AN EXISTING RIGHT-OF-WAY. THE SCOPE WILL CONSIST OF THE FOLLOWING:  
- INSTALL PROPOSED BACKHAUL, TRANSPORT EQUIPMENT ON AN EXISTING WOOD LIGHT POLE

CODES

2009 INTERNATIONAL BUILDING CODE  
NATIONAL ELECTRICAL SAFETY CODE  
IA/EA-222-G-2 OR LATEST EDITION  
LOCAL BUILDING/PLANNING CODE

DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE SHEET
SP-1	EXHIBIT PHOTO & SITE PLAN
EV-2	ELEVATIONS
EV-1	ELEVATIONS
PE-1	PLUMBING & RISER DIAGRAM
EQ-1	EQUIPMENT DETAILS
EQ-2	EQUIPMENT DETAILS
E-1	ELECTRICAL DETAILS
G-1	GROUNDING DETAILS
TC-1	VEHICULAR TRAFFIC CONTROL PLAN
TC-2	PEDESTRIAN TRAFFIC CONTROL PLAN
GN-1	GENERAL NOTES
GN-2	GENERAL NOTES
GN-3	GENERAL NOTES

BS90XSD32C  
NEWBURYPORT, MA 01950  
EXISTING 31'-0" WOOD POLE

SHEET TITLE  
TITLE SHEET

SHEET NUMBER  
T-1





PROJECT NO: 8MAB00128C  
 DRAWN BY: RC  
 CHECKED BY: SJR

4/18/2017 FOR CLIENT REVIEW



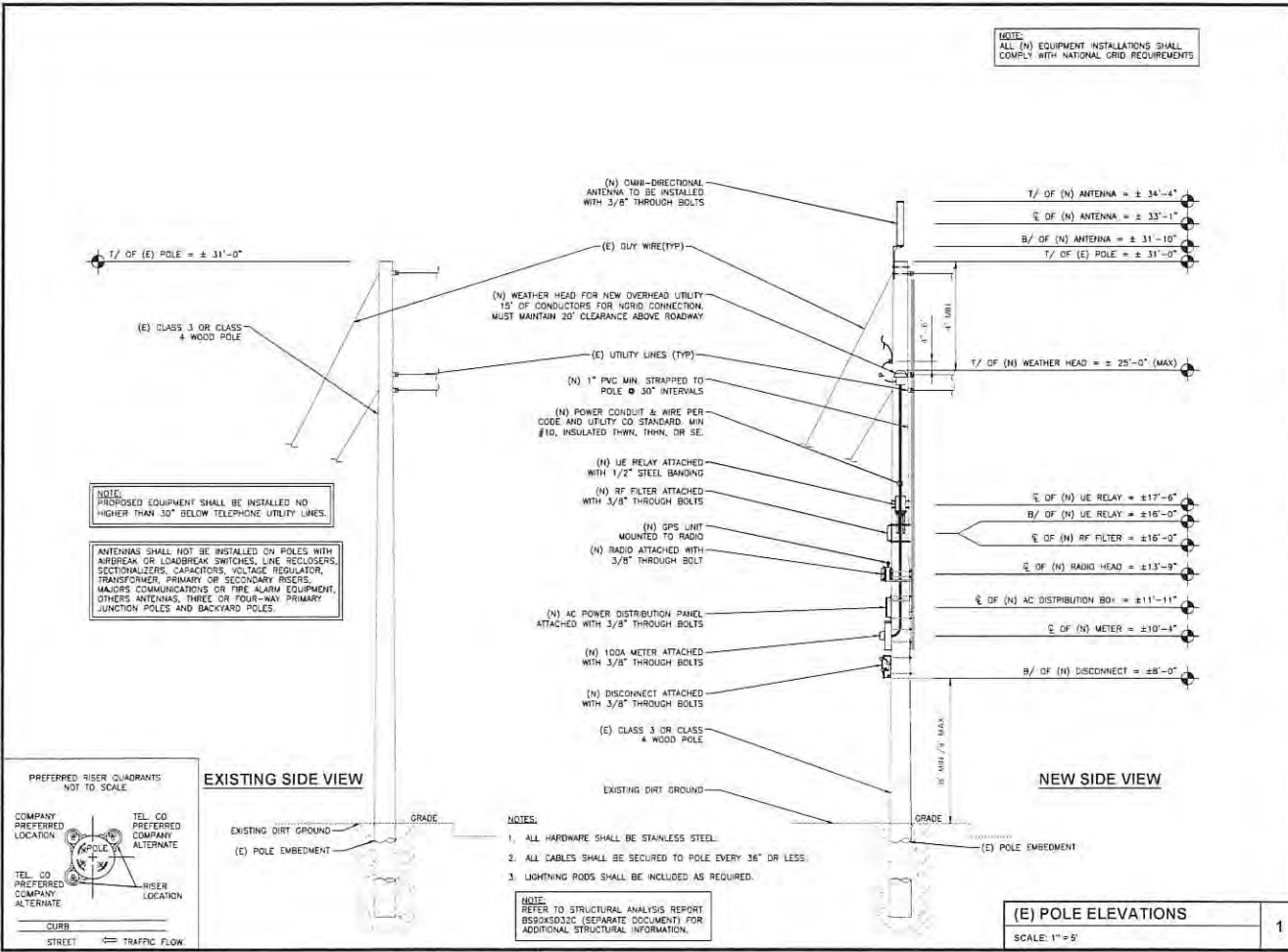
IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

B590XSD32C  
 NEWBURYPORT, MA 01950  
 EXISTING 31'-0" WOOD POLE

SHEET TITLE  
 POLE ELEVATIONS

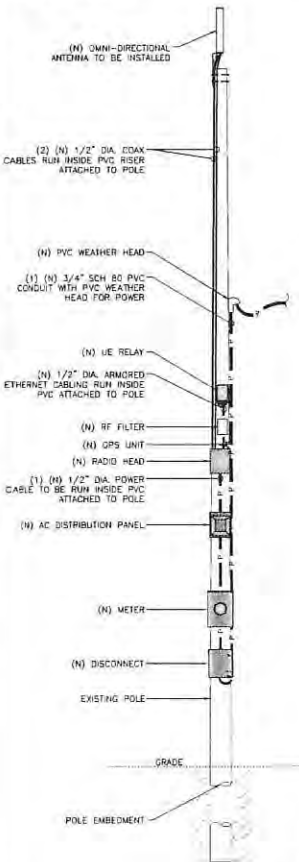
SHEET NUMBER  
 EV-1

NOTE:  
 ALL (N) EQUIPMENT INSTALLATIONS SHALL COMPLY WITH NATIONAL GRID REQUIREMENTS





NOTE:  
(E) POLE MOUNTED EQUIPMENT NOT SHOWN FOR CLARITY



NOTE:  
CABLING DIAGRAM IS FOR CLARITY OF CABLE ROUTE AND TERMINATION ONLY. CONTRACTOR SHALL INSTALL CABLES WITH MINIMAL VISUAL IMPACT ON EXISTING WOOD UTILITY POLE. SEE ELEVATION DRAWING FOR EQUIPMENT AND ANTENNA LOCATIONS.

**CABLING NOTES:**

- A) WOOD, CONCRETE AND EXISTING METALLIC POLES
- I) FROM GRADE LINE TO 11'-0" ABOVE GRADE. ALL CABLES/CONDUCTORS EXCEPT GROUNDING CONDUCTOR MUST RUN IN RIGID GALVANIZED STEEL CONDUIT (RGS)
- II) GROUNDING CONDUCTORS IN EXPOSED LOCATIONS MUST BE INSTALLED IN PVC.
- III) IN EARTH, INSTALL PVC CONDUIT FOR BACKHAUL AND ELECTRICAL SERVICE. TRANSITION TO RGS AT GRADE LINE.
- IV) ABOVE 11'-0" ALL CABLES (POWER, ETHERNET, COAXIAL) MUST RUN IN PVC UTILITY POLE RISER.
- (1) AT MAJOR EQUIPMENT, EXTEND UTILITY DUCT IMMEDIATELY ADJACENT TO THE EQUIPMENT. INSTALL CABLES IN THE UTILITY POLE RISER CREATING CABLE DRIP LOOPS NOT LESS THAN THE CABLE BENDING RADIUS.
- (2) INSIDE THE UTILITY POLE RISER, UTILIZE 3/4" COAX BLOCKS WITH LAG SCREWS TO SUPPORT COAX, RADIO AND MW POWER, RF COAX, AND ETHERNET CABLES TO WITHIN 12" OF THE EQUIPMENT BEING SERVED AND ON INTERVALS NOT TO EXCEED 6".
- V) FOR UNDERGROUND HFC/PUBLIC BACKHAUL, ROUTE ETHERNET CABLE IN CONDUIT UP THE POLE AND ENTER THE UTILITY POLE RISER, SEAL EXPOSED END OF CONDUIT WITH A CABLE TERMINATION FITTING.
- VI) BY APPROVAL IN SELECT CASES LIQUID-TIGHT FLEXIBLE METALLIC CONDUIT (LFMC) MAY BE USED IN LENGTHS NOT TO EXCEED 36" TO EXTEND THE ELECTRICAL SERVICE CONDUIT TO THE AC DISTRIBUTION BOX. EXAMPLE: UTILITY-REQUIRED DISCONNECT ON POLE W/ AC DISTRIBUTION BOX ON OPPOSITE SIDE OF POLE; NOT REQUIRED FOR COAX.
- B) NEW METALLIC POLES
- I) PROCURE NEW POLES WITH SUITABLE HANG HOLES SUCH THAT HANG HOLES EXIST AT ALL EQUIPMENT LOCATIONS.
- (1) WITH CLIENT APPROVAL IN SELECT CASES TO FACILITATE IMPROVED APPEARANCE, 3/4" COAXIAL CABLES MAY BE "SUPERFLEX" IN LIEU OF LDF-4.
- II) WHERE POSSIBLE, INSTALL POLE BASE SUCH THAT THE ELECTRICAL FEED AND BACKHAUL (IF UNDERGROUND) CIRCUIT ENTER THE POLE THROUGH THE POLE BASE. IF A DISCONNECTING MEANS SEPARATE FROM THE AC DISTRIBUTION BOX IS REQUIRED BY JURISDICTION OR UTILITY, WITH APPROVAL IN SELECT CASES, LIQUID-TIGHT FLEXIBLE METALLIC CONDUIT (LFMC) MAY BE USED IN LENGTHS NOT TO EXCEED 36" TO EXTEND THE ELECTRICAL SERVICE CONDUIT TO THE AC DISTRIBUTION BOX.

**PLUMBING DIAGRAM**

SCALE: NOT TO SCALE

1

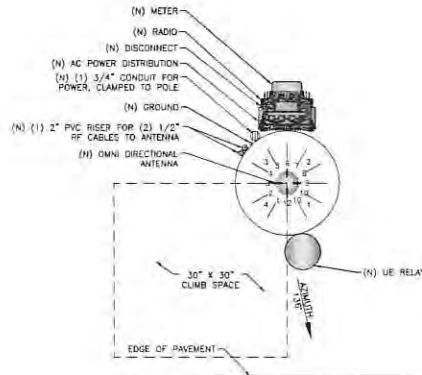
BILL OF MATERIALS						
QTY.	DESCRIPTION	MANUFACTURER	MODEL NUMBER	AZMUTH	CABLE	DIMENSIONS (HxWxD) WEIGHT
1	ANTENNA	ALPHA WIRELESS	AW3477-S	0°	19'-0"±	30.2" X 4.7" DIAMETER 7 LBS
1	UE RELAY	NOKIA/GEMTEK	FTHC/473783A	136°	3'±	24.62" X 7.87" DIAMETER 5.5 LBS
-	-	-	-	-	-	-
1	GPS	NOKIA	FAWD/472932A	-	-	3.1" X 2.1" DIAMETER 0.3 LBS
1	RADIO	NOKIA	FWHR 841 HR	-	3'±	9.7" X 12.9" X 8.3" 27.3 LBS
1	RF REJECT FILTER	RFS	FWM1963S-1C	-	-	12.8" X 4.8" X 2.8" 5.7 LBS
1	AC DISTRIBUTION PANEL	RAYCAP	RSTAC-3112-P-120	-	1'±	9.25" X 9.5" X 3.81" 14 LBS
1	NEMA TYPE-3P DISCONNECT	SIEMENS	QP222NR (EXAMPLE)	-	1'±	15.45" X 8.7" X 5.95" 14 LBS
1	METER SOCKET	MALBANK	D4801-XE-579 (EXAMPLE)	-	120-8"±	19" X 1.9" X 4.84" 21 LBS

RFDIS REVISION TYPE: FINAL  
RFDIS REVISION NUMBER: 4.4  
RFDIS REVISION TIMESTAMP: 2017-11-02

**BILL OF MATERIALS**

SCALE: NOT TO SCALE

2



ANTENNA AZMUTH OF UE RELAY AZMUTH: 136°

**RISER ORIENTATION DIAGRAM**

SCALE: NOT TO SCALE

3

**mobilitie**

PROJECT NO: 9MAB0133C

DRAWN BY: RC

CHECKED BY: SJB

11-26-17 RFDIS REVISION



IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS THEY BE LICENSED, PROFESSIONAL ENGINEER, TO ALTER THE SEALWORK.

B590XS032C  
NEWBURYPORT, MA 01950  
EXISTING 31'-0" WOOD POLE

SHEET TITLE  
PLUMBING & RISER DIAGRAM

SHEET NUMBER  
PL-1

<p><b>ALPHA AW3477-S OMNI (B41)</b></p> <p>MANUFACTURER: ALPHA WIRELESS  MODEL: AW3477-S  HEIGHT: 30.7 IN  WIDTH: 4.7 IN D  WEIGHT: 7.8 LB  MOUNT WEIGHT: 4.4 LB</p> <p>SCALE: N.T.S. 1</p>	<p><b>NOKIA/GEMTEK UE RELAY</b></p> <p>MANUFACTURER: NOKIA  MODEL: 47578A  OR APPROVED EQUAL  HEIGHT: 24.12 IN  WIDTH: 11.7 IN D  WEIGHT: 5.9 LB</p> <p>SCALE: N.T.S. 4</p>	<p><b>RFS FIMM1963S-1C</b></p> <p>MANUFACTURER: RFS  MODEL: RFS1963S-1C  HEIGHT: 12.8 IN  WIDTH: 2.0 IN  DEPTH: 2.8 IN  WEIGHT: 1.4 LB</p> <p>SCALE: N.T.S. 7</p>	<p><b>RAYCAP RSTAC-3112-P-120</b></p> <p>MANUFACTURER: RAYCAP  MODEL: RSTAC-3112-P-120  HEIGHT: 6.25 IN  WIDTH: 9.5 IN  DEPTH: 1.81 IN  WEIGHT: 4.85 LB</p> <p>SCALE: N.T.S. 10</p>	<p>PROJECT NO: 9M4801238C  DRAWN BY: RC  CHECKED BY: SJB  DATE: 4-11-20-17 FOR GERT BEEK</p>
<p><b>NOKIA RADIO FWHR B41 HP</b></p> <p>MANUFACTURER: NOKIA  MODEL: FWHR B41 HP  (47348A, 47349A, 47349AA)  OR APPROVED EQUAL  HEIGHT: 9.7 IN  WIDTH: 12.8 IN  DEPTH: 6.1 IN  WEIGHT: 27.3 LB</p> <p>SCALE: N.T.S. 2</p>	<p><b>NOT USED</b></p> <p>SCALE: N.T.S. 5</p>	<p><b>NOT USED</b></p> <p>SCALE: N.T.S. 8</p>	<p><b>SIEMENS TYPE-3R DISCONNECT</b></p> <p>MANUFACTURER: SIEMENS  MODEL: 0P322R  TYPE-3R DISCONNECT  OR APPROVED EQUAL  HEIGHT: 15.45 IN  WIDTH: 8.1 IN  DEPTH: 5.95 IN  WEIGHT: 14.85 LB</p> <p>NOTE: EXAMPLE SHOWN MAY NOT BE TYPICAL MODEL. SELECT AS PER LOCAL REQUIREMENTS.</p> <p>SCALE: N.T.S. 11</p>	<p>Stephen A. Bray  Professional Engineer  License No. 10077</p> <p>IT IS A VIOLATION OF THE LAW FOR ANY PERSON UNLESS THEY ARE ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT.</p>
<p><b>NOKIA INTERFACE STATIC</b></p> <p>MANUFACTURER: NOKIA  MODEL: FWHR B41 HP  HEIGHT: 5.93 IN  WIDTH: 5.93 IN  DEPTH: 0.75 IN  WEIGHT: 2.2 LB</p> <p>SCALE: N.T.S. 3</p>	<p><b>NOT USED</b></p> <p>SCALE: N.T.S. 6</p>	<p><b>NOKIA GPS UNIT</b></p> <p>MANUFACTURER: NOKIA  MODEL: FAWD 472932A  HEIGHT: 3.1 IN  DIAMETER: 2.4 IN D</p> <p>SCALE: N.T.S. 9</p>	<p><b>MILBANK METER SOCKET</b></p> <p>MANUFACTURER: MILBANK  MODEL: 10874X-145  OR APPROVED EQUAL  HEIGHT: 19 IN  WIDTH: 13 IN  DEPTH: 4.84 IN  WEIGHT: 21 LB</p> <p>NOTE: EXAMPLE SHOWN MAY NOT BE TYPICAL MODEL. SELECT AS PER LOCAL REQUIREMENTS.</p> <p>SCALE: N.T.S. 12</p>	<p>B590XS032C  NEWBURYPORT, MA 01950  EXISTING 31'-0" WOOD POLE</p> <p>SHEET TITLE:  EQUIPMENT DETAILS</p> <p>SHEET NUMBER:  EQ-1</p>

**SITE ID-CANDIDATE LETTER/CASCADE ID-CANDIDATE LETTER:  
9MAB001425B/BS90XSF27B**

**LATITUDE/LONGITUDE:  
42.815290/-70.891645**

**CROSS STREET:  
TILTON ST & RAWSON AVE  
CITY, STATE, ZIP:  
NEWBURYPORT, MA 01950**



IF YOU DIG IN ANY STATE  
DIAL 811 FOR THE LOCAL  
"ONE CALL CENTER" -  
IT'S THE LAW

THE UTILITIES SHOWN HEREIN ARE FOR THE CONTRACTOR'S  
COMMENCEMENT ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN  
ON THESE PLANS. THE ENGINEER/SURVEYOR ASSUMES NO  
RESPONSIBILITY FOR THE UTILITY LOCATIONS SHOWN AND IT SHALL BE  
THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL THE UTILITIES  
WITHIN THE LIMITS OF THE WORK. ALL CHANGES MADE TO THE (U)  
UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE  
RESPONSIBILITY OF THE CONTRACTOR.

NOTE:  
GENERAL CONTRACTOR IS REQUIRED TO CROSS CHECK COORDINATES, EXHIBIT PHOTO, AERIAL  
PHOTO AND SITE PLAN TO ENSURE PROPER POLE LOCATION PRIOR TO BREAKING GROUND.  
CONCERNS OR QUESTIONS SHOULD BE IMMEDIATELY DIRECTED TO ASSIGNED MOBILITE CM.

**GENERAL NOTES**

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A  
TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE  
MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT  
DISTURBANCE OF EFFECT ON DRAINAGE; NO SANITARY SEWER  
SERVICE, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED AND  
NO COMMERCIAL SIGNAGE IS (N).

**SITE INFORMATION**

SITE ID:	9MAB001425B
CASCADE ID:	BS90XSF27B
LATITUDE:	42.815290
LONGITUDE:	-70.891645
CROSS STREET:	TILTON ST & RAWSON AVE
CITY, STATE, ZIP:	NEWBURYPORT, MA 01950
COUNTY:	ESSEX COUNTY
JURISDICTION:	NEWBURYPORT CITY
PROPERTY OWNER:	PUBLIC RIGHT-OF-WAY
APPLICANT:	MOBILITE, LLC 120 S RIVERSIDE PLAZA, SUITE 1800 CHICAGO, IL 60606 PHONE: (312) 638-5400

**ENGINEER**

KMB DESIGN GROUP, LLC  
1800 ROUTE 34, SUITE 209  
WALL, NJ 07719  
FOR QUESTIONS EMAIL: DESIGNTEAM@KMBDG.COM  
TEL: (732) 280-5623 FAX: (732) 280-3980 www.KMBDG.com

**DO NOT SCALE DRAWINGS**

CONTRACTORS SHALL VERIFY ALL PLANS, (E) DIMENSIONS & FIELD  
CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE  
ARCHITECT/ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE  
PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

**LOCATION MAPS**

**VICINITY MAP**



**REGIONAL MAP**



**PROJECT DESCRIPTION**

END USER PROPOSES TO INSTALL EQUIPMENT ON AN EXISTING  
WOOD LIGHT POLE WITHIN AN EXISTING RIGHT-OF-WAY.  
THE SCOPE WILL CONSIST OF THE FOLLOWING:  
- INSTALL PROPOSED BACKHAUL TRANSPORT EQUIPMENT ON AN  
EXISTING WOOD LIGHT POLE

**CODES**

2009 INTERNATIONAL BUILDING CODE  
NATIONAL ELECTRICAL SAFETY CODE  
IA/EIA-222-G-2 OR LATEST EDITION  
LOCAL BUILDING/PLANNING CODE

**DRAWING INDEX**

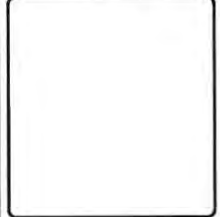
SHEET NO:	SHEET TITLE
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TC-2	PEDESTRIAN TRAFFIC CONTROL PLAN
GN-1	GENERAL NOTES
GN-2	GENERAL NOTES
GN-3	GENERAL NOTES

**mobilitie**

PROJECT NO: 9MAB001425B  
DRAWN BY: RC  
CHECKED BY: SJB


A 11-06-17 FOR CLIENT REVIEW

KMB DESIGN GROUP, LLC  
**Stephen A. Bray**  
Professional Engineer  
No. 0051484-4772 11/9/17  
IT IS A VIOLATION OF THE LAW FOR ANY  
PERSON UNLESS THEY ARE ACTING UNDER THE  
DIRECTION OF A LICENSED PROFESSIONAL  
ENGINEER, TO ALTER THIS DOCUMENT.



BS90XSF27B  
NEWBURYPORT, MA 01950  
EXISTING 40'-0" WOOD POLE

SHEET TITLE  
TITLE SHEET

SHEET NUMBER  
T-1





**APPOINTMENTS  
FIRST READING**



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 21 PM 1:50

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: November 21, 2017

Subject: Appointment

-----

I hereby appoint, subject to your approval, the following named individual as a member of the Community Preservation Committee representing the Planning Board. This term will expire on January 1, 2020.

Joe Lamb  
14 Russia Street  
Newburyport, MA 01950

## Joe Lamb

14 Russia Street Newburyport, MA 01950

260 402-1200

[jlamb37@gmail.com](mailto:jlamb37@gmail.com)

[www.linkedin.com/in/JosephALamb](http://www.linkedin.com/in/JosephALamb)

### Sales Executive

Driven executive with extensive experience in leading print and digital advertising sales teams to accomplish goals. Strong skills in sales planning, field sales, administration and customer service. Proven results in marketing and sales management, easily moving from vision and strategy to hands-on execution.

- Salesforce.com
- Sales Process
- Marketing Strategy
- Sales Management
- Strategic Planning
- Solution Selling
- Online Advertising
- Customer Acquisition
- New Business Development
- Business To Business

### Professional experience

**Dex Media** (and predecessor companies: SuperMedia LLC, Idearc, Verizon Information Services and GTE Directories)

**Regional Vice President - Sales, Northeast Region, Middleton, MA -- 2013-2014**

Responsible for multi-media advertising sales results in New York, New England and part of New Jersey.

Improved digital advertising sales from flat in 2013 to 15% growth in 2014.

**Regional Vice President - Sales, Midwest Region, Fort Wayne, IN -- 2005-2013**

Responsible for sales results in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin and Western Pennsylvania

Top performing sales region (multi-product growth) 2009 through 2012.

Recognized with MVP leadership awards in 2012 and 2011.

**Executive Director - Sales, Great Lakes Region, Fort Wayne, IN -- 2004-2005**

**General Sales Manager, Toronto, Ontario, Canada -- 2002-2004**

Guided sales team in expansion market for Verizon Information Services.

**General Sales Manager, Fort Wayne, IN -- 1997-2002**

Career awards and recognition include: RVP Leadership Awards, 2012 and 2011; Thirteen Travel Incentive Awards; Distinguished Management Awards as District Sales Manager.

**Other Relevant Experience:** Kentucky Publishing Company, Morehead, KY

Vice President Operations and Editor, *The Morehead News*.

Responsible for news operations, including extensive reporting and newspaper design, composition and layout.

### Education

Bachelor of Science, Business Administration

Berea College, Berea, KY



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:28

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: November 15, 2017  
Subject: Appointment

---

I hereby appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Joseph A. Sederquist  
2 Wightman Road  
Wilmington, MA 01887



Joseph A. Sederquist

2 Wightman Road Wilmington, Ma. 01887 (508)-574-4742

[Capt466@icloud.com](mailto:Capt466@icloud.com)

Objective Obtain a position with harbor patrol utilizing my extensive

Experience

Professional Experience

Amesbury Chevrolet

Amesbury Ma.

SERVICE MANAGER

12-2009 – 06-2017 Responsible for all store operations: Hiring and training of all service personal, customer relations, scheduling service

Achieved and high customer satisfaction scores, resolved customer disputes, control all service advertising and increased service gross.

Responsible for all warranty submission with self approval from General Motors.

Several time winner of Mark of Excellence award from General Motors

COMMONWEALTH MOTORS

LAWRENCE MA.

SERVICE MANAGER

05/1992 – 03/2009 Controlled all store operations hiring and training of all service personal throughout the seventeen years maintained high

Customer satisfaction levels all warranty submissions with self approval, increased customer service business by 40%

Received several awards Mark of Excellence from General Motors

DRUM HILL FORD NISSAN

LOWELL, MA.

SERVICE MANAGER

98/92 Controlled all store operations hiring, and training of all service personal, Scheduling, service /sales customer relations. Achieved and

Maintained high customer satisfaction scores. Responsible for all warranty submissions. Self Approval with Ford Motor Co.

FOX NISSAN PONTIAC

METHUEN, MA.

SERVICE MANAGER

86/89 Controlled all store operations hiring and training of all service personal achieved high CSI ratings with Pontiac, Nissan and Iveco Truck

WILMINGTON SALES INC.

WILMINGTON, MA.

SERVICE MANAGER

75/86 line technician for two years, foreman for one year, service manager for eight years Supervised thirty eight employees interviewed

And trained all personal Positively controlled all service operations of Three franchises Ford, Jeep, Buick

## CERTIFICATIONS:

A.D.S.M.(accredited dealer service manager) Ford Motor Co.

Certified GM Service Manager

GM Mark of Excellence Master Service Manager (eight years)

U.S.C.G. Licensed 100 Ton Master Captain with towing

Certified Red Cross CPR

Certified Red Cross 1<sup>st</sup> Aid

## REFERENCES

### GENERAL MOTORS CORPORTION

Marcia Flagg 603-960-1133

Tomas Lampman 603-498-0861

Keith Hart 603-726-0627

### Business Professinals

Samuel Ameen 978-807-2412

Frank Cody 978-685-4138

Scott Ziminski 978-361-6375

William Simmons 978-463-0188



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

2017 NOV 21 PM 4:02

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 21, 2017  
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual from the Mayor's Office as Chief Procurement Officer for the City of Newburyport.

Paul C. O'Brien  
Newburyport, MA



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 16 AM 10:29

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

*Donna D. Holaday*

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 14, 2017  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as Assessor. This term will expire on January 1, 2021.

Jill Brennan  
24 Webster Street #7  
Haverhill, MA 01830





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:29

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: November 14, 2017  
Subject: Re-Appointment

*Donna D. Holaday*

-----  
I hereby re-appoint, subject to your approval, the following named individual as Building Commissioner. This term will expire on January 1, 2021.

Peter Binette  
255 Main Street  
Amesbury, MA 01913



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 20 AM 10:28

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: November 20, 2017

Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the Community Preservation Committee. This term will expire on January 1, 2020.

Jane Healey  
38 Winter Street  
Newburyport, MA 01950



CITY OF NEWBURYPORT RECEIVED  
OFFICE OF THE MAYOR CITY CLERK'S OFFICE  
DONNA D. HOLADAY, MAYOR NEWBURYPORT, MA

2017 NOV 16 AM 10:29

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: November 14, 2017  
Subject: Re-Appointment

*Donna D. Holaday*

-----  
I hereby re-appoint, subject to your approval, the following  
named individual as Electrical Inspector. This term will  
expire on January 1, 2019.

David Zinck  
6 Laurel Road  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 16 AM 10:27

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

*Donna D. Holaday*

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 14, 2017  
Subject: Re-Appointment

-----  
I hereby reappoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2018.

Virginia R. Champi  
84 Purchase Street  
Newburyport, MA 01950

October 17, 2017

Donna Holaday, Mayor  
City Hall  
Pleasant Street  
Newburyport, MA

Dear Mayor Holaday,

Recently I was asked by Donna Conway to serve on the Emma Andrews Library Commission for the city. I would be glad to serve on this committee.

My personal involvement with this library goes back to the early 90s when I was hired to be its librarian by Dottie LaFrance. At that time I worked shifts at both the Emma Andrews Branch and the downtown Library. While there I was the only employee that was responsible for running the Emma library. This job included circulation at the library desk, selecting and purchasing books, running story hours, keeping records and attending meetings of the Andrews Branch Improvement Association. I took this job very personally, even to the extent of shoveling snow when no one else showed up to do that in order to keep the library open.

When Dottie LaFrance offered me the position of Children's Cataloging Librarian at the main library in 2001, I gladly accepted the position. Although I was no longer the Emma librarian, I did continue to be very involved at the Emma Library. I became the treasurer of the association and a member of the board and also worked on every fundraising activity. When the Emma Andrews Library became independent from the main library, I also continued to be an active member of the board.

I retired from the main library in 2012 but I still work there as a substitute librarian.

Because I only live a stone's throw from the Emma library, I still keep my eye out for the little library from my kitchen window. I feel it is an important and beloved institution in the South End Community.

Hopefully this letter will also serve as my resume regarding the Commission position as it entails all my experience at the Emma Andrews Library and my willingness to maintain its importance in the community.

I appreciate your consideration of this application.

Sincerely,

Virginia R. Champi





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

NOV 16 AM 10:29

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

*Donna D. Holaday*

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 14, 2017  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2018.

Aine G. Ellrott  
43 Purchase Street  
Newburyport, MA 01950





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 14 AM 10:10

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: November 13, 2017  
Re: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2018.

Elizabeth Valeriani  
29 Oak Street  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:29

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: November 14, 2017  
Subject: Re-Appointment

*Donna D. Holaday*

-----  
I hereby reappoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2018.

Elizabeth L. Watson  
53 Warren Street, Unit 315  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 14 AM 10:10

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: November 9, 2017

Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following  
named individual as a member of the Fruit Street Local  
Historic District Commission. This term will expire on  
November 30, 2020.

Kevin Wallace  
40 Oak Street  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 16 AM 10:28

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: November 14, 2017  
  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Enrico Caruso  
34 Russett Hill Road  
Haverhill, MA 01830





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 16 AM 10:28

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 : November 14, 2017

Subject: Re-Appointment

-----

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Francis F. Chaisson  
300 Merrimac Street  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 16 AM 10:28

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: November 14, 2017  
Subject: Re-Appointment

-----  
I hereby appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Michael Chaisson  
46 Lake Attitash Road  
Amesbury, MA 01913





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:28

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: November 14, 2017  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as an Assistant Harbor Master/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Richard Cummings  
7 Jewett Street  
Georgetown, MA 01833



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 20 AM 10:28

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: November 14, 2017  
  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Joseph Grande  
52 Linwood Avenue  
Methuen, MA 01841



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 16 AM 10:27

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: November 14, 2017  
Subject: Re-Appointment

*Donna D. Holaday*

-----  
I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Adam R. Hayden  
76 Longfellow Drive  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:28

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: November 14, 2015

Subject: Re-Appointment

*Donna D. Holaday*

-----

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

James Maranto  
167 Harper Ridge Road  
E. Hampstead, NH 03826





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 21 PM 1:51

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: November 14, 2017  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as an Assistant Harbor Master/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Robert Padellaro  
17 56<sup>th</sup> Street  
Newburyport, MA 01950

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:27



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

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

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: November 14, 2017

Subject: Re-Appointment

*Donna D. Holaday*

-----

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Richard Puopolo  
169 Apache Way  
Tewksbury, MA 01876





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 20 AM 10:28

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: November 14, 2017  
Subject: Re-Appointment

---

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbor Master/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Daniel Scott  
P. O. Box 8042  
Ward Hill, MA 01835



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 NOV 21 PM 1:50

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: November 14, 2017

Subject: Re-Appointment



-----

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

Philip Stern  
271 Merrimac Street  
Apt. 2  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:28

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: November 14, 2017  
Subject: Re-Appointment

*Donna D. Holaday*

-----  
I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2020.

David Willey  
13 Devonshire Crossing  
Lowell, MA 01851



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:28

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 : November 14, 2017  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following  
named individual as Assistant Harbormaster/Shellfish  
Constable and Special Police Officer for the purposes of  
local, State and Federal laws and regulations with respect  
to waterways, marine activities and boating. This term will  
expire on December 31, 2020.

Kristian Zoeller  
115 Timber Swamp Road  
Hampton, NH 03842



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CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:28



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

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

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 14, 2017  
Subject: Re-Appointment

*Donna D. Holaday*

-----  
I hereby re-appoint, subject to your approval, the following named individual as Human Resources Director. This term will expire on January 1, 2021.

Tracy Maynard  
69 Middle Street  
Newburyport, MA 01950





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 20 AM 10:28

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: November 20, 2017

Subject: Re-Appointment

-----

I hereby reappoint, subject to your approval, the following named individual as a member of the Library Board of Directors. This term will expire on January 1, 2024

Kathleen Carey  
2 Chapel Street  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:27

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: November 15, 2017  
Subject: Re-Appointment

*Handwritten signatures: Donna D. Holaday and another illegible signature.*

-----  
I hereby reappoint, subject to your approval, the following named individual as a member of the Library Board of Directors. This term will expire on January 1, 2024.

Marcia Edson  
11 Salem Street  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 16 AM 10:27

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: November 15, 2017  
Re: Re-appointment

-----  
I hereby reappoint, subject to your approval, the following named individual as a member of the Library Board of Directors. This term will expire on January 1, 2024.

Elizabeth Valeriani  
29 Oak Street  
Newburyport, MA 01950

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

# COMMUNICATIONS



**Richard Jones**

---

**From:** Benjamin Resnick <benjamin.resnick@gmail.com>  
**Sent:** Tuesday, November 21, 2017 10:59 AM  
**To:** Richard Jones  
**Subject:** Hanukkah Menorah

November 21, 2017  
President and Members of the City Council  
City Hall  
Pleasant Street, Newburyport, MA

Dear City Council,

As in years passed, Congregation Ahavas Achim requests a permit to install a hannukah menorah in Market square, adjacent to the Christmas Tree. We plan to set up on Sunday, December 10 and will leave the menorah in place through then of the month. We will need access to an electrical outlet, but will handle all of the set up directly. Thank you very much for your consideration—

Warm wishes,  
Rabbi Benjamin Resnick  
Congregation Ahavas Achim, NBPT

--  
Rabbi Benjamin J. Resnick Congregation Ahavas Achim Newburyport, Massachusetts

# ORDERS

CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

November 27, 2017

**THAT** the City Council of the City of Newburyport approves the following Licensed Contractor application for the 2017 construction year for Water, Sewer, Drain Layer, Roadway and Sidewalk work:

Raffaeie Construction Corp.  
21 Elm Place  
Swampscott, MA 01907

*Paperwork on file in the City Clerk's office.*

---

Councillor Jared J. Eigerman  
Public Utilities Chairperson



CITY OF NEWBURYPORT


RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV 17 AM 9:36

DEPARTMENT  
OF  
PUBLIC SERVICES

## MEMORANDUM

ANTHONY J. FURNARI  
DIRECTOR

**TO:** Richard Jones, City Clerk  
**FROM:** Wayne S. Amaral, DPS Deputy Director   
**DATE:** November 14, 2017  
**RE:** License Contractor Application and recommendation for 2016 Season

---

WAYNE S. AMARAL  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

Enclosed is a copy of a new Licensed Contractor application with bond and references to be forwarded to the city council for approval for;

16A PERRY WAY  
NEWBURYPORT, MA 01950

Raffaeie Construction Corp.  
21 Elm Place  
Swampscott, MA 01907

TEL: 978-465-4464

For the following work;

FAX: 978-465-1623

Water Service  
Sewer Service  
Drain Laying  
Roadway  
Sidewalk

WWW.CITYOFNEWBURYPORT.COM

Thank you for your attention to this matter.



CITY OF NEWBURYPORT

DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY  
NEWBURYPORT, MA 01950

ANTHONY J. FURNARI, DIRECTOR  
WAYNE S. AMARAL, DEPUTY DIRECTOR

PHONE: 978-465-4464  
FAX: 978-465-1623

Application to become a  
Licensed Contractor

Submit completed application to the above address

Today's Date: 11/6/17

Name of Company: RAFFAELLE CONSTRUCTION CORP.

Name of Owner: GERARDO RAFFAELLE

Contact Person: GERARDO RAFFAELLE

Street Address: 21 Elm Place City: SWAMPSCOTT State: MA Zip Code: 01907

Phone #: 781-598-5989 Cell #: 617-620-5127 Fax #: 781-593-0508

General Liability Insurance Certificate #: 8500045245 Policy Expiration Date: 10/24/18

Name and Contact Information of Insurer: Benevento Insurance 781-599-3411

Bond # 63412926 Bond Expiration Date: 11/7/2018

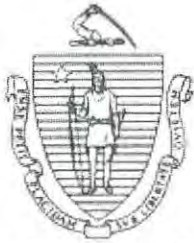
Type of Work Qualified for: (check all that apply)

- Water Service/Main
- Sewer Service/Main
- Drain Laying
- Roadway (incl. curb cuts)
- Sidewalk
- Gas
- Electric
- Communications

Submit the Following with this completed Application:

- Certificate of Insurance incl. Worker's Compensation Insurance Affidavit (per M.G.L. .c152)
- \$5000 Bond ORIGINAL ONLY (\$10,000 Bond for laying Wire or Conduit)
- \$500 Check non-refundable payable to City of Newburyport (not required for ROW Occupancy)
- Minimum 3 Municipal References within the last 5 years (Renewals do not require references)





The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 600 Washington Street  
 Boston, MA 02111  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): Raffaele Construction Corp.

Address: 21 Elm Place

City/State/Zip: Swampscott MA 01907 Phone #: 781-598-5989

**Are you an employer? Check the appropriate box:**

- |   |   |
|---|---|
| <p>1. <input checked="" type="checkbox"/> I am an employer with <u>20</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|---|---|

**Type of project (required):**

6.  New construction
7.  Remodeling
8.  Demolition
9.  Building addition
10.  Electrical repairs or additions
11.  Plumbing repairs or additions
12.  Roof repairs
13.  Other Sewerline

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.**

Insurance Company Name: Arbella Ins Co

Policy # or Self-ins. Lic. #: 4220059433 Expiration Date: 10/24/18

Job Site Address: 6 Magnolia Street City/State/Zip: Newburyport, MA 01950

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).** Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [Signature] Date: 11/8/17

Phone #: 781-598-5989

*Official use only. Do not write in this area, to be completed by city or town official.*

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector  
 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

# Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that **"every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."**

Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

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## Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply sub-contractor(s) name(s), address(es) and phone number(s) along with their certificate(s) of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

---

## City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary) and under "Job Site Address" the applicant should write "all locations in \_\_\_\_\_ (city or town)." A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

---

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts  
Department of Industrial Accidents  
**Office of Investigations**  
600 Washington Street  
Boston, MA 02111

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE

Fax # 617-727-7749

[www.mass.gov/dia](http://www.mass.gov/dia)







*Town of Swampscott  
Department of Public Works*

*22 Monument Avenue  
Swampscott, Massachusetts 01907*

*Tel: 781-596-8860 Fax: 781-596-8828*

*Gino A. Cresta Jr. Director  
gcresta@town.swampscott.ma.us*

*Sean Lannon, Assistant Engineer  
slannon@town.swampscott.ma.us*

November 8, 2017

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

Attn: Anthony Furnari

This letter is forwarded to you for the purpose of acknowledging that Gerry Raffaele, of Raffaele Construction Company, has performed both water main and water service repair work in the Town of Swampscott for several years. All of his work has been performed in a satisfactory and very professional manner, and he himself has been a pleasure to deal with.

If there are any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Gino A. Cresta Jr.  
Director of Public Works  
Town of Swampscott



Nahant Town Hall  
334 Nahant Road  
Nahant, MA 01908  
Tel. (781) 581-9927 Fax (781)593-0340

January 23, 2017

To Whom It May Concern:

Raffaele Construction Company of Lynn, MA has performed site, utility and masonry work within the Town of Nahant. Their work was found to be satisfactory and has been accepted by the Town of Nahant.

Should you need to contact me for further information, please feel free to contact me at the above number.

Sincerely,

Dennis Ball  
DPW Superintendent



# CITY OF LYNN

Andrew J. Hall, P.E.  
Commissioner

Lisa J. Nerich  
Associate Commissioner



## DEPARTMENT OF PUBLIC WORKS

(781) 268-8000 • Fax (781) 477-7074

250 Commercial Street  
Lynn, Massachusetts 01905

25-January 2017

To Whom It May Concern:

Raffaele Construction of 21 Elm Place, Swampscott, MA has been bonded and insured to perform street openings in Lynn, Massachusetts since 2001.

To date Raffaele Construction has fully complied with Lynn's Street Opening Permit Manual and completed all work in a neat and workman-like fashion.

Therefore, I would like to give a favorable recommendation to Raffaele Construction for work related to street openings.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Hall".

ANDREW J. HALL, P.E.  
Commissioner

# The City of Revere, Massachusetts

OFFICE OF STRATEGIC PLANNING & ECONOMIC DEVELOPMENT

281 Broadway, Revere, MA 02151

781-286-8194

Fax 781-286-8180



**Brian Arrigo**  
Mayor

To: Anthony J Furnari, Director of Public Works  
16A Perry Way  
Newburyport, MA 01950

From: Michael Kessman, Project Engineer, City of Revere

Subject: Letter of reference for Raffaele Construction

Date: November 8, 2017

Dear Mr. Furnari,

I'm am writing to give Newburyport a positive letter of reference for Raffaele Construction out of Swampscott, MA. Raffaele was the low bidder on a public bid park construction project during the 2017 calendar year. Their paperwork was in order in terms of bonding and insurance and I received positive comments from their references as listed on the bid forms.

I found Raffaele to be easy to work with and was happy with their quality of work. They performed according to spec and in a timely and workmanlike manner. I would recommend certifying Raffaele Construction to complete municipal work in Newburyport and look forward to working with them again in Revere.

Respectfully,

Michael B. Kessman, EIT

Project Engineer  
City of Revere  
(781) 286-8186





Effective Date: November 7th, 2017

# Western Surety Company

## LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 63412926

That we, Raffaelle Construction Inc.

of Swampscott, State of Massachusetts, as Principal,  
and WESTERN SURETY COMPANY, a corporation duly licensed to do surety business in the State of  
Massachusetts, as Surety, are held and firmly bound unto the

City of Newburyport, State of Massachusetts, as Obligee, in the penal

sum of Ten Thousand and 00/100 DOLLARS (\$10,000.00),  
lawful money of the United States, to be paid to the Obligee, for which payment well and truly to be made,  
we bind ourselves and our legal representatives, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the Principal has been  
licensed Drainlayer

\_\_\_\_\_ by the Obligee.

NOW THEREFORE, if the Principal shall faithfully perform the duties and in all things comply  
with the laws and ordinances, including all amendments thereto, pertaining to the license or permit  
applied for, then this obligation to be void, otherwise to remain in full force and effect until  
November 7th, 2018, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by First Class  
U.S. Mail, to the Obligee and to the Principal at the address last known to the Surety, and at the expiration  
of thirty-five (35) days from the mailing of said notice, this bond shall ipso facto terminate and the Surety  
shall thereupon be relieved from any liability for any acts or omissions of the Principal subsequent to said  
date. Regardless of the number of years this bond shall continue in force, the number of claims made  
against this bond, and the number of premiums which shall be payable or paid, the Surety's total limit of  
liability shall not be cumulative from year to year or period to period, and in no event shall the Surety's total  
liability for all claims exceed the amount set forth above. Any revision of the bond amount shall not be  
cumulative.

Dated this 7th day of November, 2017.

Raffaelle Construction Inc. Principal

[Signature] Principal

WESTERN SURETY COMPANY

By [Signature]  
Paul T. Bruffat, Vice President

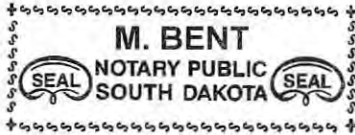


STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss

ACKNOWLEDGMENT OF SURETY  
(Corporate Officer)

On this 7th day of November, 2017, before me, the undersigned officer, personally appeared Paul T. Bruflat, who acknowledged himself to be the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



*M. Bent*

Notary Public — South Dakota

My Commission Expires March 2, 2020

ACKNOWLEDGMENT OF PRINCIPAL  
(Individual or Partners)

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_\_ day of \_\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the individual described in and who executed the foregoing instrument and acknowledged to me that he executed the same.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

ACKNOWLEDGMENT OF PRINCIPAL  
(Corporate Officer)

On this \_\_\_\_\_ day of \_\_\_\_\_, before me personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that he/she as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such officer.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

  
Western Surety Company

License or Permit No. \_\_\_\_\_

LICENSE AND PERMIT  
BOND  
As

of \_\_\_\_\_

State of \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Filed \_\_\_\_\_

Approved this \_\_\_\_\_

day of \_\_\_\_\_



# Western Surety Company

## POWER OF ATTORNEY

### KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,  
State of South Dakota, its regularly elected Vice President,  
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Drainlayer City of Newburyport

bond with bond number 63412926

for Raffaelle Construction Inc.

as Principal in the penalty amount not to exceed: \$ 10,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President with the corporate seal affixed this 7th day of November, 2017.

ATTEST

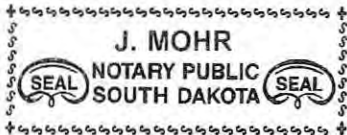
L. Nelson  
L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY  
By Paul T. Bruflat  
Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss



On this 7th day of November, 2017, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



J. Mohr  
My Commission Expires June 23, 2021 Notary Public

To validate bond authenticity, go to [www.cnasurety.com](http://www.cnasurety.com) > Owner/Obligee Services > Validate Bond Coverage.





CITY OF NEWBURYPORT



IN CITY COUNCIL

November 27, 2017

ORDERED:

**ORDER TO IDENTIFY, ENGAGE, AND RETAIN SPECIAL LEGAL COUNSEL TO THE CITY COUNCIL REGARDING THE WATERFRONT WEST PROJECT:**

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

**WHEREAS**, on March 23, 2017, Newburyport Manager LLC, an affiliate of New England Development (“NED”) submitted to the Newburyport Office of Planning & Development, the Newburyport Planning Board, and the Newburyport City Council preliminary draft materials relating to NED’s proposed redevelopment of the so-called Waterfront West parcels located along Merrimac Street between Michael’s Harborside and Black Cow restaurants (the “Waterfront West Project”);

**WHEREAS**, NED submitted materials submitted for informal review and comment by the specially designated Waterfront West committees of the City Council and Planning Board, which have taken place during the intervening months;

**WHEREAS**, such informal review and comment are thought to be near their completion, having helped NED to develop a more complete package of materials that will ultimately be submitted for formal review and approval by the City Council, with recommendations from the Planning Board;

**WHEREAS**, the redevelopment of the Waterfront West parcels has been anticipated in the plans and zoning ordinance of the City for over a decade;

**WHEREAS**, it is the duty of the City Council to act diligently in protecting and furthering the interests of the residents of Newburyport;

**WHEREAS**, the materials expected for formal review and approval by the City Council include text amendment(s) to the Newburyport Zoning Ordinance as well as a development agreement, between the City of Newburyport and the redeveloper;

**WHEREAS**, the City Council requires expert representation and advice from an attorney who specializes in federal, state, and local land use law, including the drafting of local legislation and agreements regarding redevelopment projects with a complexity and relative importance to its host community as the Waterfront West Project;

**WHEREAS**, the Newburyport Code provides that the City Solicitor shall draft all legal instruments, of whatever nature, which may be required of him by the City Council, in all cases where by usage or agreement the expense of drawing should be paid by the City;

**WHEREAS**, the Newburyport Code provides that the City Solicitor shall perform all other professional duties incident to his office which may be required by the City Council;

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

The City Council directs the City Solicitor forthwith to assist the City Council as it identifies, engages, and retains a qualified attorney and counselor-at-law of the courts of the Commonwealth of Massachusetts, to act as special counsel to the City Council regarding the Waterfront West Project, with an initial retainer fee of not less than twenty-five thousand dollars (\$25,000).

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Councillor Barry N. Connell

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Councillor Sharif I. Zeid

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Councillor Jared J. Eigerman

**WITH REVISIONS AS OF 11/20/17**

**Order Relative to a Special Act Authorizing the City of Newburyport to Hold a Special Election for the Purpose of Accepting the Terms of Clause 41C½ of Section 5 of Chapter 59 of the Massachusetts General Laws**

**Whereas**, G.L. c. 59, §5, cl. 41C½ provides a property tax exemption for the principal residence of a taxpayer who has reached their seventieth birthday, or sixty-fifth birthday if accepted as such; and

**Whereas**, the so-called Clause 41C½ senior property tax exemption requires acceptance of its terms by vote of the City at the next regularly scheduled municipal election, and

**Whereas**, the City of Newburyport wishes to hold a special election for the purpose of accepting the terms of the Clause 41C½ senior property tax exemption rather than waiting for the next regularly scheduled municipal election, and

**Whereas**, based upon the plain language of the statute, inclusion of the question of adoption of the Clause 41C½ senior property tax exemption on the ballot at a special election would require approval of the General Court.

**Now therefore, be it Ordered that:**

The City Council of the City of Newburyport hereby authorizes the Mayor, on behalf of the City, to submit a Home Rule Petition to the General Court of the Commonwealth of Massachusetts to enact a Special Act for the City of Newburyport in the manner described below and for the purpose of authorizing the City of Newburyport to hold a special election for the purpose of accepting the terms of Clause 41C½ of Section 5 of Chapter 59 of the Massachusetts General Laws, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and to further authorize the Mayor to act on behalf of the City relative to any inquiries and/or changes made by the General Court concerning the proposed Act, and to approve amendments which shall be within the scope of the general public objectives of the petition, as needed:

**AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO HOLD A SPECIAL ELECTION AND SET A WHOLE ESTATE LIMIT FOR THE PURPOSE OF ACCEPTING AND ESTABLISHING THE TERMS OF CLAUSE 41C½ OF SECTION 5 OF CHAPTER 59 OF THE MASSACHUSETTS GENERAL LAWS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the City of Newburyport may hold a special election for the purpose of accepting the terms of Clause 41C½ of Section 5 of Chapter 59 of the Massachusetts General Laws.

**SECTION 2.** A vote by the City Council and approval of its Mayor shall allow the City of Newburyport to establish a whole estate limit for the purpose of determining an applicant's qualification for the exemption allowed under Clause 41C½ of Section 5 of Chapter 59 of the Massachusetts General Laws.

**SECTION 23.** This act shall take effect upon its passage.

---

Councillor Charles F. Tontar  
Chair, Budget & Finance Committee

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

November 27, 2017

For reasons set forth herein, The CITY COUNCIL of the City of Newburyport hereby enacts a temporary moratorium on the use of land or structures for recreational marijuana establishments and other uses related to recreational marijuana including, without limitation, dispensing, processing, and cultivation activities, and other activities related to the sale, storage and distribution of marijuana for non-medical use. The moratorium will be in effect through November 30, 2018 or until such time as the City adopts a recreational marijuana Zoning By-Law amendment, whichever occurs earlier. During the moratorium, the City shall undertake a planning process to address the potential impacts of recreational marijuana use in the City and consider the Cannabis Control Commission regulations regarding recreational marijuana establishments, which are to be finalized by July 1, 2018.

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Councillor Charles Tontar



**COMMITTEE ITEMS**

November 27, 2017

**BUDGET & FINANCE COMMITTEE ITEMS-**

1. **ORDR061\_11\_13\_17** – Home Rule Petition re: Special Election to Accept Clause 41 C ½ (CotW).
2. **TRAN044\_11\_13\_17** – Free Cash \$20K to High School Roof Repairs \$20K.
3. **TRAN045\_11\_13\_17** – Free Cash \$35K to Rail Trail Phase 2 Capital Project \$20K.
4. **TRAN046\_11\_13\_17** – Free Cash \$373,762 to General Fund Budget Reserve \$373,762.
5. **TRAN047\_11\_13\_17** – Free Cash \$300K to Roadway Reconstruction Program \$300K.
6. **COMM117\_11\_13\_17** – Ltr re: Morrill Foundation Funding Directive.
7. **ORDR062\_11\_13\_17** – Residential Factor FY2018.
8. **ORDR063\_11\_13\_17** – Tax Rate FY2018.
9. **ORDR064\_11\_13\_17** – Newburyport Parks Conservancy Gift Acceptance \$1689.77.
10. **ORDR065\_11\_13\_17** – Senior Tax Work-Off Income Limit.

## CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

**Order Relative to a Special Act Authorizing the City of Newburyport to Hold a Special Election for the Purpose of Accepting the Terms of Clause 41C½ of Section 5 of Chapter 59 of the Massachusetts General Laws**

**Whereas**, G.L. c. 59, §5, cl. 41C½ provides a property tax exemption for the principal residence of a taxpayer who has reached their seventieth birthday, or sixty-fifth birthday if accepted as such; and

**Whereas**, the so-called Clause 41C½ senior property tax exemption requires acceptance of its terms by vote of the City at the next regularly scheduled municipal election, and

**Whereas**, the City of Newburyport wishes to hold a special election for the purpose of accepting the terms of the Clause 41C½ senior property tax exemption rather than waiting for the next regularly scheduled municipal election, and

**Whereas**, based upon the plain language of the statute, inclusion of the question of adoption of the Clause 41C½ senior property tax exemption on the ballot at a special election would require approval of the General Court.

**Now therefore, be it Ordered that:**

The City Council of the City of Newburyport hereby authorizes the Mayor, on behalf of the City, to submit a Home Rule Petition to the General Court of the Commonwealth of Massachusetts to enact a Special Act for the City of Newburyport in the manner described below and for the purpose of authorizing the City of Newburyport to hold a special election for the purpose of accepting the terms of Clause 41C½ of Section 5 of Chapter 59 of the Massachusetts General Laws, provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and to further authorize the Mayor to act on behalf of the City relative to any inquiries and/or changes made by the General Court concerning the proposed Act, and to approve amendments which shall be within the scope of the general public objectives of the petition, as needed:

**AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO HOLD A SPECIAL ELECTION FOR THE PURPOSE OF ACCEPTING THE TERMS OF CLAUSE 41C½ OF SECTION 5 OF CHAPTER 59 OF THE MASSACHUSETTS GENERAL LAWS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the City of Newburyport may hold a special election for the purpose of accepting the terms of Clause 41C½ of Section 5 of Chapter 59 of the Massachusetts General Laws

**SECTION 2.** This act shall take effect upon its passage.

Councillor Charley Tanton



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 13, 2017  
Subject: Home Rule Petition to Adopt Clause 41C½ Senior Tax Exemption

In light of the financial stress felt by many in our community, especially seniors, I have reviewed the adoption of Clause 41C½ with my finance team and urge the City's acceptance. Adoption of this clause will replace Clause 41C, which the City currently offered to seniors. Below is a comparison of the two property tax exemptions:

	Clause 41C (Existing)	Clause 41C½ (Proposed)
Exemption Amount	\$500 - \$1,000	10% of average assessed valuation of residential property in the city; \$621 - \$1,242 (FY18)
Age	70 or older; may be reduced to 65 or older by a vote of the legislative body.	
Ownership and Domicile	Must own or occupy the property as your domicile. You must also have had a domicile in MA for 10 consecutive years and owned and occupied a property in MA for any 5 years (includes domiciles owned by a life estate or in trust).	
Income Limit	Single: \$30,107 Married: \$45,161	Single: \$57,000 Married: \$86,000
Asset Limit	Single: \$51,138 Married: \$70,314	None

Based on the different income and asset limits, more taxpayers will qualify for this exemption. In the latest fiscal year, 49 taxpayers qualified for the 41C exemption. Whereas, based on state tax filings, we know that approximately 450 filers qualified for the senior "circuit breaker" tax credit, which has the same income limits as 41C½. Therefore, we would expect a similar number of taxpayers to qualify under this senior property tax exemption.



An unusual aspect of Clause 41C½, however, is that it contains language referencing acceptance “at the next regularly scheduled municipal election,” which differs from ordinary language simply referencing regular elections. After consulting with the state’s elections division, the City Solicitor believes that the only alternative to waiting until a November 2019 vote is to submit a home rule petition requesting permission to accept the clause at a special election.

The attached order will allow the Home Rule Petition to go through the legislative process. Once approved by the state legislative, the City Council would need to vote to accept the terms of Clause 41C½ with any adjustments as needed, such a reduction of the age requirement from 70 to 65, and then send the measure to a special election.

At this time, I believe the benefit of this exemption to seniors outweighs the cost of holding a special election (approximately \$10,000). If the special legislation takes longer than anticipated, we will have an opportunity to re-evaluate whether or not spending funds on a special election makes sense or not.

Thank you for your consideration.



# City of Newburyport

## FY 2018

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV -7 AM 9:19

**Department:** Mayor's Office

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

**Date Submitted:** 11/13/2017

**Transfer From:**

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 2,493,539.00</u>
Account Number:	<u>01-35910</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$20,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2018 at \$2,493,539. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</u>		

**Transfer To:**

Account Name	<u>High School Roof Repairs</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New Capital Project</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$20,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>To make much needed repairs to the roof at the High School until funds are available to replace the deteriorated sections of the roof, potentially with support from the Mass. School Building Authority (MSBA). See attached explanatory memo.</u>		

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

Donna D. Holaday  
Ethan R. Manning

Date: 11/16/17  
Date: 11/13/17



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
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CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2011 NOV -7 AM 9:19

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 13, 2017  
Subject: Newburyport High School Roof Repairs

---

I respectfully request the appropriation of \$20,000 from Free Cash to fund much needed repairs to the roof at the High School. In discussions with Superintendent Susan Viccaro and Director of Facilities, Steve Bergholm, we feel that this is a sufficient amount of funding to make immediate repairs, while we attempt to get back into the Massachusetts School Building Authority (MSBA) pipeline to fund the larger roof replacement that is needed.

The scope of work for immediate repairs that need to be made include:

- Replace approximately 50' of copper flashing along roof edge
- Repair/replace flashing around air intake and exhaust vents on Building A sloped roof
- Replace missing and damaged asphalt shingles on Building A sloped roof (blown off in various wind storms)
- Troubleshoot and repair leak in north-east corner of cafeteria roof
- Troubleshoot and repair leaks in the tiered roofing between Buildings A&B
- Replace several loose patches
- Inspect all flat roof sections for loose seams, punctures and tears

As you are aware, we attempted to get into the MSBA Repair Program in the last fiscal year, however our application was denied. We intend to re-apply to the MSBA Repair Program and are hopeful that partial funding for the roof replacement can be secured in the coming years.

Thank you for your consideration.



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NEWBURYPORT, MA

NOV -7 AM 9:19

B\*F

# City of Newburyport

## FY 2018

# BUDGET TRANSFER REQUEST

**Department:** Mayor's Office

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

**Date Submitted:** 11/13/2017

**Transfer From:**

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	\$ 2,493,539.00
Account Number:	<u>01-35910</u>	Trans In:	\$ -
Amount:	<u>\$35,000.00</u>	Trans Out:	\$ -

Why are Funds Available: The Massachusetts Department of Revenue certified Free Cash for FY2018 at \$2,493,539. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.

**Transfer To:**

Account Name	<u>Rail Trail Phase 2 Capital Project</u>	YTD Bal:	\$ 252,032.25
Account Number:	<u>3608-49730</u>	Trans In:	\$ 74,153.46
Amount:	<u>\$35,000.00</u>	Trans Out:	\$ -

Why are Funds Required: For assessment of the contaminated soils found in the old rail corridor and final construction administration of the Rail Trail project. A transfer was made over the summer from the NHS Stadium balance; now that Free Cash is certified, we are requesting the additional funding needed. See attached explanatory memo from the Senior Project Manager.

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

Donna D. Holaday Date: 11/7/17  
Ethan R. Manning Date: 11/7/17



CITY OF NEWBURYPORT  
OFFICE OF PLANNING AND DEVELOPMENT  
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NEWBURYPORT, MA  
2017 NOV -7 AM 9:19

DONNA D. HOLADAY  
MAYOR

---

MEMORANDUM

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TO: NEWBURYPORT CITY COUNCIL  
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER  
SUBJECT: TRANSFER REQUEST TO SUPPORT CONTAMINATED SOIL ASSESSMENT FOR CLIPPER CITY RAIL TRAIL PHASE II  
DATE: 11/7/17

We are writing to respectfully request the City Council's approval of a transfer of \$35,000 from Free Cash to the Rail Trail Capital Project account for assessment of the contaminated soils found in the old rail corridor and final construction administration of the Rail Trail project.

As discussed in a previous City Council committee meeting as well as a recent project public meeting, additional funding is required to complete the assessment phase regarding the soil contamination so that the City can be in compliance with DEP and EPA regulations. The project's existing contingency funding has been consumed by additional funding required for the March's Hill spur pathway revision as well as evaluation and reporting of the soil contamination to date. Please note that the City is receiving significant financial and logistical support from MassDOT's Environmental Services Section and MassDOT's rail trail project budget for the evaluation and remediation of the contaminated soil. In addition, the City has received a brownfields grant that is anticipated to cover the City's share of the upcoming soil remediation phase costs.

Earlier in the year, the rail trail contractor found polychlorinated biphenyls (PCBs) in a stretch of soil in the old rail corridor behind the wastewater treatment facility above applicable regulatory standards. These PCBs had not been identified in the earlier environmental site assessment conducted and the soil sampling done along the corridor. However, all railroad corridors are presumed to have some level of soil contaminants and it is not uncommon to find additional contaminants during development of rail trails. The origin of these particular PCBs is not certain and is presumed to be old railroad operations (e.g., hydraulic fluid) which ceased circa 1972. The City needed to immediately make reports to the regulatory authorities about the discovery of this PCB contamination and accordingly hired a Licensed Site Professional (LSP). Working with MassDOT and the rail trail contractor, and in consultation with state and federal regulatory authorities, we have conducted several rounds of soil sampling in order to characterize the full extent of contamination to the satisfaction of DEP and EPA. The most recent soil samples are currently being analyzed in a laboratory, and our consultants are developing a remediation plan this month to be sent to the EPA and DEP for confirmation.

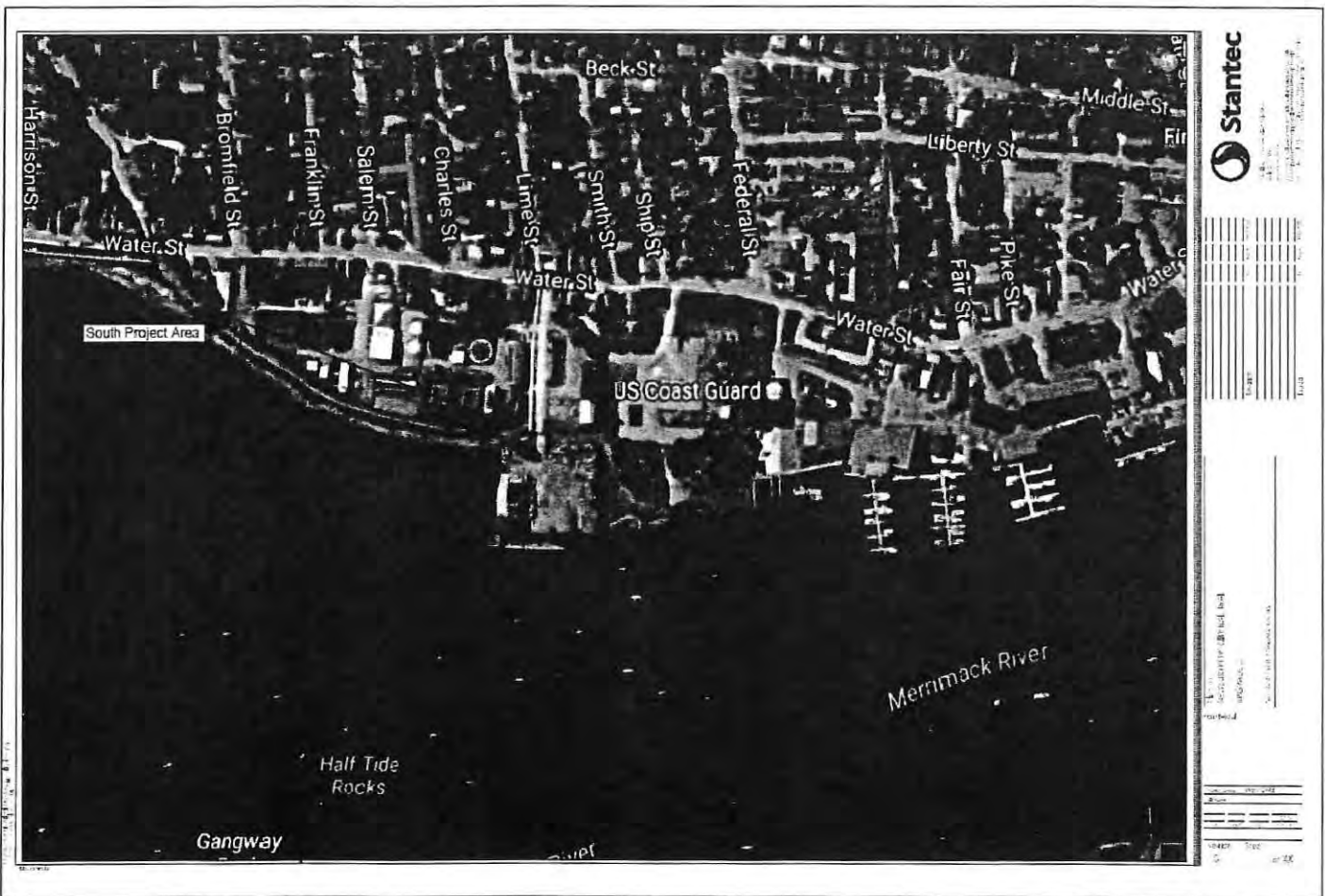
The regulatory risk thresholds are conservative, and the area is thoroughly fenced off to the public until a remediation plan can be implemented. PCBs are not volatile, do not migrate, and the LSP's have indicated that the soil contamination is confined to the former railroad bed and does not affect the intertidal zone or river. Please note that the regulations do not allow the City to indefinitely fence off the area as is without remediation. Multiple remedial action alternatives have been reviewed, and the best feasible alternative will involve excavation; live-loading and removal of the impacted soils; disposal in an off-site licensed facility; replacement with clean fill to a depth of approximately 2-4 feet in targeted areas; and capping the inaccessible soils above the high voltage direct-buried electrical cables (located four to five feet below grade) and underground duct



bank (three feet below grade) along with an Activity and Use Limitation that would run with the property's deed. Once approved, the actual remediation work will be quick. The contractor will then be able to go back and finish construction of the rail trail in this vicinity in the spring of 2018.

LSP services needed for the assessment phase of this effort include: developing reports such as an Immediate Response Action (IRA) plan for the DEP under the Massachusetts Contingency Plan (MCP) including requirements under the federal Toxic Substance Control Act (TSCA); oversight of the soil sampling including coordination and mapping of the soil boring locations, oversight of the sampling procedures, collation and review of the soil sampling data; written and oral communication with the regulatory authorities; meetings with the City, MassDOT, contractor and other consultants; and development of alternative remediation approaches, cost estimates, and recommendations. The City's consultant Stantec projects that the funding requested should complete the assessment phase. Once we enter the remediation phase, the City's \$100,000 reimbursable brownfields grant should cover all the City's projected costs associated with coordination, implementation and reporting of an approved remediation plan.

Please see the attached order and thank you for your consideration.





# City of Newburyport

## FY 2018

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

NOV -7 AM 9:20

**Department:** Mayor's Office

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

**Date Submitted:** 11/13/2017

**Transfer From:**

Account Name	General Fund - Free Cash	YTD Bal:	\$ 2,493,539.00
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$373,762.00	Trans Out:	\$ -
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2018 at \$2,493,539. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</i>		

**Transfer To:**

Account Name	General Fund Budget Reserve	YTD Bal:	\$ -
Account Number:	01-32801	Trans In:	\$ -
Amount:	\$373,762.00	Trans Out:	\$ -
Why are Funds Required:	<i>An appropriation of \$373,762 is required to set the FY2018 tax rate at \$13.26 as recommended. This represents a 1.75% increase to the levy limit under Proposition 2 1/2, which sets the maximum annual increase to the levy limit as 2.5%.</i>		

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

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

Date: 11/6/17  
Date: 11/3/17



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY  
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RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 NOV -7 AM 9:20

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 13, 2017  
Subject: Fiscal Year 2018 Tax Rate

---

For the current fiscal year, we recommend setting the FY2018 tax rate at **\$13.26 per \$1,000** based on a tax levy of \$54,794,916 and a city-wide valuation of \$4,132,346,602. This tax rate represents a \$0.19 per \$1,000 decrease over FY2017 and utilizes \$373,762 in Free Cash to defray 0.75% of the increase allowed under Proposition 2 ½.

Based on the FY2018 valuation, the average single family home in Newburyport is now assessed at \$560,300, compared to \$540,300 in FY2017. This results in an average single family tax bill of \$7,430, which represents a 2.3%, or \$163, increase over FY2017's average single family tax bill. By defraying the increase to the tax levy by 0.75%, the average single family home would experience a \$50 savings from what would otherwise be a \$213 increase.

Given the robust real estate market that has encouraged new development and improvements or additions to existing homes, we have added \$933,594 in value from New Growth for FY2018. This is a positive indicator of the local economy and part of the reason that I do not recommend taxing up to the maximum levy limit for FY2018.

As recently discussed, I am ever-mindful of the impact that taxes have on property owners, especially seniors. It is for that reason that I recommended increasing the maximum abatement under the senior tax work off program from \$1,000 to \$1,500 per year. It is also for that reason that I recommend the acceptance of Clause 41C½ of M.G.L. c. 59, sec. 5, to provide more tax relief to a greater number of seniors in our community.

Thank you for your consideration.



# City of Newburyport

## FY 2018

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

NOV 17 AM 9:19

**Department:** Mayor's Office

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

**Date Submitted:** 11/13/2017

**Transfer From:**

Account Name	General Fund - Free Cash	YTD Bal:	\$ 2,493,539.00
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$300,000.00	Trans Out:	\$ -
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2018 at \$2,493,539. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</i>		

**Transfer To:**

Account Name	Roadway Reconstruction Program	YTD Bal:	\$ -
Account Number:	New Capital Project	Trans In:	\$ -
Amount:	\$300,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>Chapter 90 funding does not provide enough funding to address the City's roads that are in need of repair. As such, I recommend an appropriation of \$300,000 so that DPS may begin planning the City's 2018 Roadway and Sidewalk Reconstruction Program.</i>		

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

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

Date: 11/16/17  
Date: 11/13/17



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OFFICE OF THE MAYOR  
DONNA D. HOLADAY  
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RECEIVED  
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NEWBURYPORT, MA

2017 NOV -7 PM 3:09

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 13, 2017  
Subject: Roadway Spot Repair Program – Funding request

---

Over the past few months I have been in discussions with the Director and Deputy Director of DPS regarding the needs for a Roadway Spot Repair Program. There are many streets in the city that could use a full restoration, however with limited available funds, the option of only paving the most deteriorated part of a particular street would be a better solution so that we may keep these streets passable and, at the same time, extend the roadway life for many more years.

The current MassDOT Chapter 90 program does not support spot repairs and any state funds used on roadways must meet MassDOT requirements of fully ADA compliant wheelchair ramps and other mandatory sidewalk improvements. As a result, Chapter 90 funds cannot be used for local spot repairs.

At this time, we are requesting a free cash appropriation of \$300,000 so that we may begin to address roadways that are currently in need of immediate repair. Going forward, it is our goal to make an annual appropriation of at least \$200,000 to address these problems on a yearly basis; this would allow DPS to make necessary roadway improvements thereby preventing further deterioration.

Below I have listed the streets that need immediate roadway spot repair. These streets have been in need of attention for many years and tend to be the most hazardous in terms of pothole repairs, drainage issues and personal and vehicle insurance claims.

**1. Doe Run Drive – Near #13 culvert crossing**

60' x 38' = 260 square yards = **\$8,000**

**2. High Street – From Plummer Avenue to North Atkinson Street (Phase 1)**

1800' x 45' = 9000 square yards = **\$110,000**

**3. Lavalley Lane – From Hale Street to Frances Drive**

625' x 30' = 2,080 square yards = **\$43,000**



4. Longfellow Road - From #28 - #39 Longfellow Road

700' x 23' = 1800 square yards = **\$45,000**

5. Marquand Lane – From 50' west of Turkey Hill Rd to 150' west of Turkey Hill Rd

200' x 22' = 489 square yards = **\$13,000**

6. Opportunity Way – At end of roadway

400' x 34' = 1500 square yards = **\$38,000**

7. Plum Island Turnpike – West of Mass Audubon at culvert

200' x 30' = 675 square yards = **\$23,000** (Need extra mix for grading issues)

8. Wildwood Drive – Near #15 culvert crossing.

160' x 38' = 675 square yards = **\$20,000** (Need extra mix for grading issues)

The current Chapter 90 funding of \$517,659 and the estimated \$250,000 in sidewalk replacement funds allow us to reconstruct about 1,200 linear feet of roadway and sidewalks. Below I have listed some priority streets with a cost estimate that I will be considering for the next few years. These are only estimates and will need some engineering design to calculate actual cost.

1. Barton Street – Whole Length / 850'. Estimated cost \$500,000.
2. Beacon Avenue – South Pond St to Reilly Avenue. Estimated cost \$125,000.
3. Columbus Avenue – Whole Length / 1,200'. Estimated cost \$750,000
4. Dove Street – Whole Length / 800'. Estimated cost \$500,000.
5. Oak Street – Whole Length / 1,200. Estimated cost \$600,000.
6. Plummer Avenue – Whole Length / 1,500'. Estimated cost \$780,000.
7. Reilly Avenue – Whole Length / 600'. Estimated cost \$350,000.
8. Russia Street – Finish both sides of street. Estimated cost \$175,000.
9. South Pond Street – Whole Length / 500'. Estimated cost \$300,000.
10. Willow Avenue – Whole Length / 550'. Estimated cost \$425,000.

I look forward to discussing this plan with you and hope that we can establish a Roadway Spot Repair Program that will be used to address our deteriorating roadways.

Thank you for your consideration.

**ROBERT D. MORRILL**  
**8396 SW SNAPDRAGON COURT**  
**STUART, FLORIDA 34997**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 OCT 31 AM 10:39

November 1, 2017

Hon. Donna D. Holaday, Mayor  
City of Newburyport  
60 Pleasant Street  
Newburyport, Massachusetts 01950

Re: Morrill Foundation Funding Directive

Dear Madam Mayor,

This letter acknowledges the trustees meeting at City Hall on September 8, 2017 where we were presented with a number of proposed projects for 2018. We subsequently deliberated over the options and have decided how to allocate the \$102,000.00 available for next year.

It is worth noting that Mrs. Lise Reid was invaluable in providing time and resources to not only detail work in process for monies already allotted but also to provide clarity on potential opportunities for the coming year.

We are in agreement with some stipulations on the funds to be used on the approved projects.

**Bartlet Mall Historic Restoration - \$25,000.00.** It should first be noted that the trustees, during our meeting with the City, reallocated \$5,000.00 previously to be used for a boat at the Mall pending the successful completion of the water treatment. The \$5,000.00, with the City's approval of an additional \$3000.00 from the Conservancy Fund, is to be used in 2017 to start repairing and restoring the Mall slopes, specifically targeting the areas most critically needing immediate attention. It is our understanding this will entail cutting the grass, re-sodding and raking, reseeding, and putting a blanket covering over the area for the winter. With \$8000.00 being applied this year to Phase 1, the allocated \$25,000.00 for next year is to be applied again to Phase 1 and any remaining funds towards Phase 2.

**Newburyport High School Outdoor Learning Center - \$25,000.00.** Recognition is essential of Mayor Gayden W. Morrill being the genesis of the High School, the site selection, architectural design, contractor approval, all City and Federal funding and personally laying the cornerstone to begin construction. In short Mayor Morrill made Newburyport High School a reality. It is interesting to note that the first full year graduating class was in 1938, Mayor Morrill died in 1948, and the Learning Center could be completed in 2018. The concept and recognition have yet to be

finalized, and the monies are be set aside until a detailed proposal has been sent to the trustees for their approval.

**Joppa Park Walkway Beautification - \$20,000.00.** In 2016 \$20,000.00 was appropriated to begin the walkway in 2017 pending trustee approval of the installation specifications. This summer with the help of the City engineering department that was accomplished. The \$20,000.00 allocated for 2018 is to be treated as an extension to the overall project.

**Atkinson Common Historic Landscape Preservation - \$18,700.00.** Atkinson Common lost some large trees as result of aging and last year's drought and some large tree pruning is needed. A detailed work order is to be drawn up before the bidding process begins. This allocation will represent the third year for this project and we trust it will be completed next year.

**Atkinson Common Lily Pond Renovation - \$11,700.00.** These funds in addition to \$3,300.00 allocated in a previous year along with \$5000.00 committed by the Belleville Improvement Society are to be used to re-pipe the underground water supply to the pond, install a pond liner and reinstall the paver border wall around the lily pond.

**Atwood Park Interpretive Panel - \$1600.00.** The panel is to recognize Margaret Ford Atwood, for whom the park was named, for her many contributions to what was then the Town of Newbury and subsequently the City of Newburyport.

I know that the City Council will have to formally accept these funds at its December meeting. After notification of their acceptance, and the turn of the year, The Mayor Gayden W. Morrill Charitable Foundation will send a check to the City.

In the meantime, we hope that all in Newburyport will have a wonderful Thanksgiving, a Blessed Christmas, and a safe, joyous, and prosperous New Year.

Sincerely,



Robert D. Morrill

cc: James Agrippa Morrill, James Astle Morrill, Mary Haslinger, Lise Reid, Kimberly Turner, Jack Grady, Peter DeMaranville.

BF

CITY OF NEWBURYPORT



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

ORDERED:

November 13, 2017

**THAT**, all property within the City of Newburyport be taxed equally and that the method to determine this percentage of the local tax levy to be assessed by each class of property is established by the adoption of a **Residential Factor** of [            ] for **Fiscal Year 2018** in the City of Newburyport.

\_\_\_\_\_  
Councillor Charles F. Tontar  
Chair, Budget & Finance Committee

CITY OF NEWBURYPORT



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

ORDERED:

November 13, 2017

THAT, the City of Newburyport Tax Rate for Fiscal Year 2018 will be \$[ ] for all classes of property.

\_\_\_\_\_  
Councillor Charles F. Tontar  
Chair, Budget & Finance Committee



B&F  
CT/B

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

November 13, 2017

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude a gift from the Newburyport Parks Conservancy in the amount of \$1,689.77 for the purpose of beautification of Cushing Park, Atwood Park and building of dugouts at Richie Eaton Baseball Field located behind the Nock-Molin Upper Elementary School and appropriates said funds to the Parks Department Revolving Account in accordance with M.G.L. Chapter 44, Section 53A.

---

Councillor Charles F. Tontar  
Chair, Budget & Finance Committee

*CF*

CITY OF NEWBURYPORT



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

ORDERED:

November 13, 2017

**WHEREAS**, Chapter 59, Section 5K of the Massachusetts General Laws allows cities and towns to establish local rules pertaining to the Senior Property Tax Work-Off Program; and

**WHEREAS**, the income limit for the Program is currently set at the median household income for Massachusetts (currently \$67,846).

**NOW, THEREFORE, be it ORDERED** that the City Council of the City of Newburyport hereby sets the income limit for the Senior Property Tax Work-Off Program to be based on the median household income for Newburyport as determined by the U.S. Census Bureau (currently \$85,556).

\_\_\_\_\_  
Councillor Charles F. Tontar  
Chair, Budget & Finance Committee



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550  
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To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: November 13, 2017

Subject: Change to Income Limit for Senior Property Tax Work-Off Program

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I am proposing a change to the income limit for the Senior Property Tax Work-Off Program established under MGL ch. 59, sec. 5K. The current limit is tied to the Massachusetts median household income (currently \$67,846). Instead, I suggest that the income limit be tied to the *Newburyport* median household income as determined by the United States Census Bureau (currently \$85,556).

As you are aware, earlier this year, we increased the benefit from \$1,000 to \$1,500 per person as allowed by the Municipal Modernization Act. Unlike many other statutes, this statute allows cities and towns the ability to set local rules pertaining to the eligibility requirements for participation in the program. The only exception is the 60 year old age requirement, which is set by statute.

Given the change in home values and the increased overall financial burden on our senior population, I feel that changing the income limit to be based on the Newburyport median household income is more indicative of the cost of living in Newburyport and will open up the program to a greater number of individuals.

Thank you for your consideration.

## PLANNING & DEVELOPMENT COMMITTEE ITEMS

November 27, 2017

- COMM023\_02\_27\_17 Zoning Changes to Waterfront West
- COMM024\_03\_13\_17 Newburyport's Master Plan-Final Document
- COMM030\_03\_28\_17 Preservation Trust Ltr to Council re 1690 House
- COMM038\_03\_28\_17 Lower Custom House Way
- COMM069\_06\_12\_17 Air Quality Analysis of Intermodal Facility
- ODNC012\_09\_11\_17 Zoning Amendment-Off Street Parking Regulations
- COMM115\_10\_30\_17 Memo re: Proposed Zoning Amendments on Council Agenda
- COMM119\_11\_13\_17 Ltr re: Towle Project/ Samuel Morse House
- ORDR059\_11\_13\_17 Order Authorizing Acceptance of Samuel Morse 1690
- ORDR060\_11\_13\_17 Order Authorizing Acceptance of Towle building



CITY OF NEWBURYPORT  
OFFICE OF PLANNING AND DEVELOPMENT

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NEWBURYPORT, MA 01950  
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*P&D/COTW  
roll call  
9/yes  
2 refused  
P.C./B.V.*

TO: City Council / Planning & Development Committee  
Planning Board

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

DATE: February 8, 2017

RE: Council/Committee Discussions of Zoning Changes & Site "Master Plan"  
Proposed by New England Development (NED) for Waterfront West (WWW)

As you know, New England Development (NED) presented conceptual plans for redevelopment of the so-called Waterfront West area on December 6, 2016. These plans are based on zoning changes outlined by NED which includes incorporation of a "Master Plan" (overall site layout for phased development) within the modified Waterfront West Overlay District (WWOD).

The attached letter was submitted by NED to request that a formal working group be established (or a standing Committee be designated) for the purposes of engaging in more detailed discussions with NED regarding the proposed development program, zoning amendment and "Master Plan."

I respectfully request that the Council forward this communication (along with the attached February 7, 2017 letter from NED) to the Planning & Development (P&D) Committee so that the Committee may open discussions with NED and the Planning Board under an official docket number. The Planning Board will also provide representatives to work with the P&D Committee moving forward. NED is preparing a full package for submission this month and proposes to fund a "peer review" account to facilitate the City's own review of these materials during the next few months. We are also considering certain aspects of the program which may be addressed by way of a "development agreement." This will also be discussed with NED in Committee meetings. The Council may wish to post P&D meetings as P&D/COTW (Committee of the Whole) to allow other Council members to participate as necessary.

It is my hope that working together with NED we can bring forward a zoning amendment for Waterfront West that will facilitate a vibrant and successful mixed-use development plan for the this corner of the downtown which is compatible in scale and architectural context. NED's mixed-use program consists mainly of residential units (both for sale and rental) as well as a 100-key hotel (with conference space) and ancillary commercial space (for "active frontage" along Merrimac Street and an extended publicly-accessible boardwalk. As stated at the December 6, 2016 presentation, I believe (subject to some adjustments relative to building height, parking and architectural details) that this overall composition will benefit downtown Newburyport greatly by: (a) providing additional year-round residents and visitors to support existing businesses; expanding public access to the waterfront; and (c) improving the appearance and vibrancy of this segment of Merrimac Street, which is somewhat disconnected from the core downtown.



February 7, 2017

**BY EMAIL**

Office of Planning & Development  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950  
Attention: Andy Port

Re: **Waterfront West Rezoning**

Dear Mr. Port:

As you know, New England Development (the "**Proponent**") would like to work with the City of Newburyport to rezone certain parcels of land located along Merrimac Street between the Michael's and Black Cow restaurants.

Based on our informal discussions with the Planning Board on January 18<sup>th</sup>, we understand that you will be submitting a request for the City Council to designate a sub-committee of the Council to review and comment on informal submissions by the Proponent. This informal review and comment process will help the Proponent develop a more complete package of materials that will ultimately be submitted for formal review and approval by the City Council, with input from the Planning Board.

As discussed at the Planning Board meeting on the 18<sup>th</sup>, the Proponent is preparing a package of materials for review by the sub-committees of both the City Council and the Planning Board. We anticipate that the package will be submitted in February and will include the following information:

1. Draft Zoning Text Amendment;
2. Draft Master Plan;
3. Draft Zoning Map Amendment;
4. Draft Plan Set;
5. Draft Architectural Information; and
6. Draft Reports and Supporting Information (including, traffic, utilities, stormwater and fiscal reports).

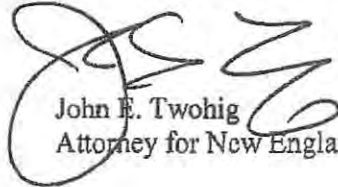
We will also be working with the Planning Department to fund a peer review account to facilitate the City's review of our materials.

February 7, 2017  
Page 2

Please let us know if you require any additional information from the Proponent to submit your request to the City Council for consideration.

Thank you for your assistance and we look forward to working with the City on this waterfront redevelopment opportunity.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John E. Twohig', written over the typed name.

John E. Twohig  
Attorney for New England Development

cc: Scott Kelley  
Timothy W. Sullivan



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

*p&d / COG*

TO: **City Council / Planning & Development Committee**

CC: **Planning Board**

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

DATE: **March 7, 2016**

RE: **Newburyport's Master Plan – Final Document**

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On October 31, 2016, the City Council received a copy of the draft Master Plan update from the Mayor and Office of Planning & Development. On December 7, 2016 I provided to the Council a copy of the "Work Plan" appendix which identifies specific actions that, when implemented, will result in the achievement of the goals listed within the plan. The Work Plan is structured with Goals, Objectives and Actions, and identifies specific departments and/or boards that will be responsible for implementing each of these recommendations over the next ten years.

During the past few months we have worked with our consultant, Community Opportunities Group (COG) to revise the draft Master Plan based upon input received from elected and appointed officials as well as the general public. The final Master Plan document is available for viewing and download here:

<http://www.cityofnewburyport.com/master-plan-steering-committee>

Attached is a list of the substantive changes made to the draft Master Plan during finalization. We respectfully request that the Council approve the Master Plan in its final format so that our office, and others, may begin working on related projects and initiatives, including but not limited to zoning changes for the purpose of implementing plan priorities such as standards for the compatibility of new and infill development within Newburyport's historic neighborhoods. While State law does not require Council approval of the Master Plan (only Planning Board adoption is mandatory) it is important that the Council adopt the Master Plan as evidence to state agencies regarding the City's priorities when applying for grant programs during the next ten (10) years.

We intend to use the "Work Plan" appendix as a checklist which can be monitored on a yearly basis moving forward, in order to assess progress being made each year in implementation of the Master Plan, as well as to identify shortcomings which may be improved in future years. We intend to provide the Planning Board and City Council with this yearly progress report.

We will make ourselves available to address any questions the Council or Planning & Development (P&D) Committee may have. Please do not hesitate to contact me if you have any questions regarding the Master Plan or any other planning initiative. Thank you.

# Substantive Changes to the Draft Master Plan

## Introduction Chapters

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1. Beefed up language regarding lack of rental opportunities in the various sections within chapters 1-3 that discussed Newburyport's housing situation.
2. Added information regarding water usage and capacity to page 1-12 "Water Supply Systems".

## Land Use Chapter

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1. 'Generalized Future Land Use Map' Changes:
  - o Removed the "Residential Infill Potential" category and recoded these areas as "Stable Residential".
  - o Added language to the narrative describing the map about creating standards for two- and multi-family residential development regarding massing and compatibility with the surrounding neighborhood.
2. Added language relative to the need for architectural design review and standards to ensure neighborhood compatibility and appropriate massing of two- and multi-family residential structures.
3. Goal LU-7: Related the redevelopment of the Storey Avenue to that of the smart growth district - walkable, affordable housing, commercial development in an integrated neighborhood.
4. Goal LU-9: Added in language that stresses the need to create connections between the rail and bus facilities themselves and also between these facilities and the downtown.

## Economic Development

---

1. Section B: Formative Issues, Housing: included a definition for Workforce Housing.  
*"Workforce housing can refer to any form of housing, including ownership or rental, which is affordable for households with earned income that is insufficient to secure quality housing in reasonable proximity to the workplace."*
2. Goal ED-7: Added the following text:  
*"Strengthening the City's relationship with the Merrimack Valley Workforce Investment Board and its programs and career center will provide additional resources for the community's employers as they seek out skilled workers."*

## Transportation and Circulation

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1. Critical Traffic Areas:
  - o Added language regarding safety of Route 1/Parker Street
  - o Added the following as another 'critical traffic area' and updated the accompanying map to include it:  
*"Western End of Merrimac Street. This is a heavily-traveled portion of Merrimac Street that connects the western end of the City to the downtown area. An area of particular concern along this stretch of road is near the baseball fields at Lower Atkinson Park, known as Pioneer Fields. Narrow sidewalks, excessive vehicular speed, poorly located and*

*demarcated crosswalks, and unclear entry and exit points to the parking area. Potential improvements to increase safety for both vehicles and pedestrians include: improved signage for crosswalks and speed limits, sidewalk reconstruction, additional road striping to demarcate the travel lane versus the pedestrian area, and reconfiguring the field's parking area so that there is more off-street parking. This roadway is a City-owned street, which means local funds and the DPS could make these improvements."*

### Natural Resources, Recreation and Open Space Chapter

1. Table NR-6: removed the Brown School Playground from the list and added it to Table NR-5.

### Municipal Facilities and Services Chapter

1. Section B: Public Safety: Added in a section on Newburyport Emergency Management Agency written by Fire Chief LeClaire.
2. Goal MFS-3: added in language regarding the review and implementation of the recommendations of the City's Source Water Assessment Program (SWAP) report.

### Implementation Plan & Monitoring

1. Introductory language on page IP-3 edited from "Require concurrence with the Plan: The City shall require concurrence with the Master Plan in rezoning or development approvals" to "**Concurrence with the Plan:** The City, through appropriate public processes, shall endeavor for concurrence with the Master Plan in rezoning or development approvals."
2. Added language regarding the Planning Board annually dedicating a meeting (or portion thereof) to the progress made on the Master Plan and a discussion of where to focus energies in the coming year.
3. Added a sample form for all Department Heads to fill out and include with their budget submittal to the Mayor and City Council that lists the Plan's actions that have been completed in the previous fiscal year and actions that will be accomplished in the coming fiscal year.
4. Goal 1, Objective 1, Strategy 2: Added 5<sup>th</sup> Action, which reads:  
*"Encourage redevelopment of the 'Waterfront West' area that is compatible with surrounding downtown architecture and uses. Support permitting for new mixed-use (residential and commercial) and hotel development that would support the vibrancy of the existing downtown while adding new tax revenue, public access along the waterfront, affordable residential units, and other public benefits."*
5. Goal 1, Objective 2, Strategy 2: Added 4<sup>th</sup> Action, which reads:  
*"Work with state and local officials and authorities to create a safe environment for both pedestrians and vehicles with an emphasis on traffic calming measures."*
6. Goal 1, Objective 4, Strategy 1, Action 1: Added language regarding the use of the SWAP report for guidance as to how to protect the natural areas around the city's water supply.
7. Goal 2, Objective 2, Strategy 1: Added 5<sup>th</sup> Action, which reads:  
*"Support the development of Workforce Housing to provide quality, affordable housing options for the community's service-based employees."*

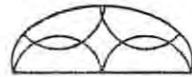


## Work Plan

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1. Created an action item in the Land Use section related to considering the use of Floor Area Ratio (FAR) in residential zoning districts.
2. Action LU-4.1.3: Edited to read as follows: *“Review and revise the Zoning Ordinance governing the in-law apartments to allow new accessory rental apartments in existing accessory structures as well as in additions to existing primary structures by Special Permit.”*
3. Action H-1.2.1: Edited to read as follows: *“Examine current Accessory Apartment ordinance and determine appropriateness in relaxing the regulations applying to non-family related occupants, as well as allowing units within existing accessory structures.”*
4. Action H-2.2.1: Edited to read as follows *“Modify the Zoning Ordinance to allow developer incentives to create deed-restricted affordable units including strategies to house individuals and families below 80% AMI.”*
5. Added: Action T-1.4.3: *“Explore feasibility of adding a sidewalk and/or dedicated bicycle lane along Hale Street that will serve as a safe connection from the West End to the other neighborhoods in the City.”*
6. Added Action T-1.5.6, which reads: *“Improve the vehicular and pedestrian safety of the western end of Merrimac Street, especially the area near Pioneer Fields, through sidewalk reconstruction, travel lane striping, demarcation of crosswalks and crossing signals, clear entry and exit points from Merrimac Street into the Pioneer Field parking area, and additional speed limit signage.”*  
The responsible party is listed as the DPS, the priority is listed as ‘High’ and the potential funding source is the General Fund.
7. Added new objective to MFS Goal 1, which reads: *“Create dedicated Zoning Enforcement Officer position in either the Building Department or Planning Office. The accompanying action reads, Create and Fund a staff-level position to address resident concerns and review projects for permit compliance. Responsible parties include the Mayor’s Office and the City Council with a suggested funding source of building permit fees.”*
8. Added: Action MFS-3.2.4: *“Annually review the recommendations presented in the City’s Source Water Assessment Program (SWAP) report and implement as appropriate and economically feasible.”*

pid



NEWBURYPORT  
PRESERVATION TRUST

LINKING THE PAST WITH THE PRESENT AND FUTURE

March 21, 2017

Newburyport City Council  
Newburyport, Massachusetts  
By Email

Re: TCROD, Towle "1690 House" Preservation

Dear President O'Brien and City Council Members,

One purpose of the Towle Complex Redevelopment Overlay District is "to preserve and enhance the significant historic features...exhibited in the c. 1690 residential structure," also known as the "1690 House." Ordinance Special Permit criteria include rehabilitation consistent with the Secretary of the Interior's "Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings."

Changes made to the 1690 House do not comply – the building has been ruined from an historic perspective – and the developer, First Republic Corporation, is now seeking a "remuneration" agreement for the violation through the Newburyport Historical Commission.

On February 22, 2017, after completely gutting both the interior and exterior historic features of the 1690 House, First Republic asked for NHC approval of a Preservation Restriction (also required under the TCROD). The NHC, not wanting to "convey benefits to the developer based on what was done to the building," and to seek Planning Office guidance, postponed its vote on the Preservation Restriction.

At the following NHC meeting, March 8, First Republic offered and asked to discuss "remuneration." Continuation of this discussion is on the NHC agenda for tomorrow, Wednesday, March 22.


We wanted the City Council to be aware of the ordinance violation and of these discussions, and ask that you be involved in any agreement the City reaches with the developer.

We have attached "before and after" pictures of the 1690 House, and the NHC February 22 Meeting Minutes, highlighted.

Respectfully,

Newburyport Preservation Trust, Inc.

On behalf of its board of directors,

  
Thomas Kolterjahn  
Co-President

  
Linda Miller  
Co-President

cc: Mayor Donna Holaday; Andrew Port, Planning Director; Sarah White, Chair, Newburyport Historical Commission; Jim McCarthy, Chair, Newburyport Planning Board  
P.O. Box 184 • Newburyport, MA 01950

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

#### **4. Advisory Review**

##### **George Carey**

1 Market Square

DOD Advisory Review

Mark Griffin, George Carey, Dan Ricciarelli described the plans for renovating the restaurant space at the Firehouse. The Commission is to provide an advisory report to the Planning Board for the March 1 public hearing on the project. On the front façade, upward-opening doors would be added. New awnings would be installed that attach to the doorframes. Signage would be installed utilizing existing holes. No damage would be done to the granite lintel or bricks. At the rear of the structure the glass wall would be moved outwards to the face of the upper deck to expand the dining area. A permanent pergola structure with hipped-roof awnings would replace the existing tent. The applicant is proposing to paint a large sign on the brick of the rear façade.

Sarah White opened the hearing to comments from the public. Tom Kolterjahn, 64 Federal Street, said he supports the plan, which is a wonderful adaptive reuse project that benefits both the community and the theatre. He said the paint should not be removed from the interior brick by sandblasting and lime mortar should be used. Lois Honegger said both Mayor Holaday and the board of the Firehouse fully support the project.

Sarah White closed the public comment portion of the hearing and asked for comments from the Commission members. The members emphasized no holes should be made in the brick or granite. Ned McGrath spoke against a sign being painted on the brick. He said the structure houses the theater in addition to the restaurant and any signage for the restaurant should be at street level. Sarah White moved to recommend the project to the Planning Board with the conditions discussed while conveying the concern expressed about signage on the rear façade. Malcolm Carnwath seconded the motion. The motion was unanimously approved.

#### **5. General Business**

##### **Lisa Mead**

1690 House, 262 Merrimac Street

Preservation Restriction

Adam Costa represented the applicant and the First Republic Corporation. A preservation restriction was to apply to certain interior elements of the 1690 House along the exterior features. The staircase, floors, windows, paneling and mantles were all to have been retained. Instead the interior was gutted and most of these elements were not preserved. With regards to the exterior elements, the Greek Revival entrances were not preserved and the entablatures were discarded. Tom Kolterjahn, 64 Federal Street, said what the developer did to the building is a tragedy. The developer made representations that building would be preserved and did not keep these promises. Sarah White said First Republic destroyed the architecture integrity of the structure's interior and what was done was abhorrent. Ned McGrath said the document is a hollow one and does not contain enough detail to warrant being signed. He does not wish to convey benefits to the developer based on what was done to the building. He asked what recourse the City might seek from the developer. Sarah White moved to postpone the vote on the preservation restriction until the March 8 meeting to allow her time to speak with the Planning Director and the City Attorney. Malcolm Carnwath seconded the motion. The motion was unanimously approved.

1690 House Before and After – Examples

Merrimac Street Entrance 2007





Merrimac Street Entrance - 2017



\* MORE PHOTOS AVAILABLE IN CLERK'S OFFICE



Stephanie (& All) –

I have reviewed your letter and spoken with Sarah White, Chair of the Newburyport Historical Commission (NHC) about this. The Commission is meeting to discuss this matter with the developer's representative (Lisa Mead) tonight. In the meantime Sarah and I agreed it would be best to schedule a site visit and inspection. I presume a suitable date for that will be determined after tonight's discussion with the Commission. I will make myself available and include the Planning Board Chair (Jim McCarthy) if possible. I will assist with coordination of this on-site meeting pending tonight's discussion and information regarding the availability of each party. I will also attend any committee meetings if possible.

I am in agreement with the NPT that financial "remuneration" should not become a "pattern" with developers hoping to make "payment in lieu" of prior commitments to historic preservation. I believe Lisa represented the Lime Street developer where that was also proposed "after the fact." The "surprise" demolition of 8 Strong Street also appears to have been one of these convenient "circumventions."

However, it is important that we distinguish matters of perspective (i.e. what is viewed as acceptable work) from what is a clear legal violation of the Newburyport Zoning Ordinance (NZO) and permits issued thereunder (in this case the Special Permit issued by the Planning Board). You are correct to point out that the NZO requires a Preservation Restriction (PR) for the 1690 House, and that [work on] the structure was to be consistent with the Secretary's Standards for Historic Buildings. However, as I'm sure you are aware, application of the Secretary's Standards for Historic Buildings requires some interpretation in the field based on actual conditions and feasibility/applicability. Unfortunately that discussion was never completed.

I will defer to the NHC on which provisions of the Standards have been violated by the developer. I have not had the time to monitor their work on this building in the field, but have previously asked that NHC Chair Sarah White let me know if there are any concerns as the work was progressing. The last involvement I have had with this appears to have been site visits and exchanges with the developer on which items would remain and be restored vs. replaced/altered. As I recall this conversation included Planning Board Chairman Jim McCarthy. I do not, however, recall a formal or final document summarizing all agreed upon alterations (or items to be preserved). I believe that was last being addressed by Sarah and the developer, however according to Sarah they may have been making changes in the field without first circling back with Sarah for review/approval.

In either case, there does not appear to be a PR on record with a written agreement between the City and developer over what can and cannot be done. This is partly due to the Planning Board's original condition of approval (issued back in 2007, prior to my time) which required a PR, but unfortunately did not specify a deadline for that PR. In the case of the Kelley School (more recently) we made sure that a condition was placed on the developer specifying that no work could proceed until the PR was recorded, including photographs of "baseline conditions" and the list of approved alterations thereto. Not so with the earlier Towle Special Permit. For this reason I make it a habit (wherever possible) to recommend deadlines for conditions required within permits issued by our boards – in this case it would have been recording of a locally approved PR prior to any work on the building. Period. Terms of the PR could then be enforced clearly and without debate over what was agreed to informally, verbally or "in the field." In my opinion this is the "lesson learned" here (for the City). We will continue to recommend deadlines and triggers in permit conditions moving forward. That being said, based on the language of the

Ordinance provision involved, the developer clearly should have worked these issues out with the NHC before doing all this work (i.e. which is not in accordance with the Standards), via a formal signed document agreed to by both parties (i.e. the PR).

The Mayor and our Human Resources Director are in the process of hiring a part-time enforcement officer who can assist with monitoring permit compliance (due to our other responsibilities, limited time and resources). This person could also help to monitor compliance with PRs imposed/approved by the City. However, please note that PRs typically address exterior elements of structures that are visible to the public. This is the arguable "public benefit" of regulating the appearance of, and limiting alterations to, historic structures. There is less of an argument to be made for regulating what is done on the private interior spaces of dwelling units – as much as that may be desirable or admirable. And while there are clearly internal elements that are important and feasible to preserve, it is not clear in this instance where that line was intended to be drawn, since there is no PR in place yet between the NHC and developer (as with the Kelly School).

I will wait to hear from Sarah White before coordinating further meetings and/or site visits. Clearly we need to address the instant situation as well as note the "lesson learned" (for permit conditions and enforcement) moving forward. Thank you.

**Andrew R. Port, AICP**  
Director of Planning & Development

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p+D  
5/30/17

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*also admitted in NH*

## MEMORANDUM

**DATE:** November 6, 2015  
**CC:** Andrew Port, City of Newburyport  
Michael Mroz Newburyport Maritime Society, Inc.  
William Harris  
Jared Eigerman  
**FROM:** Edward Rainen  
**RE:** Public Way from Water Street to the Merrimack River  
southeasterly side of the Custom House (s/k/a Lower Custom House Road)

As I expected, the rights in and to the former public landing were adjudicated in 1926, following a trial in the Land Court.

Although my staff and I reviewed several hundred pages of documents from Land Court Registration cases numbered 4588, 9769 and 39539, the incredibly detailed, historically based, answer is found in an 11 page decision, dated January 19, 1926 which specifically addresses this very question. This Memorandum contains a brief summary of the findings in that decision.

To acquaint yourselves with the locations of the land adjudicated, I have provided the final survey of the case involving the Atkinson Lumber site. I will be happy to provide the so-called Petitioner's Plans, which predate the various judgments of the Court and contain data not included in the so-called "Decree Plans." Also, all of the material we reviewed is available, on request, for its historic value.

Case 9769 discusses the layout of two public landings by the Town of Newbury, in 1722, and references the creation of the Town of Newburyport in 1764. It highlights a subsequent release by the Town of Newbury of its rights in the public landings in 1826, followed by the 1833 deed to the United States of the Custom House which is described as being bounded by public landings on either side. It discusses the creation of filled land to create dockage which began at primitive high tide and extended further out into the Merrimack River. The Court also discusses the extensive minutia of the local political process, resulting in a petition to the General Court in 1873 for a public act authorizing the City to sell certain landing places to the railroad. Subsequent thereto there is such a deed from the City of Newburyport to the Newburyport City Railroad of the land in question pursuant to the very authority granted by Chapter 136 of the Acts of 1873.

The Court makes a distinction between the new land located between historic mean high water and the river, characterizing that portion as "a landing" and characterizing the landward portion from primitive mean high water to Water Street as being a "public way." Judge Davis then rules that, based on the historic record, the City discontinued that portion he describes as the Public Landing and sold it to the railroad. The Court states on page 11 that "The City is a party to this case, and claims the way as a public highway." The Court defines the extent of said way as being 110 feet from Water Street on its one side and 85 feet from Water Street on the other.

In conclusion, the Court adjudicated that title to the fee in the Public Way belongs to the Petitioner, Atkinson, subject to the rights of the public to use the 110/85 foot section as a public way. We find no notice of Appeal.

Pursuant to General Laws Chapter 185, the Land Court has original and exclusive jurisdiction of the title to registered land. It is fair to say, that as a party to Registration Case No. 9769, the City of Newburyport, had its one bite of the apple 90 years ago, and is subject to *res judicata* concerning the issues of the location and rights in the former public way as well as its own actions in the discontinuance of public rights and sale of the public landing and its sale to a private party. Since the precise issues of location, use and ownership of the public way were actually litigated, I believe that the elements of collateral estoppel have been met and no other party can now or ever, re-litigate those issues.

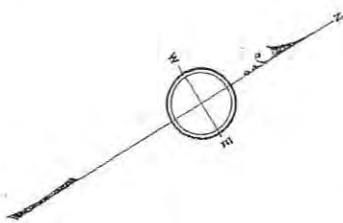
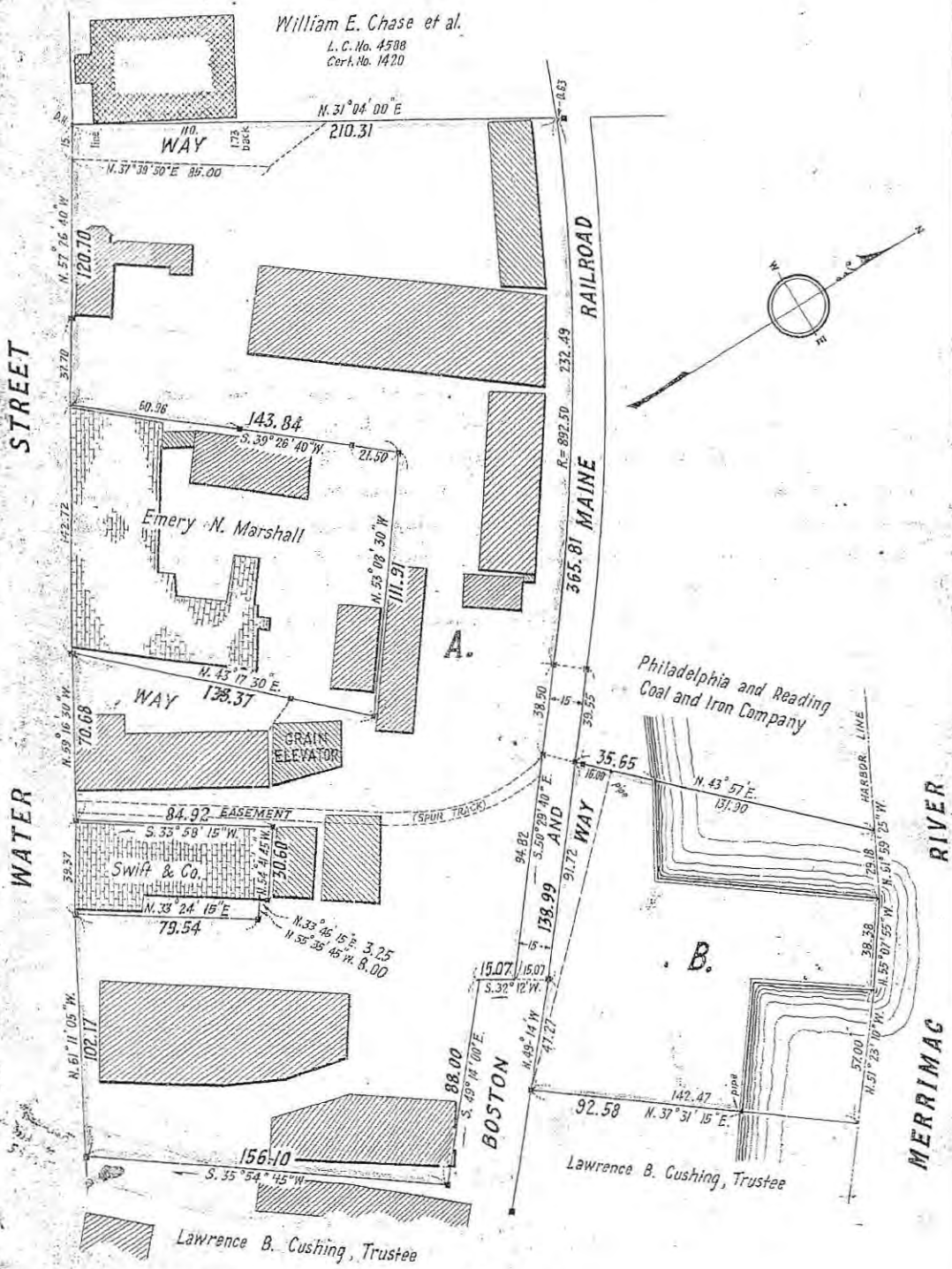
9769A

PLAN OF LAND IN NEWBURYPORT

Scale 20 feet to an inch

AUG. 1923

George E. Hutchins, C.E.



See Notes Over

Essex South Registry District  
July 20, 1926

RECEIVED AND FILED

W.M. Certificate No. 6194

Copy of part of plan  
Filed in  
LAND REGISTRATION OFFICE  
OCT. 25, 1923

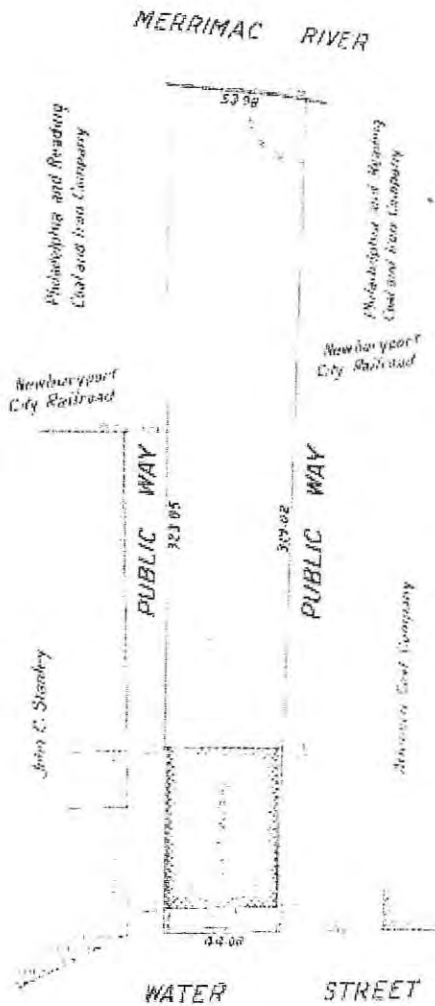
Scale of this plan 50 feet to an inch  
C.B. Humphrey, Engineer for Court



# Plan of Land in Newburyport. Scale 20 feet to an inch. OCT. 1913.

John F. Mansford, Surveyor.

See also the plan filed with the



6-22

City of Newburyport  
 LAND RECORDS DEPARTMENT  
 OCT. 7, 1913  
 Scale of this plan 40 feet to an inch  
 J. F. Mansford, Surveyor



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

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PHD

*Donna D. Holaday*

To: President and Members of the City Council  
From: Mayor Donna D. Holaday  
Date: June 6, 2017  
Subject: Air Quality Analysis of Intermodal Facility

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There has been concern raised regarding the air quality impact of the proposed intermodal facility. As such, the City has engaged the services of Epsilon Associates to perform an analysis of air quality impacts in the vicinity of the proposed facility due to vehicular traffic and idling.

Attached is the proposal from the engineering firm, including an overview of the scope of work. The estimated fee for the analysis is \$5,300 to be paid from the Paid Parking Revolving Fund.

We will release the findings of the report as soon as they become available.

Thank you.



May 23, 2017

PRINCIPALS

Theodore A Barten, PE  
Margaret B Briggs  
Michael E Guski, CCM  
Dale T Raczynski, PE  
Cindy Schlessinger  
Lester B Smith, Jr  
Robert D O'Neal, CCM, INCE  
Andrew D Magee  
Michael D Howard, PWS  
Douglas J Kelleher  
AJ Jablonowski, PE  
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City of Newburyport  
Office of Planning and Development  
60 Pleasant Street  
Newburyport, MA 01950  
Attn.: Planning Director Andy Port

**Subject: Air Quality Analysis of Newburyport Parking Garage**

Dear Mr. Port:

Epsilon Associates, Inc. (Epsilon) is pleased to provide the Town of Newburyport this proposal for air quality consulting services for a proposed new 207-space parking garage located at Merrimac and Titcomb Streets in Newburyport, Massachusetts.

Epsilon is a privately held 45-person engineering and environmental consulting firm based in Maynard, MA. Environmental analysis, modeling, licensing, permitting and compliance work for industrial and power facilities are a major component of our practice. Air quality studies and analysis of impacts from both stationary and mobile sources are one of our specialty services. We have a staff of nine air quality professionals, including chemical and environmental engineers, air quality meteorologists and scientists, and a staff of four noise specialists.

*Understanding of the Project*

The Merrimack Valley Regional Transit Authority (MVRTA) is proposing to erect an intermodal parking facility in downtown Newburyport, Massachusetts. The facility will consist of 207-space parking garage for general public use. Current plans show that the garage will consist of a lower level, accessed only via Merrimac Street, and three additional levels accessed via Titcomb Street. The facility will also consist of a dedicated turn-out for regional bus parking at curbside.

The town is requesting analysis of air quality impacts in the vicinity due to traffic and idling within the new garage.

### *Scope of Work*

Epsilon proposes to complete the following tasks. Further requests to clarify any assumptions or input data may be made as the tasks progress.

#### *1. Emissions Quantification*

Vehicular emission rates will be estimated for the year 2023 using the EPA's MOVES model. MOVES uses the most recent advances in vehicular emissions estimation techniques in addition to specified local data inputs to provide a reasonable estimate of project related emissions from vehicles in a given location for a given time period.

Analysis of the year 2023 corresponds with the "build" year in the transportation analysis.<sup>1</sup> This analysis includes potential future growth that may occur which is not associated with the completion of the project.

Epsilon will obtain county specific inputs for use in the analysis from MassDEP. These inputs include vehicle fleet mixes, vehicle age distributions, inspection and maintenance programs, and locally specific fuel information.

#### *2. Air Quality Impact Analysis*

Epsilon will perform air quality dispersion modeling of the four garage levels using the EPA's AERMOD dispersion model. AERMOD uses the latest regulatory modeling science in its algorithms and provides a conservative estimate of pollutant concentrations from multiple sources.

Epsilon will use the transportation analysis report for peak hour vehicle entry/exit counts. These counts will determine the vehicle emissions for the entire garage for the three peak hour periods (Weekday AM/Weekday PM/Saturday). Traffic outside of the garage (including regional bus idling) will not be included.

Using the results of the MOVES modeling, Epsilon will estimate emissions from each garage level, for each peak hour. The peak hour emissions will be input into the AERMOD model, and factored for non-peak periods. This will allow the model

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<sup>1</sup> Traffic Impact and Access Study - MVRTA Intermodal Parking Facility -Newburyport, Massachusetts prepared for Desman Associates by TetraTech (November 2016)

to output longer-term (> 1 hour) concentration estimates to compare to the applicable hour standards.

Locations where the model will predict pollutant concentrations are called "receptors". Receptors will be located within 1 mile of the garage, at a reasonable spacing to capture the highest concentration estimates. Additionally, receptors will be placed at various nearby locations to assess any specific impacts to local businesses, residents, or the general public.

The model will be run using the most recent five years of meteorological data from Boston's Logan Airport. The model will also incorporate any terrain effects within the modeling domain.

All modeling will be performed in accordance with Appendix W to 40 CFR 51 (aka, "The Guideline on Air Quality Models"), subsequent Federal applicable modeling guidance, and current MassDEP modeling guidance.

The emissions from vehicles within the garage will be the sole sources included in the modeling.

### *3. Local Traffic Impact Qualitative Analysis*

Epsilon will conduct a *qualitative* analysis of air quality impacts from local traffic. We have prepared numerous analyses of carbon monoxide (CO) impacts from failing (LOS D or worse) intersections in Boston and other towns. Idling emissions from the MVRTA buses will also be addressed.

### *4. Memorandum/Report*

A detailed memorandum describing the quantitative analysis impacts of the garage itself will be provided. This will include detailed description of the modeling procedure, inputs, assumptions, and results. Conclusions will be drawn from these results and conveyed in a manner suitable for public understanding.

The memorandum will also include the qualitative analysis of air quality impacts due to offsite traffic. This will consist of a short section in the memorandum addressing intersection impacts as well as regional bus idling.



*Project Team, Schedule, and Cost Estimate*

I will be the overall project manager and will be responsible for the project. I am a Certified Consulting Meteorologist with over 24 years of experience in air quality permitting, dispersion modeling, and investigative studies. Ms. Matthews is a junior air quality meteorologist with experience in air quality modeling and data analysis and will be working with me to complete the project. I will perform quality assurance on the analysis and report before the final package is delivered.

Epsilon proposes to begin this work immediately upon approval. The completed submittal package is expected to be completed within two weeks of receipt of all requested information.

The estimated costs of tasks are as follows:

Task	Description	Cost
1	Emissions Quantification	\$800
2	Air Quality Analysis	\$2,600
3	Qualitative Traffic Analysis	\$400
4	Memorandum/Report	\$1,500
<b>Total</b>		<b>\$5,300.00</b>

The estimated cost of completing this project will not be exceeded without prior approval (written or electronic). This cost estimate is based on our current understanding as to the level of effort required described previously. Billings for professional services will be based on a time and materials basis in accordance with Epsilon's Standard Consulting Agreement, attached. This proposal, including Epsilon's rates and terms providing services, can be accepted by signing in the space provided below and returning one copy to Epsilon, or through issuance of a purchase order.

This cost estimate represents analysis of the initial design setup and a single revision. If modeling shows exceedances of the NAAQS, further revisions to either modeling assumptions or source data may be necessary and the cost estimate may be revised. Additionally, if changes are made to the project design after initial modeling has been completed, and further modeling must be performed, the cost estimate may be revised.

Mr. Andy Port  
City of Newburyport  
May 23, 2017

5

We appreciate the opportunity and look forward to working with you on this important project. Please call me at (978) 461-6233 if you have any questions on this proposal.

Sincerely,  
EPSILON ASSOCIATES, INC.

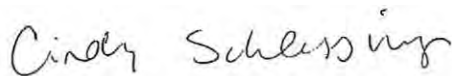


Vincent R. Tino, CCM  
Senior Consultant

Attachments:  
Standard Consulting Agreement

Approved by:  
Epsilon Associates, Inc.

Accepted by:  
Town of Newburyport



\_\_\_\_\_  
Name  
Principal  
\_\_\_\_\_  
Title  
5/23/17  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title  
\_\_\_\_\_  
Date

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL

ORDERED:

SEPTEMBER 11, 2017

**A ZONING ORDINANCE TO AMEND NEWBURYPORT'S OFF-STREET PARKING REGULATIONS**

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

*Amend existing Section VII-A – Off-Street Parking Regulations as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:*

**VII-A. - Off-street parking regulations.**

*New uses or development:* No use of any premises shall be authorized or extended and no building or structure shall be erected or enlarged, unless on-site or off-site parking is provided for such extension, erection, or enlargement, as provided herein. Any outdoor parking spaces shall be treated with a surface binder, gravel or crushed stone surface. Except as otherwise provided under section XXIV or, alternatively, through a special permit from the city council as set forth below, all parking spaces shall be provided as follows:

- (1) For non-residential uses parking spaces may be (i) on site; (ii) off-site within a private parking lot or a private parking structure within ~~300~~600 feet of the principal building, structure or use on the premises, by right with evidence of lease or easement of the minimum duration, as provided below; or (iii) off-site within a municipal parking lot within ~~three hundred (300)~~600 feet of the principal building, structure or use on the premises by special permit from the planning board with payment into the intermodal transportation improvement fund (ITIF), as provided below; or (iv) ~~by special permit from the city council, off-site within a municipal parking structure within five hundred (500) feet of the principal building, structure or use on the premises.~~
- 2) For residential uses parking spaces may be (i) on-site; (ii) off-site within a private parking lot or a private parking structure within ~~three hundred (300)~~six hundred (600) feet of the principal building, structure or use on the premises, by right with

evidence of lease or easement of the minimum duration, as provided below; or (iii) ~~by special permit from the city council~~ within a municipal parking lot within ~~three hundred (300)~~ six hundred (600) feet of the principal building, structure or use on the premises by special permit from the planning board with payment into the ITIF, as provided below.

When a private lot or parking structure is proposed to satisfy the parking requirements, a recordable lease or easement ~~of adequate~~ with a term of least five (5) years in duration must be provided to the permit granting authority.

The foregoing provisions regarding off-site parking are summarized in the following table:

	Private Parking Lot	Private Parking Structure	Municipal Parking Lot	Municipal Parking Structure
Residential use (principal building, structure or use within <del>three hundred (300)</del> <u>six hundred (600)</u> feet)	By right, with evidence of lease or easement <u>of minimum duration</u>	By right, with evidence of lease or easement <u>of minimum duration</u>	Special permit from <del>city council</del> <u>planning board with payment into ITIF</u>	<u>Not Permitted</u>
Non-residential use (principal building, structure or use within <del>three hundred (300)</del> <u>six hundred (600)</u> feet)	By right, with evidence of lease or easement <u>of minimum duration</u>	By right, with evidence of lease or easement <u>of minimum duration</u>	<del>By right</del> <u>Special permit from planning board with payment into ITIF</u>	<u>See below</u> <del>Not Permitted</del>
<del>Non-residential use (principal building, structure or use within five hundred (500)</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>Special permit from city council</del>

For the purposes of determining the distance requirement for off-street parking, the measurement shall be taken in a straight line from the appropriate lot line of the off-street parking lot or parking structure to a pedestrian entrance to the associated principal building, structure or use on the premises.

In the event a development of more than one building is comprised of more than one use, the parking requirement shall be the sum total of the requirements for the individual uses; however, "shared" reduced parking requirements may be allowed by a special permit granted

by the planning board for uses having different peak times of parking demand requirements as determined based on the report of a traffic engineer engaged by the applicant and approved by the planning board.

*Dimensional requirements:* Exclusive of driveways or aisles, an area consisting of eighteen (18) feet by nine (9) feet shall be considered as one off-street parking space. The minimum aisle width for ninety-degree parking shall be twenty-four (24) feet for two-way traffic. Angle parking shall require a one-way traffic aisle with an eighteen-foot aisle width for sixty-degree parking and thirteen (13) feet for forty-five-degree parking.

*Use of municipal lots or structures:* The ~~city council~~ planning board shall act as special permit granting authority (SPGA) for the purposes of permitting use of municipal parking lots for residential ~~uses or municipal parking structures for qualified~~ and non-residential uses to provide required off-street parking. ~~The provisions of this section shall take effect upon completion of construction of a municipal parking structure.~~

The use of municipal parking lot(s) is permitted for all residential and non-residential uses ~~that are allowed by right to provide required off-street parking by special permit from the planning board and payment into the ITIF, as provided below~~. The use of a municipal parking structure(s) ~~for residential uses excepting hotel/inn to provide required off-street parking~~ is not permitted. The special permit for use of a municipal parking ~~structure~~ lot(s) shall require both compliance with the requirements of the ITIF ~~intermodal transportation improvement fund (ITIF)~~ and a determination that the requested use is essential and/or desirable to the public convenience or welfare.

*Intermodal transportation improvement fund (ITIF):* ~~The City hereby creates~~ Within the business II, III, and WMU district, the city's policy shall be to create a dedicated municipal revenue fund whose purpose is to provide for necessary funding to support transportation related improvements that are necessitated by use of municipal parking ~~structures~~ lots by residential and non-residential uses. The improvements necessitated by such uses are intended: to increase the supply of available public parking spaces which would otherwise be available if not for use of the municipal parking ~~structures~~ lots by such non-residential users; to allow for related improvements that are necessitated by the use of municipal parking ~~structures~~ lots by such non-residential users; and to pay for increases in the cost of operating and maintaining municipal parking ~~structures~~ lots which said costs can be directly attributed to the use of the municipal parking ~~structures~~ lots by such non-residential users. It is intended that all property owners ~~within these districts~~ that request a special permit from the SPGA to utilize a municipal parking ~~structure~~ lot(s) to meet their off-street parking requirements shall meet the requirements of this section.

Recognizing the particular intermodal transportation and parking needs of ~~these~~ the relevant districts, the SPGA may allow an unmet parking need credit (UPNC) to be applied and deposited in the ITIF as a method of meeting the parking requirements of section VII for non-residential uses. As provided in this section, the UPNC may only be requested by a property owner of a residential or a non-residential use within ~~five hundred (500)~~ six hundred (600) feet of an off-street municipal parking ~~structure(s)~~ lot(s). Applications shall be



administered by the SPGA as part of the special permit process and calculated using the table listed in the intermodal transportation improvement fund.

To calculate this credit, any unmet parking need shall be calculated by multiplying the required unmet parking need by a rate of ~~five thousand dollars (\$5,000.00)~~ seven thousand five hundred dollars (\$7,500) per space in a municipal parking lot. Prior to the issuance of a building permit, the resulting dollar amount shall then be deposited in the ITIF. The ITIF shall be used ~~within the districts~~ to provide support for transportation related improvements cited above, operations and shall be controlled and administered by the city council. The use of funds collected under this ITIF limited to the above noted improvements or such other improvements that are directly necessitated by use of municipal parking structures by residential or non-residential uses to provide required off-street parking.

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Councillor Jared J. Eigerman

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Councillor Edward C. Cameron, Jr.



CITY OF NEWBURYPORT  
OFFICE OF PLANNING AND DEVELOPMENT

COMM115\_10\_30\_2017

60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4400 • (978) 465-4452 (FAX)

*R & P  
S  
CT  
AT*

TO: **City Council / Planning & Development Committee**  
FROM: **Andrew R. Port, Director of Planning & Development**  
CC: **Donna D. Holaday, Mayor**  
DATE: **October 30, 2017**  
RE: **Proposed Zoning Amendments on Council Agenda / in Planning & Development Committee Docket:**

- (1) ODNC012\_09\_11\_17 "Zoning Amendment – Off-Street Parking Regulations"
- (2) ODNC013\_09\_11\_17 "Zoning Amendment – High Street Residential Districts"
- (3) ODNC018\_10\_30\_17 "Zoning Amendment – Zoning Map R3 to R2 Expanded 10/30/2017"

The Planning Board and City Council Planning & Development (P&D) Committee held a Joint Public Hearing regarding the above referenced zoning amendments numbered (1) & (2) on October 18, 2017. It is anticipated that the Council may take action on these proposed zoning amendments at tonight's meeting or in the very near future.

In accordance with the procedures established in Massachusetts General Laws (M.G.L.) Chapter 40A §5 and Chapter 12 of the Newburyport Zoning Ordinance (NZO), the Planning Board has recommended the following action with respect to these two (2) amendments:

**1. Zoning Amendment – Off-Street Parking Regulations**

The Planning Board recommends adoption of this zoning amendment, with changes shown in the attached "markup" version of the original language.

In particular, I would note the following concerns expressed by the Planning Board:

- A. The Planning Board requested more flexibility relative to the "shared parking" provision - hence the adjustment to this ordinance language.
- B. It was requested that we make it explicitly clear New England Development (NED) would not be able to use municipal parking (structures or lots) to meet their requirements within the so-called "Waterfront West Overlay District." Because recent conversations have focused on the WWOD (and potentially overlooked parking allowances in the underlying WMU District) the revised text refers to the entire area within the WWOD

boundaries, regardless of whether NED requests a WWOD Special Permit pursuant to the overlay district. If NED does not pursue a large project under the WWOD Special Permit procedures, one might argue that they could take advantage of municipal parking in the underlying WMU. The revised language now addresses this oversight.

- C. The Planning Board may differ from the Planning & Development Committee (or the larger Council) on the issue of whether to allow (by Special Permit) use of the City's new parking garage as well as municipal surface lots. The attached edits reflect the Planning Board's recommendation that this be allowed because it would encourage a smaller "footprint" for parking downtown than only allowing folks to utilize municipal surface lots. Although the Planning Board members understand recent politics surrounding the parking garage project, they did not feel that excluding the garage from this provision was in the best interest of the City, from a land use and urban design perspective.

Also attached, for your convenience, are illustrative maps depicting the 300' and 600' radius to municipal parking lots. This may be helpful as you consider whether or not to adjust the radius within which applicants may utilize nearby municipal parking lots to meet their zoning requirements.

## **2. Zoning Amendment – High Street Residential Districts**

The Planning Board recommends adoption of this High Street ridgeline zoning amendment, with changes shown in the attached "markup" version of the original language.

In particular, I would note the following concerns expressed by the Planning Board:

- A. Consistent with Planning Board discussions, we attempted to make a simpler definition of the "established front yard setback" concept. The revised text, while still lengthy, is perhaps easier to understand, and now includes a sample diagram.
- B. The text of the amendment now captures several R3 properties (at the corner of High Street and State Street) that were inadvertently left out in the original version. No change to the map was needed to address this.
- C. I removed reference to the individual parcels by address/number, because the map referenced in the revised amendment should be sufficiently clear.

### **Revised/Alternative Map for Second R3>R2 Zoning Map Change**

Proposed Zoning Amendment "ODNC018\_10\_30\_17" (# 3 above), which we are referring to as the "expanded" R3 to R2 zoning map change, is reflected on the map included with your original Council packets for this evening. This map change will further extend the first round R3 to R2 map change towards the downtown/central business district in the area between Federal, Fruit and Fair Streets. It is my understanding that the sponsor, or other members of the Council, may wish to replace this map with one that also includes several additional R3 properties on the south side of High Street near the

intersection with State Street. This alternative map is attached hereto for your consideration. It would be helpful to have clarity from the Council as to which map should be used for the purposes of this zoning amendment moving forward as we must schedule a required joint public hearing of the Planning Board and City Council during the next few weeks. We defer to the Council in this regard.

*Note: As the subject "additional R3 properties" are on the south side of High Street they are already captured in the corrected High Street ridgeline zoning amendment (and associated map) referenced above. If that amendment is adopted (on first reading) this evening (with a subsequent second reading) those parcels would become part of the High Street Residential A District (HSR-A). HSR-A would become the underlying District, in lieu of the existing R3. Hence, if the corrected High Street Ridgeline zoning amendment (and map) referenced above is adopted, there should be no need to include these parcels in the "expanded" R3 to R2 zoning map change.*



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Newburyport Planning Dept.

lead, Talerman & Costa, LLC  
Attorneys at Law

November 2, 2017

In Hand

30 Green Street  
Newburyport, MA 01950

Andrew Port  
Planning Director  
City of Newburyport  
60 Pleasant Street  
Newburyport MA 01950

Phone 978.463.7700  
Fax 978.463.7747

www.mtclawyers.com

RE: Towle Project / Samuel Morse House ("1690 House")

Dear Andy;

Reference is made to the above captioned matter and the attached letter of Michael Steinitz, Massachusetts Historical Commission, approving the Preservation Restriction for the Samuel Morse House for execution. In that connection, I have attached the ORIGINAL finalized Preservation Restriction which has been executed by the owner of the property along with a copy. On behalf of my client and pursuant to the agreement of the Planning Board, I request that you obtain the approval of the City Council and the signature of the Mayor. Upon receipt of same. I will forward the restriction to MHC and obtain the signature of the Secretary and then I will cause the restriction to be recorded.

Please let me know when this will be on the agenda for the City Council.

I thank you for your time and consideration.

Regards,

Lisa L. Mead

- cc: Client
- ✓ Mayor Donna Holaday
- ✓ City Clerk, Richard Jones

*Full Text available Clerk's office*

Millis Office

730 Main Street, Suite 1F  
Millis, MA 02054

Phone 508.376.8400



## CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

November 13, 2017

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

**THAT** the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Preservation Restriction between the City, acting through the Newburyport Historical Commission, and Newburyport Landing LLC c/o First Republic Corporation of America, for the property located at 262 Merrimac Street, commonly referred to as the "Samuel Morse House" or "1690 House," as required by the Newburyport Planning Board pursuant to a Special Permit issued under the Towle Complex Redevelopment Overlay District (TCROD); and

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

---

Councilor Charles F. Tontar

## CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

November 13, 2017

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

**THAT** the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Preservation Restriction between the City, acting through the Newburyport Historical Commission, and FRCA OF NEWBURYPORT LLC, for the property located at 260 Merrimac Street, commonly referred to as the "Towle Manufacturing Co. Building," as required by the Newburyport Planning Board pursuant to a Special Permit issued under the Towle Complex Redevelopment Overlay District (TCROD); and

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

---

Councilor Charles F. Tontar

## PUBLIC UTILITIES COMMITTEE ITEMS

November 27, 2017

ODNC015\_10\_10\_17 Amend Sec. 12-1.3 Signs in Public Ways

**ORDR015\_04\_10\_17 Complete Streets Policy (P&D)**

PI  
COTW

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

OCTOBER 10, 2017

AN ORDINANCE TO AMEND CHAPTER 12 -- STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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

Chapter 12    Streets, Sidewalks and Other Public Places  
Article 1     In General

**Sec. 12-1.5. - Signage, merchandising and beautification on public ways.**

- (a) One (1) A-frame sign is allowed on public ways for each public entrance to a lawfully occupied commercial building, and, in addition one (1) display of merchandise is allowed on public ways solely for the primary public entrance to a lawfully occupied commercial building, and, in all cases, subject to the standards and criteria herein.
- (b) All A-frame signs shall be placed on the sidewalk directly adjacent to its related building. No A-frame sign shall exceed two (2) feet in width or depth, or four (4) feet in height, nor shall it cover more than four (4) square feet of the sidewalk, measured from any height of such sign. No movable sign shall be attached, affixed, and otherwise secured to the ground, nor to any structure or fixture. The applicant for an A-frame sign under paragraph (f) of this section may petition the city council, by majority vote, for relief from any of these size, movability, and location requirements. In the event that any relief is granted by the City Council, such relief shall expire concurrent with the accompanying license as prescribed by 12-1.5 subsection (f) shown below. Such relief is subject to revocation by supermajority vote of the City Council, at its sole discretion, at any time.
- (c) All merchandise displays shall be placed on the sidewalk directly adjacent to its related building, parallel to and within one (1) foot of an exterior wall of such building, and with one end located no more than four (4) feet from its related primary public entrance. A merchandise display may be placed as multiple objects, or otherwise in segments or pieces, but in no event shall the total width permitted for each primary public entrance exceed eight (8) linear feet in the aggregate. No merchandise display shall extend from the exterior wall of its related building by more than four (4) feet into the public way (sidewalk), nor shall any merchandise display exceed five (5) feet in height above the grade of such sidewalk. No merchandise display shall be attached, affixed, and otherwise secured to the ground, nor to any structure or fixture. No merchandise display shall be located within fifteen (15) feet of the intersection of the sidewalk of two

streets. The owner of a proposed merchandise display may petition the city council, by majority vote, for relief from any of these size, movability, and location requirements. In the event that any relief is granted by the City Council, such relief shall expire on March 1<sup>st</sup> of the second calendar year following approval. Such relief is subject to revocation by supermajority vote of the City Council, at its sole discretion, at any time.

- (d) Notwithstanding section 12-4, a merchandise display may include tables and/or clothing racks, however, no merchandise display shall include any tent, stall, booth, or other structure unless such structure is itself merchandise displayed in accordance with this section, or a permit is granted subject to section 12-4.
- (e) Before placing any A-frame sign or merchandise display on a public sidewalk, the owner thereof shall file with the city clerk a release and agreement to hold the City of Newburyport harmless from any and all liability, together with evidence of liability insurance covering the A-frame sign and/or merchandise display, with a minimum limit of one million dollars (\$1,000,000), and naming the City of Newburyport as a co-insured entity. The applicant shall maintain such insurance in full force and effect at all times that the A-frame sign and/or merchandise display is in place.
- (f) To place an A-frame sign in a public way, the applicant shall first obtain a license, by submitting a written application to the city clerk as directed by that official, and pay a biennial licensing fee of one-hundred dollars (\$100.00) per A-frame sign.
- (g) Provided that the proposed A-frame sign complies with all provisions of this section, the city clerk shall approve each such license applied for a term not to exceed two (2) years from the date of approval. Each licensed A-frame sign shall display upon it the unique license number issued for it by the city clerk, and the date of expiration of the license.
- (h) Flower boxes, planters, or similar items to beautify (beautification items) may be placed on the public sidewalk directly adjacent to a lawfully occupied commercial building without the prior, written permission of the city council, provided, however, that that city council may order their removal at any time.
- (i) All A-frame signs, merchandise displays, and beautification items placed on a public sidewalk shall preserve a travel lane along such sidewalk that is at least five (5) feet in width, and shall allow for free and unobstructed passage of pedestrians.
- (j) Enforcement of paragraphs (a) through (i) of this section shall be the responsibility of a city employee designated in writing by the Mayor within the Downtown Overlay District, established under section XXVIII of the zoning ordinance, and of the department of public services for all other locations.
- (k) Any sign, merchandise display, or beautification item existing unlawfully within a public way shall constitute a trespass upon public property, and may be removed, without prior notice or compensation to its owner, by the city officer charged with enforcement under paragraph (j) of this section.
- (l) Each violation of paragraphs (a) through (i) of this section shall be punishable by a fine of one hundred dollars (\$100.00). Each such violation shall be deemed to constitute a separate offense on each day during which it exists after the giving of notice to the violator.



- (m) Prosecution of violations of paragraphs (a) through (i) of this section shall be by non-criminal disposition as provided in M.G.L. c. 40, § 21D, as it may be amended from time to time, the provisions of which are incorporated herein by reference.

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Councillor Sharif I. Zeid

**Table 12-1.5**

The following table is intended to serve as a quick-reference guide to the application of section 12-1.5, and does not substitute for the provisions of that section.

<b>Proposed Object in Public Way</b>	<b>City Council Approval?</b>	<b>Permit from City Clerk?</b>	<b>Permit Fee</b>	<b>Max. Permit Duration</b>	<b>Max. Quantity of Object</b>	<b>Max. Dimensions</b>	<b>Permitted Locations</b>
A-Frame Signs*	Not required	Required	\$100.00	2 Years	1 per public entrance to commercial buildings	2' W x 2' D x 4' H, and less than 4 sq. ft. total.	Sidewalk directly adjacent to related building
Merchandise Displays* (tables, clothing racks, or actual merchandise only)	Not required	Not required	N/A	N/A	1 per primary public entrance to commercial buildings	8' W x 4' D x 5' H. May be placed in segments, but aggregate width permitted for each primary public entrance cannot 8'	Sidewalk directly adjacent to related primary public entrance, parallel to exterior wall, starting within four feet (4' of primary public entrance
Beautification Items (e.g. planters)	Not required	Not required	N/A	N/A	N/A	N/A	Sidewalk directly adjacent to a lawfully occupied commercial building

\* Exceptions may be granted by City Council on location, size, or moveability by written request of applicant.

All A-frame signs, merchandise displays, and beautification items placed on a public sidewalk shall preserve a travel lane along such sidewalk that is at least five (5) feet in width, and shall allow for free and unobstructed passage of pedestrians.

# City of Newburyport Complete Streets Policy

December 11, 2017

## The Importance of Complete Streets

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WHEREAS, the citizens of Newburyport support the "Complete Streets" design principles; and

WHEREAS, the City of Newburyport's 2017 Master Plan calls for City officials to promote walkability, pedestrian safety, increased bicycle use and alternative modes of transportation throughout the City in, order to increase public safety, sustainability, efficiency and mobility, while decreasing overall traffic congestion; and

WHEREAS, the City Council seeks to ensure that all transportation projects undertaken in Newburyport provide full consideration of multiple travel modes (automobile, truck, bicycle, pedestrian, transit, etc.) in their planning, design, and construction phases, as appropriate; and

WHEREAS, the City Council recognizes that in support of this objective it will be beneficial to provide guidance to City Boards, Committees and Departments as to project planning, design standards, implementation and monitoring;

NOW THEREFORE, the City Council adopts this Complete Streets Policy for guidance in the planning, design, review and construction of all future transportation projects within the City:

~~The citizens of Newburyport support the Complete Streets Design and Build Program and have developed this policy that shall be used as our new design standards for all future projects.~~

## "Complete Streets" Defined

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~~A Complete Street is one that provides safe and accessible options for all travel modes – walking, biking, transit and vehicles – for people of all ages and abilities.~~

"Complete Streets" means streets that are designed and operated to provide safe and accessible options for all users and travel modes, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a street or street network.

Designing streets with these principles contributes toward the safety, health, economic viability and quality of life in a community by improving the pedestrian and vehicular environments. Providing safer, more accessible and comfortable means of travel between home, school, work, recreation and retail destinations helps promote more livable communities.

As designers, planners, public officials and advocates, we have a responsibility to promote and improve public health, reduce traffic congestion, make places safer and more livable, and reduce environmental impacts.

## **Our Vision & Intent for Complete Streets**

Our vision as a community is to always design and build the best infrastructure that will enable safe access for all users, with a particular focus on more vulnerable (i.e. non-vehicular) road-users. The primary concentration under this Policy will take into account the walker, the bicyclist and the public transit commuter while at the same time balancing a safe approach to deal with the automobile driver. The automobile and its driver have dominated our City for many years and we as a community have just started in recent years to focus on a user-shared approach to make our City safer and easier to navigate for everyone of all ages and all abilities.

Newburyport's Complete Streets Policy will ensure that it becomes easier to cross the street, walk to shops, bicycle to work and prioritize transit to, from and within the City. Under this Complete Streets Policy the City will develop and implement specific design tools and techniques that make it convenient and safe for children to walk or bike to school or a park, for seniors to continue to have an active lifestyle and for everyone, off all ages, to feel comfortable traversing around our great City. We will also include in our policy, and consider during implementation, the needs of commercial vehicles, public service vehicles and emergency vehicles to facilitate their safe movement through Newburyport.

## **Our Commitment to Complete Streets**

The City of Newburyport is committed to designing, constructing, maintaining and operating our City streets and properties to provide for a comprehensive and integrated street network of facilities for people of all ages and abilities with a commitment to the principles of Complete Streets Design.

New and renovated transportation facilities and infrastructure shall accommodate pedestrians, bicyclists, transit vehicles and riders, children, the elderly, and people with disabilities, wherever feasible, subject to the exceptions contained herein.

## **Our Projects and Phases of Implementation Procedures**

### **Implementation of this Policy**

City-wide implementation of Newburyport's Complete Streets Policy will be overseen jointly by the Department of Public Services (DPS) and the Office of Planning & Development (OPD). The DPS will be the lead on public infrastructure projects, while the Office of Planning & Development will monitor and review private development projects, in coordination with local permitting boards such as the Planning Board and Zoning Board of Appeals. Both departments will comment on public and private projects as necessary, with the appropriate department acting as the lead.

The OPD shall work to incorporate Complete Streets principles into the City's Master Plan, area plans, strategic plans, transportation plans, the Newburyport Zoning Ordinance, Subdivision Rules and Regulations and Site Plan Review Regulations, as well as any related regulations, standards and specifications documents, design manuals and programs as appropriate. Implementation of projects supported by adopted plans shall be a priority under this policy.

The DPS and OPD shall work cooperatively to identify current and potential future sources of funding for implementation of Complete Streets projects.

The Traffic Safety Advisory Committee (TSAC) shall hold a public meeting at least once a year to discuss the prioritization of potential Complete Streets projects, with input from the general public.

The Complete Streets tools, techniques, methodology and principles shall be incorporated into all phases of publicly and privately funded projects on public roadways and properties. This includes transportation infrastructure and street design projects requiring funding or approval by the City, as well as projects funded by the state government, federal government and/or private entities. The Complete Streets Policy ~~will~~ shall also be incorporated into our major roadway repairs and upgrades and any expansion projects.

The Department of Public Services (DPS) and Office of Planning & Development (OPD) shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will help to prioritize specific projects and eliminate gaps in the sidewalk and bikeway network.

~~We shall also encourage the Planning Board to consider our Complete Streets Policy when reviewing and approving all projects and new streets within privately owned developments.~~

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.

## **Our Design Process for Complete Streets**

When designing a Complete Streets project, ~~we will~~ 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 ~~Planning Department~~, Police Department, Fire Department, ~~Traffic Safety Advisory Committee~~ TSAC, Newburyport Commission on Disabilities, and when required any federal or state agency with jurisdiction or direct interest on the proposed project. ~~Projects will be undertaken in a context sensitive manner in which designs are developed with input from these stakeholders with a focus on safety, community goals, and related policies.~~

The most up-to-date design standards and guidance for Complete Streets Design, available as industry "best practices," ~~will~~ shall be used to offer options when preparing plans for a Complete Streets project. Technical resources that will be used by the City include, but are not limited to the following;

1. The U.S. Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices;
2. Federal Americans with Disabilities Act (ADA) Standards;



3. The National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide;
4. The National Association of City Transportation Officials (NACTO) Urban Street Design Guide;
5. MassDOT Project Design and Development Guidebook;
6. MassDOT Separated Bike Lane Planning and Design Guide;
7. The Architectural Access Board (AAB) 521 CMR Rules and Regulations; and
8. The City of Newburyport Safe Routes to School Program (currently still in development).
9. American Association of State Highway and Transportation Officials (AASHTO)
  - a. Guide for the Development of Bicycle Facilities (4th Edition, 2012)
  - b. Guide for the Planning, Design and Operations of Pedestrian Facilities (2004)
10. American Planning Association (APA)
  - a. Complete Streets: Best Policy and Implementation Practices (2010)
11. American Planning Association (APA) & American Society of Civil Engineers (ASCE)
  - a. U.S. Traffic Calming Manual (2009)
12. Federal Highway Administration (FHWA)
  - a. Manual of Uniform Traffic Control Devices (MUTCD)
  - b. PEDSAFE: Pedestrian Safety Guide and Countermeasures Selection System
13. Institution of Transportation Engineers (ITE)
  - a. Designing Walkable Urban Thoroughfares: A Context Sensitive Approach (2010)
  - b. Neighborhood Street Design Guidelines (2010)
14. National Association of City Transportation Officials (NACTO)
  - a. Urban Bikeway Design Guide (2nd Edition, 2012)
  - b. Urban Street Design Guide (2013)
15. U.S. Architectural and Transportation Barriers Compliance Board (the Access Board)
  - a. Accessible Rights-of-Way: A Design Guide
16. Active Transportation Alliance
  - a. Complete Streets Complete Networks: A Manual for the Design of Active Transportation

## **Our Network Approach to Complete Streets**

We will attempt to City officials shall rank and select choose projects that will connect important destinations and/or address streets (intersections, segments or networks) with known safety and/or connectivity problems, for example;

- From Aa school to a park
- From aA park to a rail trail
- from Aa rail trail to the our vibrant downtown
- Our from the downtown, or other densely developed areas, to the riverfront
- Streets in the worst condition or otherwise in need of immediate reconstruction

Looking at our long-term goals and objectives will help us prioritize projects and may further help us close the loop on a smaller inexpensive connections that may more successfully connect two smaller facilities to make a network of different Complete Streets, or components thereof, into one.

## **Context Sensitivity**

Implementation of this Policy shall reflect the context and character of the surrounding built and natural environments, and enhance the appearance of such.

## Our Coordination of Jurisdictional Relationships

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When appropriate Newburyport will collaborate with MassDOT, DCR and other state entities, as well as the MBTA and MVRTA to incorporate our Complete Streets Policy into state-controlled roadways within the City. We will welcome their comments on all projects that may affect their operational requirements.

## Exceptions to the Complete Streets Policy

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Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in the unusual or extraordinary circumstances listed below. Even under the conditions outlined below, 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.

Exceptions to this Complete Streets Policy may be granted in writing by the DPS Director or DPS Deputy Director, for any of the following listed reasons, with a written justification for the appropriate exception in after consultation with the Traffic Safety Advisory Committee (TSAC), which shall include representation by a member of the Commission on Disabilities (or their appointed designee) and Newburyport Commission on Disability, in limited circumstances:

1. **Restricted Use of Public Way and/or Property:** Where pedestrians and bicyclists are prohibited by law from using the facility. In this case, alternative facilities and accommodations shall be provided within the same transportation corridor, and the ability to reasonably and conveniently cross the facility will be part of the facility design and construction.
2. **Physical Constraints:** Where existing right-of-way does not allow for the accommodation of all users. In this case alternatives shall be explored such as obtaining additional right-of-way, use of revised travel lane configurations, paved shoulders, signage, traffic calming, education or enforcement to accommodate pedestrians, cyclists, transit vehicles and riders and persons with disabilities.
3. **Disproportionate Costs:** Where the cost of establishing walkways or bikeways or other accommodations would be disproportionate to the anticipated need or probable use of public facilities, particularly if alternative facilities are available within a reasonable walking and/or bicycling distance.
4. **Public Safety:** Where application of Complete Streets principles is unnecessary or inappropriate because it would be contrary to public safety and increase risk of injury or death.
5. **Impacts to the Environment & Abutters:** Where the construction is not practically feasible or cost effective because of unreasonable adverse impacts on the environment or on neighboring land uses, including impact from right-of-way acquisition.

6. Existing or Comperable Complete Streets Facilities: There is sufficient circulation provided by a part of the Rail Trail network and a Complete Streets improvement in this Section of the right of way is not warranted at this time.

Exceptions to this Complete Streets Policy may also be granted by the DPS Director or DPS Deputy Director for any of the following listed reasons, without advance consultation with TSAC, with a written justification for the appropriate exception:

A. Ordinary Maintenance: Ordinary maintenance activities designed to keep street and other transportation assets in serviceable condition or when interim measures are implemented on temporary detour or haul routes.

B. Repairs and/or Upgrades to Utilities & Infrastructure: Ordinary public works or utility maintenance activities, including, but not limited to: water, sewer and storm sewer main repairs; installation of new or removal of existing water or sewer service lines, installation or repair of fire hydrants, installation or repair of private utility fixtures.

### Our Implementation Steps

~~The City of Newburyport's Complete Streets Program will be overseen jointly by the Department of Public Services (DPS) and the Office of Planning & Development. DPS will be the lead on public infrastructure projects, while the Office of Planning & Development will oversee any private development projects, in coordination with local permitting boards such as the Planning Board and Zoning Board of Appeals. Both departments will comment on public and private projects, with the appropriate department acting as the lead.~~

~~These lead departments will be responsible for ensuring proper implementation of the Complete Streets Policy City-wide.~~

### Performance Measures & Standards

Complete Streets initiatives should be continuously evaluated for success and opportunities for improvement. Accordingly, the DPS and OPD shall:

- i. develop performance measures to periodically assess the rate, success and effectiveness of implementing this Complete Streets Policy; and
- ii. determine the frequency of assessment and utilize appropriate metrics for analyzing the success of this policy.

These metrics may include, but are not limited to the following:

- a) total number and/or length of new bicycle lane/trails built
- b) linear feet of new pedestrian accommodations built, including sidewalks
- c) number of retrofitted pedestrian facilities or amenities
- d) number of accommodations built serving those with disabilities
- e) number of intersection improvements made to improve Level of Service (LOS) and safety for vehicles, pedestrians and bicyclists
- f) number of transit accessibility accommodations built

- g) rate and/or decrease of vehicle, bicycle and pedestrian crash rates (where tracked and measured).
- h) rate of children walking or bicycling to school (when applicable)
- i) number of trips by mode
- j) use (by mode) of projects incorporating Complete Streets design standards
- k) compliments and complaints received from the general public
- l) number of exemptions from this Policy approved by the DPS.

- ~~• Linear feet of sidewalks reconstructed or installed;~~
- ~~• Miles of new bicycle facilities installed on-street and off-street; and~~
- ~~• Declining vehicle, bicycle and pedestrian crash rates (where tracked and measured).~~

~~Both the DPS and the Office of Planning & Development will continue to collaborate on designing a safe, practical and adaptable environment for all users. This new Complete Streets Policy will offer guidance to ensure the best possible design for all stakeholders.~~