

**CITY COUNCIL MEETING AGENDA - VERSION 1**  
**CITY COUNCIL CHAMBERS**  
**DECEMBER 11, 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 27, 2017

(Approve)

8. **TRANSFERS**
  - **NONE**

9. **COMMUNICATIONS**
  - **NONE**

10. **APPOINTMENTS**
  - **NONE**

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

11. **MAYOR'S UPDATE**

12. **TRANSFERS**
  - **TRAN049EP\_12\_11\_17** Emergency Preamble Nock Elevator Modernization Project
  - **TRAN049\_12\_11\_17** Bres Schl Bldg Proj \$132,446.96, Nock/Molin Schl Bldg Proj \$31,263.04 to Nock Elevator Proj \$163,710

13. **COMMUNICATIONS**
  - **COMM124\_12\_11\_17** PERAC Memo - Appropriation for FY2019
  - **COMM125\_12\_11\_17** Plum Autoworks, Inc. - Class II Vehicle License
  - **COMM126\_12\_11\_17** Newburyport Rotary Frigid Fiver - 1/28/2018

14. **APPOINTMENTS**

- |  |                                       |                     |        |
|--|---------------------------------------|---------------------|--------|
| <ul style="list-style-type: none"><li>• <b>APPT068_11_27_17</b> Joe Lamb</li></ul> | <b>Second Reading</b><br>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 Asst HarborMstr/Spec Pol Off 12/31/20  
Rd, Haverhill
- **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 Asst HarborMstr/Spec Pol Off 12/31/20  
Rd, Amesbury
- **APPT083\_11\_27\_17** Richard Cummings 7 Jewett St, Asst HarborMstr/Spec Pol Off 12/31/20  
Georgetown
- **APPT084\_11\_27\_17** Joseph Grande 52 Linwood Ave, Asst HarborMstr/Spec Pol Off 12/31/20  
Methuen
- **APPT085\_11\_27\_17** Adam R. Hayden 76 Longfellow Asst HarborMstr/Spec Pol Off 12/31/20  
Dr
- **APPT086\_11\_27\_17** James Maranto 167 Harper Asst HarborMstr/Spec Pol Off 12/31/20  
Ridge Rd, E.  
Hampstead, NH
- **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 Asst HarborMstr/Spec Pol Off 12/31/20  
Way, Tewksbury
- **APPT089\_11\_27\_17** Daniel Scott PO Box 8042, Asst HarborMstr/Spec Pol Off 12/31/20  
Ward Hill
- **APPT090\_11\_27\_17** Philip Stern 271 Merrimac St, Asst HarborMstr/Spec Pol Off 12/31/20  
#2
- **APPT091\_11\_27\_17** David Willey 13 Devonshire Asst HarborMstr/Spec Pol Off 12/31/20  
Crossing, Lowell
- **APPT092\_11\_27\_17** Kristian Zoeller 115 Timber Asst HarborMstr/Spec Pol Off 12/31/20  
Swamp Rd,  
Hampton, NH
- **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

**15. ORDERS**

- **ORDR069EP\_12\_11\_17** Emergency Preamble - Free Holiday Parking

- **ORDR069\_12\_11\_17** Free Holiday Parking

## 16. ORDINANCES

- **ODNC012\_09\_11\_17** Zoning Amendment – Off-Street Parking Regulations (**2<sup>nd</sup> Reading**)
- **ODNC015\_10\_10\_17** Amend Sec. 12-1.3 Signs in Public Ways (**2<sup>nd</sup> Reading**)

## 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
- **ORDR061\_11\_13\_17** Home Rule Petition re: Special Election to Accept Clause 41C1-2 (**COTW**)
- **TRAN048\_11\_27\_17** Free Cash \$47,322.10 to Tractor Purchase \$47,322.10

### 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
- **COMM121\_11\_27\_17** State Automotive Repair - Class II Vehicle License

### 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:*

- **COMM024\_03\_13\_17** Newburyport's Master Plan - Final Document (**COTW**)
- **ODNC008\_06\_26\_17** Zoning Amendment – Bed & Breakfast Use (V-D, V-E) (**COTW**)
- **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**)
- **ORDR067\_11\_27\_17** Special Counsel - Waterfront West
- **ORDR068a\_11\_27\_17** Marijuana Moratorium

## **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
- **COMM120\_11\_27\_17** Councillor Zeid Memo re: Special Events

## **Public Utilities**

### *In Committee:*

- **COMM122\_11\_27\_17** Mobilitie/Small Cell Utility Petition
- **ORDR066\_11\_27\_17** Raffaele Construction Corp. - Lic Contractor

## **Rules Committee**

### *In Committee:*

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

## **Ad Hoc Committee on City Services to Immigrants**

### *In Committee:*

- Recommended Additions to Chapter 2, Article III, Division 6, Section 2-125a

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

## **18. ADJOURNMENT**



## **CONSENT AGENDA**

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**NOVEMBER 27, 2017**

**7:30PM**

The City Council President called the meeting to order at 7:30pm. A moment of silence was held for Donald Champoux of Newburyport, fatality on Route 113 on November 24th. 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: Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, Connell, Cronin, OBrien. 10 present, 1 absent (Devlin).

**(Sound Check)**

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS Mayor's Update, ORDR068a\_11\_27\_17**

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

5. **PUBLIC COMMENT**

- |                           |                    |                 |
|---------------------------|--------------------|-----------------|
| 1. Peter Goldberg         | 19 Pheasant Run Dr | Squires Glen    |
| 2. Rabbi Benjamin Resnick | 53 ½ Washington St | Candle Lighting |

6. **MAYOR'S COMMENT**

The mayor gave an update pursuant to her written communication, and also presented certificates of commendation for Keith Carter for 30 years in the Police Department and for James McDonald for 35 years in the Fire Department.

**CONSENT AGENDA**

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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)  
Councillor Vogel noted certificate of liability insurance required.
- **COMM122\_11\_27\_17** Mobilitie/Small Cell Utility Petition (PU)

10. **APPOINTMENTS**

- |                           |                      |                              |                              |          |
|---------------------------|----------------------|------------------------------|------------------------------|----------|
| • <b>APPT068_11_27_17</b> | Joe Lamb             | 14 Russia St                 | Community Pres Comm          | 1/1/20   |
| • <b>APPT069_11_27_17</b> | Joseph A. Sederquist | 2 Wightman Rd,<br>Wilmington | Asst HarborMstr/Spec Pol Off | 12/31/20 |
| • <b>APPT070_11_27_17</b> | Paul C. O'Brien      | 483 Merrimac St              | Chief Procurement Officer    | N/A      |

**Re-Appointments**

- |                           |              |               |          |        |
|---------------------------|--------------|---------------|----------|--------|
| • <b>APPT071_11_27_17</b> | Jill Brennan | 24 Webster St | Assessor | 1/1/21 |
|---------------------------|--------------|---------------|----------|--------|

- APPT072\_11\_27\_17 Peter Binette #7, Haverhill  
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
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Crossing, Lowell
- APPT092\_11\_27\_17 Kristian Zoeller 115 Timber Asst HarborMstr/Spec Pol Off 12/31/20  
Swamp Rd,  
Hampton, NH
- 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

Councillor Zeid approved on the condition of the provision of an address for APPT089\_11\_27\_17.

### 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. COMMUNICATIONS

- **COMM123\_11\_27\_17** Ahavas Achim Interfaith Candle Lighting - 12/10-12/31  
Motion to approve in one reading, as an emergency exists pursuant to Charter Section 2-9 (b), by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 9 yes, 1 no (Connell), 1 absent (Devlin). Motion to approve by Councillor Tontar, seconded by Councillor Cameron. 1 no (Connell), 1 absent (Devlin). Motion passed.

## 13. APPOINTMENTS – Second Reading

- **NONE**

## 14. ORDERS

- **ORDR066\_11\_27\_17** Raffaele Construction Corp. - Lic Contractor  
Motion to refer to Public Utilities by Councillor Eigerman, seconded by Councillor Cameron. So voted.
- **ORDR067\_11\_27\_17** Special Counsel - Waterfront West  
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Cameron. So voted. Councillor Vogel recused himself.
- **ORDR068a\_11\_27\_17** Marijuana Moratorium  
Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Zeid. 1 no (Vogel), 1 absent (Devlin). Motion passed.

## 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  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN045\_11\_13\_17** Free Cash \$35K to Rail Trail Phase 2 Capital Project \$35K  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN046\_11\_13\_17** Free Cash \$373,762 to General Fund Budget Reserve \$373,762  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN047\_11\_13\_17** Free Cash \$300K to Roadway Reconstruction Program \$300K  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **COMM117\_11\_13\_17** Ltr re: Morrill Foundation Funding Directive  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ORDR061\_11\_13\_17** Home Rule Petition re: Special Election to Accept Clause 41C1-2 (**COTW**)

- **ORDR062\_11\_13\_17 Residential Factor FY2018**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to discuss ORDR062\_11\_13\_17 and ORDR063\_11\_13\_17 simultaneously by Councillor Eigerman, seconded by Councillor Cameron. Motion to approve a residential factor of 1 by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR063\_11\_13\_17 Tax Rate FY2018**  
Motion to remove from Budget & Finance by Councillor Zeid, seconded by Councillor Cameron. Motion to approve a tax rate of \$13.26 by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ORDR064\_11\_13\_17 Newburyport Parks Conservancy Gift Acceptance \$1689.77**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ORDR065\_11\_13\_17 Senior Tax Work-Off Income Limit**  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted.

## **General Government**

### *In Committee:*

## **Joint Education**

### *In Committee:*

Councillor Giunta announced the next meeting would be on Monday, December 4<sup>th</sup> at 5:30pm in the Senior Center.

## **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)**  
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. Councillors Vogel and Cronin recused themselves.
- **COMM024\_03\_13\_17** Newburyport's Master Plan - Final Document **(COTW)**



- **COMM030\_03\_28\_17** Pres. Trust Ltr to City Council re: 1690 House  
Motion to remove COMM030\_03\_28\_17 and COMM119\_11\_13\_17 from Planning & Development collectively by Councillor Cameron, seconded by Councillor Zeid. Motion to receive and file COMM030\_03\_28\_17 and COMM119\_11\_13\_17 collectively by Councillor Cameron, seconded by Councillor Zeid. Councillor Eigerman recused himself.
- **COMM038\_03\_28\_17** Lower Custom House Way  
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar. So voted.
- **ORDR015\_04\_10\_17** Complete Streets Policy (**PU**)
- **COMM069\_06\_12\_17** Air Quality Analysis of Intermodal Facility  
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to receive and file by Councillor Cameron, seconded by Councillor Connell. So voted.
- **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**)  
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to amend by striking and/or structures throughout the ordinance by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 3 yes, 7 no (Earls, Eigerman, Giunta, Tontar, Vogel, Cameron, Connell), 1 absent (Devlin). Motion failed. Motion to approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 7 yes, 3 no (Giunta, Zeid, Cronin), 1 absent (Devlin). Motion failed. Motion to reconsider by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve as amended to \$7500 (reduced from \$15000), as stated in the ordinance draft dated 9/11/17 with edits incorporated by the Planning & Development Committee 11/21/17, by Councillor Vogel, seconded by Councillor OBrien. Roll call vote, 8 yes, 2 no (Zeid, Cronin), 1 absent (Devlin). Motion passed.
- **COMM115\_10\_30\_17 LATE FILE** Memo re: Proposed Zoning Amendments on Council Agenda  
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. So voted.
- **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  
Motion to remove ORDR059\_11\_13\_17 and ORDR060\_11\_13\_17 from Planning & Development collectively by Councillor Cameron, seconded by Councillor Zeid. Motion to amend, to add “perpetual” at the end of the first line, by Councillor Cameron, seconded by Councillor Zeid. Motion to approve as amended by Councillor Cameron, seconded by Councillor Tontar. So voted. Councillor Eigerman recused himself.
- **ORDR060\_11\_13\_17** Order Authorizing Acceptance of Towle Building  
Motion to remove ORDR059\_11\_13\_17 and ORDR060\_11\_13\_17 from Planning & Development collectively by Councillor Cameron, seconded by Councillor Zeid. Motion to amend, to add “perpetual” at the end of the first line, by Councillor Cameron, seconded by Councillor Zeid. Motion to approve as amended by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 no (Zeid), 1 absent (Devlin). Motion passed. Councillor Eigerman recused himself.

## 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** Mobilitie, LLC Highway Access Permit
- **ORDR015\_04\_10\_17** Complete Streets Policy (**P&D**)  
Motion to remove from Public Utilities and Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR047\_08\_14\_17** Pilot Program for Wayfinding Signage (**P&D, COTW**)  
Motion to remove from Public Utilities and Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ODNC015\_10\_10\_17** Amend Sec. 12-1.3 Signs in Public Ways (**COTW**)  
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Cameron.  
Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

## 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.  
Motion to remove from the table by Councillor Tontar, seconded by Councillor Zeid. Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. So voted.

## 18. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 9:45pm.

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

# TRANSFERS

CITY OF NEWBURYPORT



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IN CITY COUNCIL

**ORDERED:**

**EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in TRAN049\_12\_11\_17, a Transfer of monies to address an elevator modernization project, is time sensitive and should be completed before this session ends.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that TRAN049\_12\_11\_17 may be voted upon at its first introduction to this Council.

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Councillor Charles F. Tontar





# City of Newburyport

## FY 2018

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

DEC -5 AM 9:53

**Department:** Mayor's Office

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

**Date Submitted:** 12/11/2017

**Transfer From:**

Account Name	<u>Bresnahan School Building Project</u>	YTD Bal:	<u>\$ 952,595.31</u>
Account Number:	<u>4501-59600</u>	Category:	<u>                    </u>
Amount:	<u>\$132,446.96</u>	Trans I/O:	<u>                    </u>
Why are Funds Available:	<u>Remaining funds following the final reimbursement from the MSBA.</u>		
	<u>If approved, a balance of \$820,148.35 will remain for other capital projects.</u>		

**Transfer From:**

Account Name	<u>Nock/Molin School Building Project</u>	YTD Bal:	<u>\$ 31,263.04</u>
Account Number:	<u>4504-59600</u>	Category:	<u>                    </u>
Amount:	<u>\$31,263.04</u>	Trans I/O:	<u>                    </u>
Why are Funds Available:	<u>Remaining funds following the final reimbursement from the MSBA.</u>		
	<u>This will close out the project account for the Nock/Molin School Building Project.</u>		

**Transfer To:**

Account Name	<u>Nock Elevator Modernization Project</u>	YTD Bal:	<u>\$ 126,590.00</u>
Account Number:	<u>3707-49700</u>	Category:	<u>                    </u>
Amount:	<u>\$163,710.00</u>	Trans I/O:	<u>                    </u>
Why are Funds Required:	<u>See attached explanatory memorandum from the Director of Facilities.</u>		
	<u>Approval is requested in order to allow for time to prepare and issue the request for bids, award the contract and start the project in time to be completed by the next school year.</u>		

Donna D. Holaday, Mayor

Ethan R. Manning, Auditor

City Council Approval: (Stamp)

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

Date:

12/15/17

Date:

12/15/17



# **Newburyport Public Schools**

Facilities Department  
241 High Street  
Newburyport, MA 01950

## **R. A Nock Middle School Elevator Modernization**

The modernization of the middle school elevator had been on the Capital Plan at least since FY16 with an estimated cost of \$140,000. That cost was based on a conversation with the Service Manager from Embree Elevator with the following break-down:

Replace Piston	\$ 40,000
Replace Controller and Hydraulic Oil Tank	\$ 75,000
Miscellaneous Fixtures	\$ 12,000
Engineering	<u>\$ 13,000</u>
TOTAL	\$140,000

Once the funding was approved we issued a Request for Qualifications for Designer Services in May of 2017, and through that process, entered into a contract with Garcia, Galuska and DeSousa. The contract required GGD to perform an existing conditions survey, develop a scope of work for modernization of the elevator, provide cost estimates, develop construction documents and provide oversight during construction. GGD retained Syska Hennessy Group as a sub-contracting engineering firm specializing in elevators to assist with the process. The total contract amount was \$21,050.00 and it was executed on June 6, 2017.

After conducting an existing conditions survey in late June, GGD issued their existing conditions report and cost estimate on July 26, 2017. In short, the survey uncovered a number of issues not covered in the scope of work outlined above, and based on condition and the age (45 years) of the elevator a full replacement is warranted. Included would be the items listed above as well as: new cab, doors, and cables in the hoistway; installation of a fire fighters control panel and connection to the fire alarm system; and upgrades to the elevator machine room to meet current codes including a fire rated ceiling and dedicated exhaust fan. More detail can be found in the existing conditions report.

The process to complete this project is lengthy, including an estimated 12 weeks of "out of service" time. The goal would be for the bulk of that down time to be during the summer of 2018, but it will have to be anticipated that there will be some overlap with the school year when accommodations will need to be made for staff and students requiring use of the elevator.

Of the initial \$140,000 allocation there is a remaining balance of \$118,950 (after deducting for the GGD contract). The GGD cost estimate totals \$282,660 minus the remaining \$118,950 leaving a balance of \$163,710 to be funded.

# COMMUNICATIONS

# PERAC

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chairman*

JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES M. MACHADO | ROBERT B. McCARTHY | JENNIFER F. SULLIVAN

## MEMORANDUM

TO: Newburyport Retirement Board  
 FROM: *Joseph E. Connarton*  
 Joseph E. Connarton, Executive Director  
 RE: Appropriation for Fiscal Year 2019  
 DATE: November 21, 2017

Required Fiscal Year 2019 Appropriation: **\$4,886,675**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2019 which commences July 1, 2018.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2019 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is due to be updated by Fiscal Year 2019.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl  
 Attachments

cc: Office of the Mayor  
 City Council  
 c/o City Clerk

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**Newburyport Retirement Board**

Projected Appropriations

Fiscal Year 2019 - July 1, 2018 to June 30, 2019

Aggregate amount of appropriation: **\$4,886,675**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
<b>FY 2019</b>	\$5,455,747	\$4,638,152	\$248,523	\$4,886,675	\$4,886,675	\$0	\$569,072
<b>FY 2020</b>	\$5,681,384	\$5,055,492	\$75,516	\$5,131,008	\$5,131,008	\$0	\$550,376
<b>FY 2021</b>	\$5,916,209	\$5,387,559	\$0	\$5,387,559	\$5,387,559	\$0	\$528,650
<b>FY 2022</b>	\$6,160,596	\$5,656,937	\$0	\$5,656,937	\$5,656,937	\$0	\$503,659
<b>FY 2023</b>	\$6,414,935	\$5,939,784	\$0	\$5,939,784	\$5,939,784	\$0	\$475,151

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.



**Newburyport Retirement Board**  
 Appropriation by Governmental Unit

Fiscal Year 2019 - July 1, 2018 to June 30, 2019

Aggregate amount of appropriation: **\$4,886,675**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Newburyport	97.59%	\$4,526,373	\$241,223	\$4,767,596
Newburyport Housing Authority	2.41%	\$111,779	\$7,300	\$119,079
<b>UNIT TOTAL</b>	<b>100%</b>	<b>\$4,638,152</b>	<b>\$248,523</b>	<b>\$4,886,675</b>

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

THE COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ OF \_\_\_\_\_

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 DEC -7 AM 8:40

**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 \_\_\_\_\_ 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? Plum Autoworks Inc

Business address of concern. No. 71 Storey Ave St.,  
Newburyport MA 01950 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? \_\_\_\_\_

Corp

3. If an individual, state full name and residential address.

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

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Nancy J London 11 WArrenton Rd Haverhill MA 01832

Secretary " "

Treasurer " "

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

If so, is your principal business the sale of new motor vehicles? \_\_\_\_\_

Is your principal business the buying and selling of second hand motor vehicles? yes

Is your principal business that of a motor vehicle junk dealer? \_\_\_\_\_

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

Lot Size Approx 100 Ft Frontage on Storey Ave  
Approx 100 Ft Deep Bldg Consisting of 2 offices  
Approx 30 x 60

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? No  
(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  
(Yes or No)

For what year? 2008 To Current

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

John Paves G.M.  
(Duly authorized to represent the concern herein mentioned)

Residence 11 Waverston Rd Haverhill 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. 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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ISSUED THROUGH

# A. A. DORITY COMPANY

BOSTON

## CONTINUATION CERTIFICATE

The NGM Insurance Company, hereinafter called the Company, hereby continues in force its MA Used Car Dealer Bond Number 148623

in the sum of Twenty-Five Thousand dollars (\$25,000.00)

on behalf of

Plum Auto Works, Inc.

located at

71 Storey Ave  
Newburyport, MA 01950

in favor of City of Newburyport, MA

for the term beginning December 31, 2017 and ending on December 31, 2018, subject to all covenants and conditions of said bond.

This Continuation is executed upon the express condition that the Company's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

In witness whereof, the Company has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, November 3, 2017

NGM Insurance Company

By: 

Katie E. Ford

Attorney-in-Fact

A. A. DORITY Company, Inc.

262 Washington Street, Suite 99

Boston, MA 02108

(617) 523-2935 Fax: 617-523-1707

**NEWBURYPORT SPECIAL EVENT APPLICATION**

978 270 7455 Tel. 978 835 7054 Fax.

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

NAME OF EVENT: 25<sup>th</sup> Annual Newburyport Rotary Frigid Fiver

Date: Sunday January 28th, 2018 Time: from 11:00 Am to 12:30pm

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Riverwalk Brewing , 40 Parker St

3. Description of Property: Mark Richey Building Public \_\_\_\_\_ Private X

4. Name of Organizer: Newburyport Rotary & Joppa Flats Running Club City Sponsored Event: Yes \_\_\_\_\_ No X

Contact Person Bob Manning & Adam Palombo

Address: PO Box 502, NBPT Telephone: 978 270 7455 978 835 7054

E-Mail: Robert.F.Manning@ge.com Adam.Palombo@gmail.com Cell same

Day of Event Contact & Phone: same as above 978 270 7455 978 835 7054

5. Number of Attendees Expected: 350

6. MA Tax Number: Non Profit AG # is 053064. EIN: 45-3130319

7. Is the Event Being Advertised? yes Where? Local signs

8. What Age Group is the Event Targeted to? 15-70

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No X, Who? \_\_\_\_\_

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

A. Vending: Food X Beverages X Alcohol X Goods \_\_\_\_\_ Total # of Vendors 1

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music \_\_\_\_\_ DJ \_\_\_\_\_ Radio/CD \_\_\_\_\_  
Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound X Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_  
Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

Will you be conducting the clean-up for this event? Yes X No \_\_\_\_\_

**If yes:**

- a) How many trash receptacles will you be providing? 1 at H2O Stop
- b) How many recycling receptacles will you be providing? Many in Riverwalk Brewery
- c) Will you be contracting for disposal of : Trash Yes \_\_\_\_\_ No X Recycling Yes X No \_\_\_\_\_
- i. If yes, size of dumpster(s): Trash \_\_\_\_\_ Recycling \_\_\_\_\_
- ii. Name of disposal company: Trash \_\_\_\_\_ Recycling \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes \_\_\_\_\_ No X
- iv. If no, where will the trash & recycling be disposed ? Riverwalk Brewery

**If no:**

- a) # of trash container(s) to be provided by DPS 0
- b) # of recycling container(s) to be provided by Recycling Office 0
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

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

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

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

Name of company providing the portable toilets: United Site Services

**FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY**

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

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:  
Newburyport Rotary & Joppa Flats Running Club

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
JFRC, PO Box 502, Newburyport Ma, 01950

  X  

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_  
Robert Manning , 1 Lorum St, Newburyport, Ma 01950, 978 270 7455

4. Date of Event: Sunday January 28th, 2018 Expected Number of Participants: 350

5. Start Time: 11 Am Expected End Time: 12:30 pm

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

(2 Police Details Required)

7. Locations of Water Stops (if any): Merrimac and Jefferson St

8. Will Detours for Motor Vehicles Be Required? No If so, where? \_\_\_\_\_  
Riverwalk Brewing on Parker St

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

10. Dismissal Location & Time for Participants: Riverwalk Brewing on Parker St

11. Additional Parade Information: None

- Number of Floats: \_\_\_\_\_
- Locations of Viewing Stations: None
- Are Weapons Being Carried: Yes \_\_\_ No X
- Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_ No X

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY.**

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF Deputy Brady 0 Greenleaf St. 12/6/17

DEPUTY DIRECTOR [Signature] 45A Perry Way CITY CLERK [Signature] 60 Pleasant St.



- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

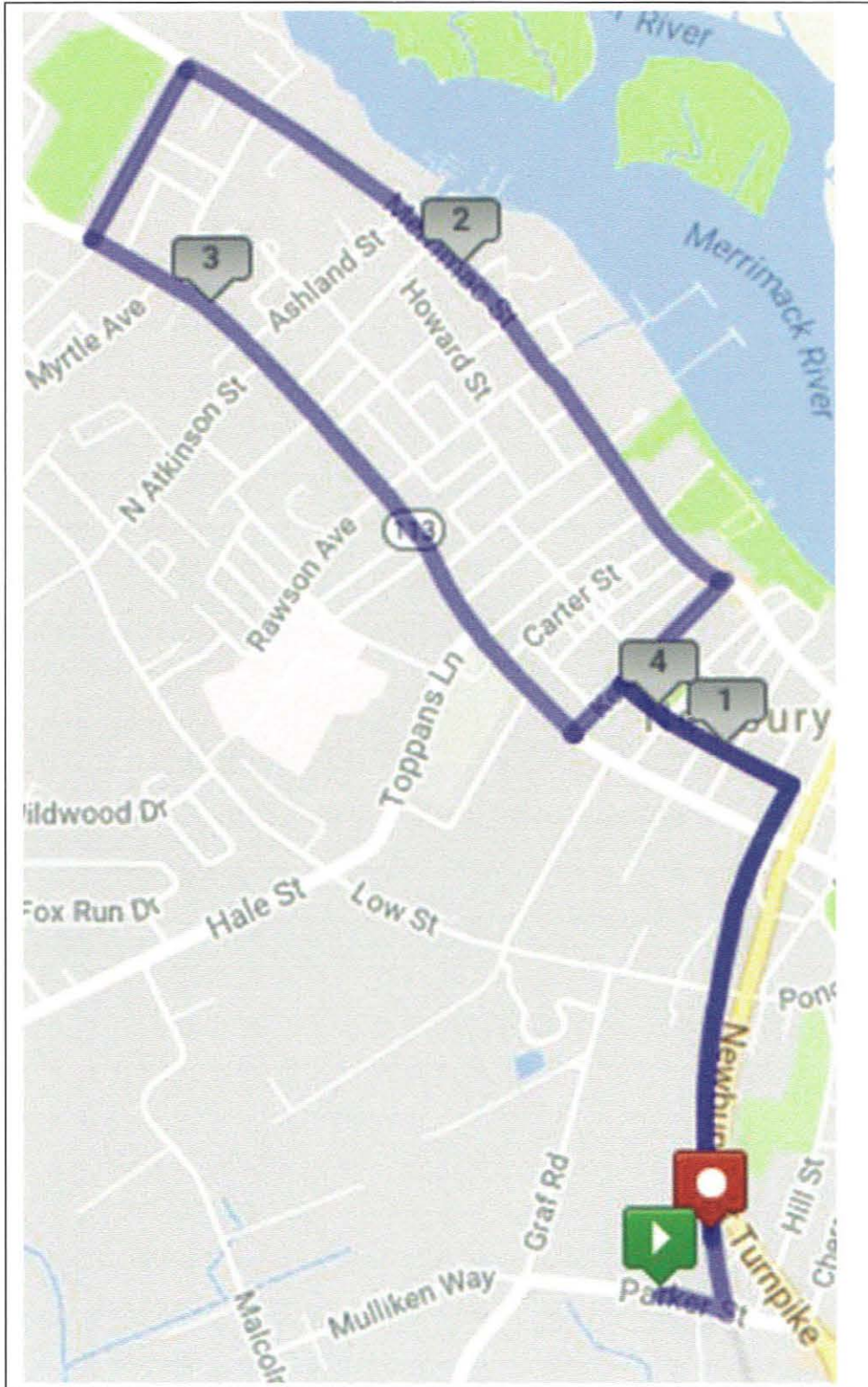
**13-101 Enforcement**

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

*I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.*

Signed: Bob Manning Adam Palumbo Date: 11-30-17

25<sup>th</sup> Annual Newburyport Rotary Frigid Fiver



The events begins and finishes at the Riverwalk Brewing on Parker St in the Industrial Park. The course utilizes the Newburyport Rail Trail for the first and last miles.



**APPOINTMENTS  
SECOND READING**

## SECOND READING 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, Wilmington Asst HarborMstr/Spec Pol Off 12/31/20
- 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 #7, Haverhill Assessor 1/1/21
- APPT072\_11\_27\_17 Peter Binette 255 Main St, Amesbury Building Commissioner 1/1/21
- 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 #315 Emma Andrews Comm 10/30/18
- 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 PO Box 8042, Ward Hill 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

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

# ORDERS

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

**EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b), and as further defined in Section 1-7(7), an emergency exists due to the fact that the matter referenced in ORDR069\_12\_11\_17, that is the parking holiday in the lots, is time sensitive and should be completed before the holiday season and this is the final Council meeting of the year.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that ORDR069\_12\_11\_17 may be voted upon at its first introduction to this Council.

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Councillor Larry G. Giunta, Jr.

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

December 11, 2017

**Free Parking During 2017 Holiday Season**

**THAT THE CITY COUNCIL OF THE CITY OF NEWBURYPORT**, in conjunction with the Office of the Mayor, hereby suspends the collection of parking fees in all parking lots participating in the city's paid parking program between the dates of December 16, 2017 and December 24, 2017. A sign will be hung on the parking kiosks stating "Free Parking - Seasons Greetings from the Citizens of Newburyport".

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Councillor Larry G. Giunta, Jr.



## **ORDINANCES**

CITY OF NEWBURYPORT



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>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>Special permit from city council</u>

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/innto 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.

**In City Council September 11, 2017:**

Motion to refer to Planning & Development and Committee of the Whole by Councillor Eigerman, seconded by Councillor Cameron. So voted.

**In City Council November 27, 2017:**

Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to amend by striking and/or structures throughout the ordinance by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 3 yes, 7 no (Earls, Eigerman, Giunta, Tontar, Vogel, Cameron, Connell), 1 absent (Devlin). Motion failed. Motion to approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 7 yes, 3 no (Giunta, Zeid, Cronin), 1 absent (Devlin). Motion failed. Motion to reconsider by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion to approve as amended to \$7500 (reduced from \$15000), as stated in the ordinance draft dated 9/11/17 with edits incorporated by the Planning & Development Committee 11/21/17, by Councillor Vogel, seconded by Councillor OBrien. Roll call vote, 8 yes, 2 no (Zeid, Cronin), 1 absent (Devlin). Motion passed.



# CITY OF NEWBURYPORT



IN CITY COUNCIL

## ORDERED:

### 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

**In City Council October 10, 2017:**

Motion to refer to Public Utilities and Committee of the Whole by Councillor Zeid, seconded by Councillor Cameron. So voted.

**In City Council November 27, 2017:**

Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Cameron. Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

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.

Proposed Object in Public Way	City Council Approval?	Permit from City Clerk?	Permit Fee	Max. Permit Duration	Max. Quantity of Object	Max. Dimensions	Permitted Locations
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.

**COMMITTEE ITEMS**

## BUDGET & FINANCE COMMITTEE ITEMS-

December 11, 2017

- **TRAN048\_11\_27\_17** Free Cash \$47,322.10 to Tractor Purchase \$47,322.10





# City of Newburyport

## FY 2018

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

*bat*

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</i>		
	<i>FY2018 at \$2,493,539. These funds are available for any legal expenditure with the approval of the</i>		
	<i>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</i>		
	<i>in FY2018. Purchasing the tractor before the start of winter will allow it to be used for snow removal rather</i>		
	<i>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)

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

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 PC #: 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		
N			FAC88 DISCOUNT		7498.05
N			PARTS CTR		
N		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

## LICENSE & PERMIT COMMITTEE ITEMS

December 11, 2017

- **COMM121\_11\_27\_17** State Automotive Repair - Class II Vehicle License

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

LTP

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 (Yes or No) For what year? 2016, 2017

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. Bonilla, 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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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/30/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Eastern Insurance Group LLC 233 West Central St  Natick MA 01760	CONTACT NAME: Select	FAX (A/C, No):
	PHONE (A/C, No, Ext): (800) 333-7234	
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Ohio Security	
INSURED Bulldawg USA Realty LLC dba State Street Mobil State Automotive Repair LLC 196 Route 1 Newburyport MA 01950	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER:17 REVISED GL AUTO REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> GARAGEKEEPERS:\$100,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BKS56222872	8/9/2017	8/9/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 H&NO \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
City of Newburyport is additional insured for general liability if required by written contract.

CERTIFICATE HOLDER  City of Newburyport 60 Pleasant Street Newburyport, MA 01950	CANCELLATION  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  John Koegel/LKEIFF

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## PLANNING & DEVELOPMENT COMMITTEE ITEMS

December 11, 2017

1. **COMM024\_03\_13\_17** Newburyport's Master Plan - Final Document **(COTW)**
2. **ODNC008\_06\_26\_17** Zoning Amendment – Bed & Breakfast Use (V-D, V-E) **(COTW)**
3. **ODNC017\_10\_30\_17** Zoning Amendment – No Use Variances **(COTW)**
4. **ODNC018\_10\_30\_17** Zoning Amendment – Zoning Map R3 to R2 Expanded 10/30/2017 **(COTW)**
5. **ORDR067\_11\_27\_17** Special Counsel - Waterfront West
6. **ORDR068a\_11\_27\_17** Marijuana Moratorium



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**

---

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

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

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

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.”*

# CITY OF NEWBURYPORT

December 11, 2017



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IN CITY COUNCIL

ORDERED:

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

**THAT** the City Council of the City of Newburyport hereby adopts the final 2017 Master Plan, now posted to the City website, as prepared by the Office of Planning & Development and Community Opportunities Group, Inc., and as recently adopted by the Planning Board, a copy of which shall remain on file with the City Clerk and Office of Planning & Development.

**AND FURTHER, THAT** said 2017 Master Plan shall replace and supersede the 2001 Master Plan as a guidance document for the development and operations of this City during the next ten (10) years and until such time as the City drafts a new comprehensive City-wide Master Plan. Said plan may be updated and amended from time to time, as the needs of the City evolve, through joint approval of both the City Council and Planning Board. It is the intention of this Council that all City boards, departments and agencies work cooperatively to implement the recommendations of this plan in order to achieve the vision, goals and objectives contained therein.

CITY OF NEWBURYPORT  
By its City Council

---

Ed Cameron, Chair  
Planning & Development Committee



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)

TO: **City Council**

CC: **Donna D. Holaday, Mayor**  
**Planning Board**

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

DATE: **December 5, 2017**

RE: **2017 Master Plan – Final Document & Council Adoption**

---

On November 22, 2017 I distributed the 2017 Master Plan document to Council members for review. As noted in my email distribution, the Planning Board voted on November 15, 2017 to adopt this plan. The Planning Board also requested and recommended that the City Council adopt the plan. Subsequently, the City Council Planning & Development (P&D) Committee voted (*on 11/21/2017*) to recommend adoption of the 2017 Master Plan by the full City Council, subject to six (6) minor edits which have now been incorporated into the document as posted on the City website at the following URL:

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

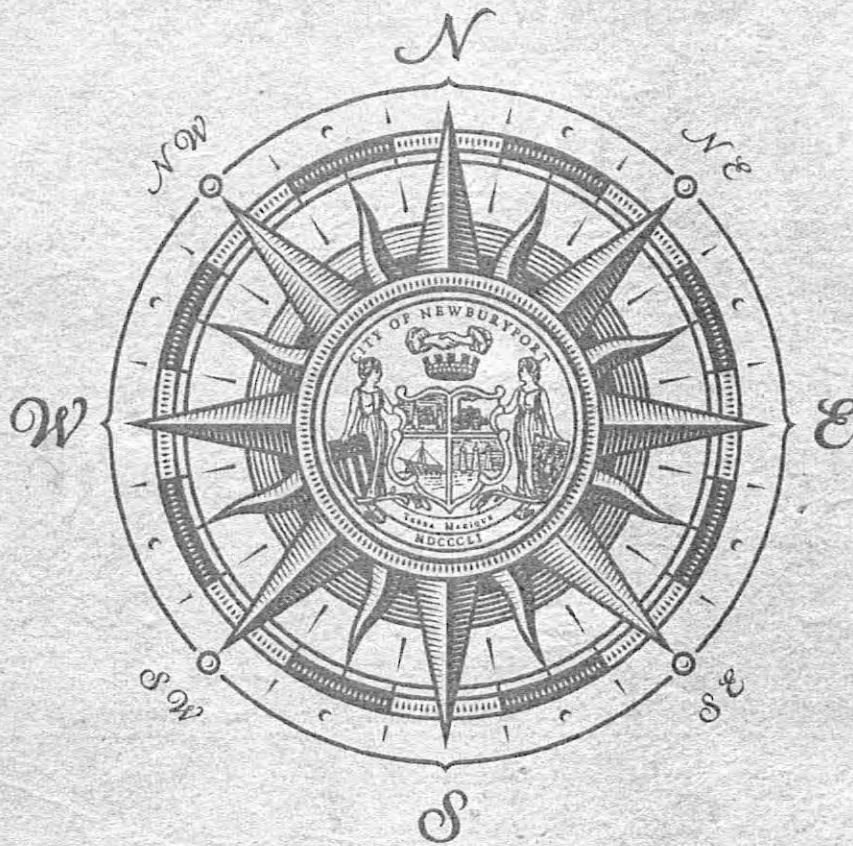
The Planning Board is expected to approve all six edits incorporated by the P&D Committee at their regular meeting tomorrow night (*12/6/2017*) in advance of the Council's regular meeting on December 11, 2017. This will ensure consistency in the final plan as adopted (*independently*) by the Planning Board and City Council. These six edits are summarized as follows and are illustrated in the attached Master Plan excerpts (*within a single PDF file*) as "before" and "after" versions of only six (6) pages affected by these edits.

I respectfully request that you vote to adopt the final plan at your December 11<sup>th</sup> meeting (*as the Planning Board has already done, and as recommended by the P&D Committee*), before the end of this term. Aside from good public policy, this will help us when applying for future state and federal grants. For your convenience, I have attached recommended language for the motion to adopt.

I will be in attendance at your meeting next week to answer any questions the Council may have. Thank you in advance for your assistance. Please do not hesitate to contact me if you have any questions regarding the Master Plan or any other planning initiative.



**CITY OF NEWBURYPORT**  
**MASSACHUSETTS**



**RICH IN TRADITION • POISED FOR THE FUTURE • COMMITTED TO ACTION**

**MASTER PLAN**

**2017**

**DONNA D. HOLADAY**  
**MAYOR**

## Acknowledgements

### City Council

Thomas F. O'Brien, President, Ward 6  
Joseph H. Devlin, At-Large  
Sharif I. Zeid, Ward 1  
Charles F. Tontar, Ward 4

Edward C. Cameron, At-Large  
Gregory D. Earls, At-Large  
Jared J. Eigerman, Ward 2  
Larry G. Giunta, Jr., Ward 5

Barry N. Connell, At-Large  
Bruce L. Vogel, At-Large  
Robert J. Cronin, Ward 3

### Former Councillors

Allison Heartquist, Ward 1

Ari B. Herzog, At-Large

Meghan Kinsey, At-Large

### Planning Board

Bonnie Sontag, Chair  
James Brugger  
Leah McGavern, Vice Chair

Tania Hartford  
Sue Grolnic  
MJ Verde

Andrew Shapiro, Secretary  
Joe Lamb  
Don Walters

### Former Planning Board Members

Daniel Bowie, Former Chair

Henry Coo

Douglas Locy

Noah Luskin

### Master Plan Steering Committee

Donna D. Holaday, Mayor  
Ethan Manning, Finance Director  
Thomas F. O'Brien, President, City Council  
Andrew R. Port, AICP, Planning Director  
Michael Strauss, Resident  
Ron Ziemba, Resident

Barry N. Connell, City Council  
Patricia Moore, Chief Administrative Officer  
Ann Ormond, President, Chamber of Commerce  
David Strand, Local Business Owner  
Bruce Vogel, City Council

### Master Plan Subcommittee Members

Elena Bachrach  
Art Currier  
Beth Falconer  
David Hall  
Chris Johnston  
Aaron Millett  
Ray Nippes  
Edward Ramsdell  
David Strand  
Joe Teixeira  
Sarah White

Ralph Castagna  
William De Rosa  
John Feehan  
George Haseltine  
Ann Lagasse  
Jill Haley Murphy  
Delia O'Connor  
Austin Spinella  
Mike Strauss  
Bob Uhlig  
Andy Willemsen

Everett Chandler  
Mike Dissette  
Lane Glenn  
Jane Healey  
Byron Matthews  
Madeline Nash  
Kerri Perry  
Patty St. John  
Rick Taintor  
Melissa Vokey  
Ghlee Woodworth

### City Employees

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**Kathryn Newhall-Smith, Project Manager**

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Dianne Boisvert  
Tony Furnari  
Elizabeth Kinzly  
Dan Lynch  
Roseann Robillard  
Geordie Vining

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Julia Godtfredsen  
Christopher LeClaire  
Margot Petler  
Jamie Tuccolo  
Jon-Eric White

Peter Binette  
Molly Ettenborough  
Lois Honegger  
Peter Lombardi  
Lisè Reid  
Susan Viccaro

### Community Opportunities Group, Inc.

Peter Sanborn, President

Courtney Starling, AICP

Roberta Cameron, AICP

*As Adopted by the Newburyport Planning Board on DATE & Newburyport City Council on DATE*



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Section A	How to Use the Plan	IP-1
Section B	Actions	IP-2
Section C	Implementation Matrix	IP-3

**Table LU-3: Newburyport’s Developable Parcels**

Source: City of Newburyport’s Assessor’s Database/GIS

Zoning District	# of Parcels	Acres
Business 1	3	1.54
Business 2	1	1.36
Industrial 1	4	17.95
Industrial 1B	3	8.89
Residential 1	11	9.47
Residential 2	20	15.67
Residential 3	16	7.19
Waterfront Marine Dependent	4	2.93
Waterfront Mixed Use	2	0.45
<b>Total:</b>	<b>64</b>	<b>65.44</b>

Applying the dimensional regulations of the current Zoning Ordinance, according to Newburyport’s Assessor’s Office and listed in **Table LU-3**, there are 64 potentially developable parcels for a total of approximately 65 acres of potentially developable land. The Assessor’s Office, in consultation with the Building Department and the Planning Office, determines that a parcel is “developable” if it meets applicable zoning requirements for land area and minimum street frontage. There are vacant parcels within the City that are not included in **Table LU-3**, but this does not necessarily preclude them from being developed in the future. In some cases, an undevelopable parcel can be converted to a

developable one at the City’s discretion (through the Zoning Board of Appeals), should such relief from the zoning code be determined to be appropriate. The development of clearer and more stringent standards for the granting of zoning relief and regulatory procedures are vital to the Zoning Ordinance recodification project.

Based on existing zoning, the City’s residential districts (R1, R2, and R3) could accommodate up to 128 new units of single-family housing, not factoring in environmental limitations such as the presence of wetlands or unfavorable topographical or soil conditions. Because the City’s affordable housing needs exceed 128 single-family homes, as determined by its 2013 Housing Production Plan, more efficient housing development, that is complementary to the local architectural vernacular in terms of size, scale, and materials will be necessary in upcoming years to meet the needs of the community, and maintain some semblance of housing affordability – a necessity for a healthy local and regional economy. The amount of new commercial and/or industrial square footage is more difficult to determine with accuracy under current zoning due to the minimum lot size varying by specific use, an unusual regulation. The most likely scenario for new commercial/industrial space is that it will be accommodated through infill development, namely additions on existing buildings or conversion of space within existing buildings. Additional commercial space will also be created through new development located within the Chapter 40R Smart Growth Overlay District and eventually through some redevelopment occurring along the waterfront.

~~The Generalized Future Land Use Map (shown on page LU-14) shows how future growth could occur under the City’s current zoning and indicates “village centers” where future growth or infill (primarily mixed use, commercial and industrial) should be targeted. Areas marked as “stable” are those that are not anticipated to see significant change but are likely to still experience minor amounts of growth due to periodic redevelopment where those opportunities remain. Some of these areas have residential infill potential due to a cluster of lots that are currently used as single-family homes but are large enough (per current zoning) to be converted to two-family homes. It is strongly recommended that the City adopt new zoning with design standards further regulating the scale and architectural compatibility of both residential and commercial development citywide. The City should also consider creating an architectural pattern guidebook unique to Newburyport’s distinct neighborhoods as a companion to the Zoning Ordinance for the purpose of illustrating the adopted architectural and site plan design standards and highlighting key features associated with~~

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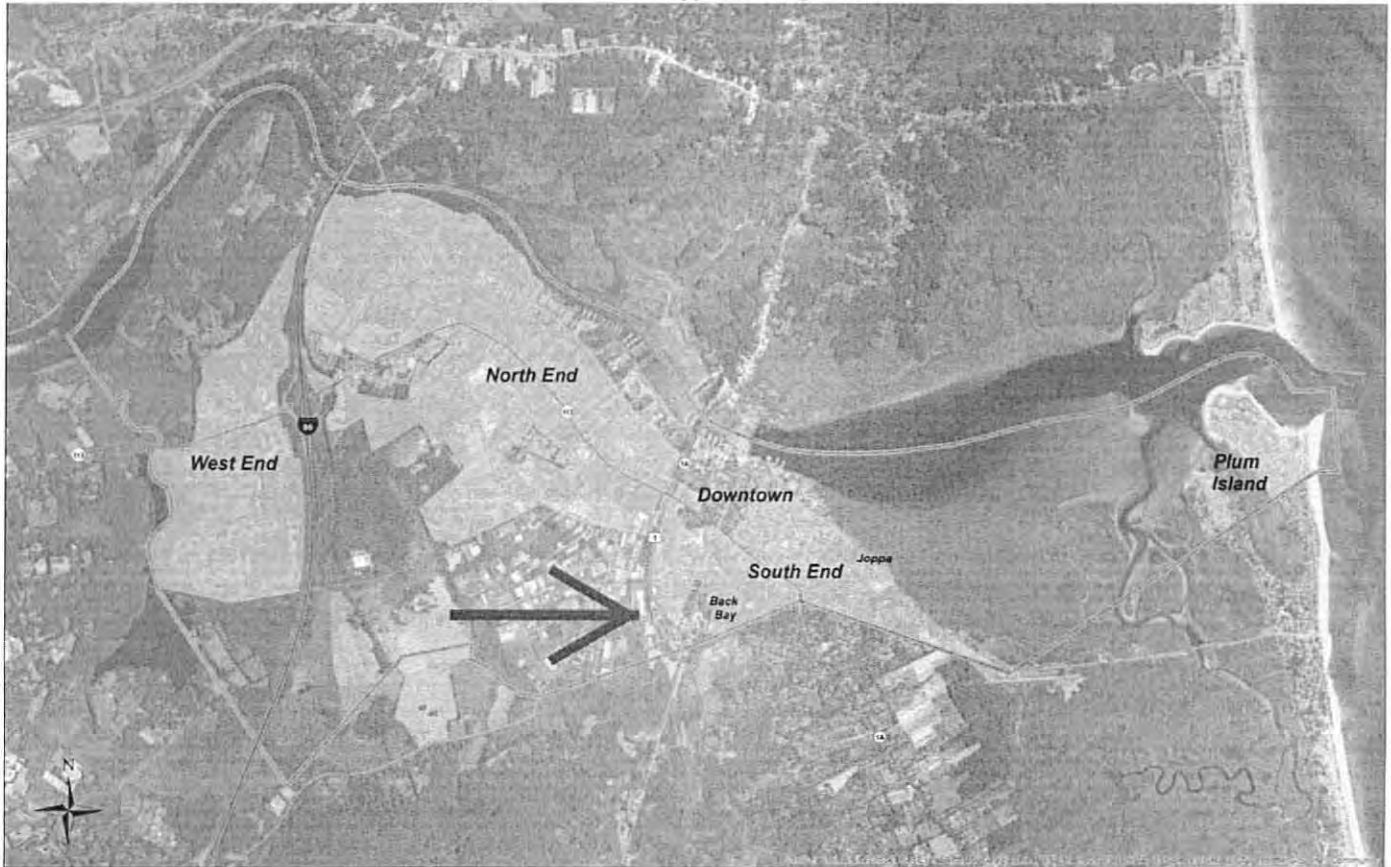
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**Map H- 2: Newburyport Neighborhoods**



Residential Areas

**Table H-4: Housing Structure Types by Neighborhood**

Neighborhood	Single Family	Condominium	Two Family	Three-Family	Multi-Family
Downtown	184	89	52	14	47
North End	1,754	211	144	27	30
South End	671	114	101	21	20
West End	871	0	2	0	0
Back Bay	83	24	7	3	2
Plum Island	443	9	19	0	1

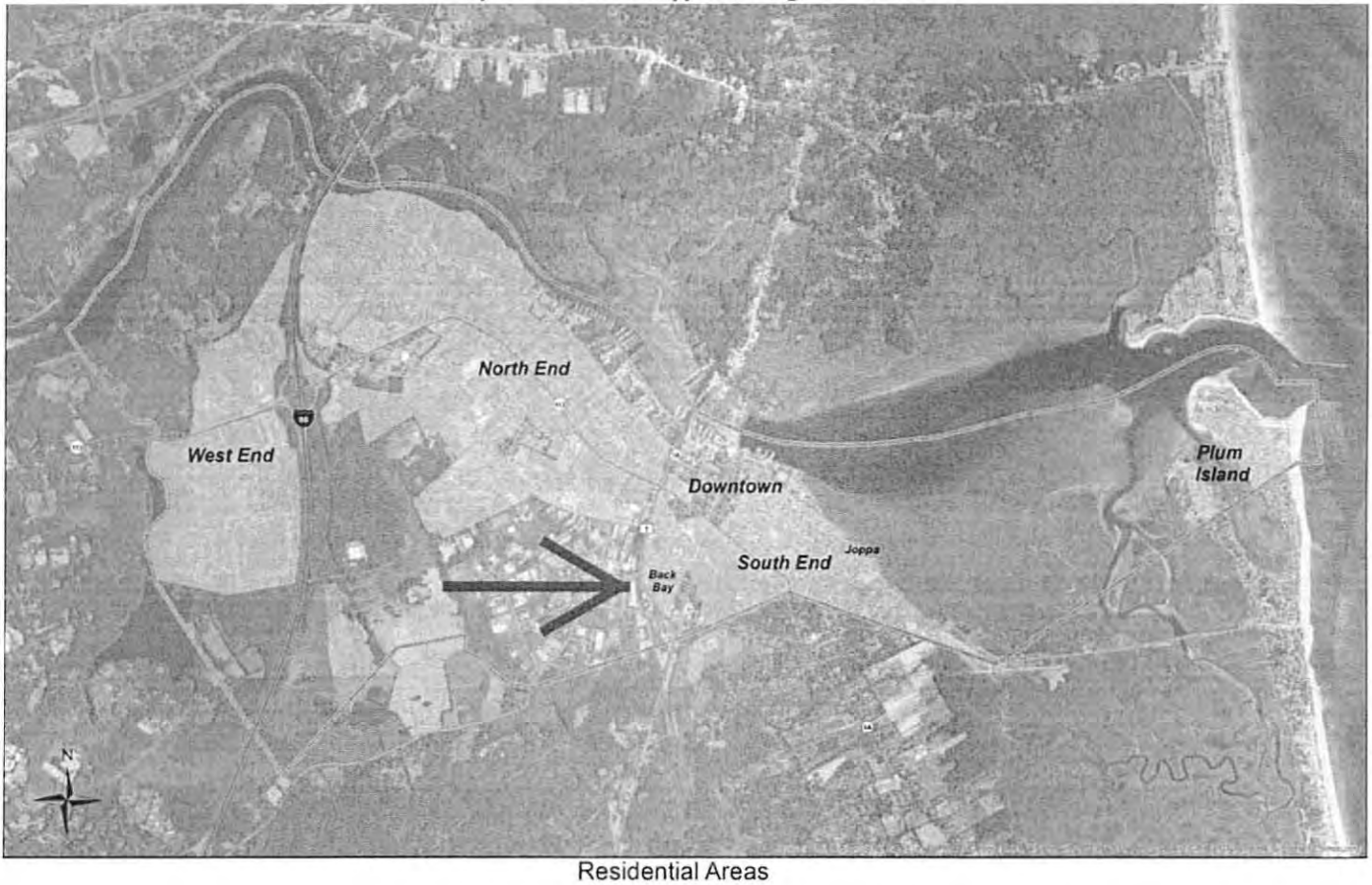
Source: Vision Governmental Solutions, Newburyport’s Assessor’s Database as of December 31, 2014

***Newburyport’s Housing Values, Costs and Affordability***

Value and costs continue to rise as the housing market slowly rebounds from the recession. The desire to live in Newburyport combined with the lack of land on which to build homes has kept home values high and the housing market strong despite economic fluctuation. Values are rising and median sales prices are increasing faster than the household incomes of renters and homeowners. While rental costs have not increased as dramatically as home prices, the median household income of renters did not change between 2000 and 2010, so the affordability gap widened considerably. The proportion of households (renters and homeowners paying more than what they could afford for housing (commonly defined as more than 30 percent of household income) grew from 27 percent in 2000 to 30 percent in 2010.



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schools that administer the McKinney-Vento program for homeless students. The numbers of homeless identified in the count has increased as the volunteer capacity and cooperation of partner organizations and agencies has grown. In 2016, the YWCA counted 494 homeless individuals and family members throughout the region.

Many of the homeless – in particular, those who may be doubled up or living in seasonal rental units may be difficult to identify and include in the count. Some seasonal housing units may be occupied by households who rent for the winter months only and must find housing elsewhere in the summer season. In addition, there are some homeless who live in encampments during the summer months or throughout the year. Over the past five years, homelessness among veterans has been all but eliminated through a program which combines veterans' services with housing vouchers. Nonprofit organizations that address the housing needs of Newburyport families and individuals who are homeless or at risk of homelessness include the Newburyport YWCA, the Roof Over Head Collaborative, Turning Point, and the Salvation Army.

### Section C: Newburyport's Housing Goals

Newburyport remains a vibrant community and continues to be a desirable place to move to, to work in and in which to raise our children. The population and housing trends illustrate the need to preserve historic, moderately priced housing, and to create new housing, both ownership and rental, to meet the needs of the citizenry. This housing must be affordable to working individuals, young families and the senior community. This growing affordability gap presents a major challenge to the City over the next decade; but it is not the only housing challenge in Newburyport. As new housing is constructed and redevelopment of the City's existing housing stock occurs to close the affordability gap, the City must work to ensure that residential development is sensitive to, cohesive and compatible in terms of form, scale, massing, architecture, and materials with Newburyport's distinct, often historic, neighborhoods.

The architectural, cultural, economic, political and social history of Newburyport is one of its most valued and important assets. As new residential growth is developed and older homes are redeveloped to meet the needs of today's families, it is important to recognize and respect both the historical fabric of the City's unique neighborhoods and the City's natural resources. In addition to creating and sustaining a diverse housing stock, the City must take steps necessary to ensure that development is architecturally compatible with the existing built environment and does not unnecessarily impede on open spaces and conservation lands. The preservation, rehabilitation and enhancement of the City's natural and historic character are critical to the preservation of the Newburyport's heritage and land values and a benefit to the general welfare of its citizens and property owners. This Plan includes actions focused on ensuring that new- and redevelopment will be historically sensitive through the creation and refinement of existing regulations.

The housing component of this Plan seeks to build upon the existing strengths of the City's housing stock while supporting the Master Plan Vision of sustainability, by crafting goals, objectives and actions that together:

- Promote a lively, active and diverse population that supports a vibrant economy;
- Create new long-term, deed-restricted affordable housing opportunities so that working professionals, young families and the senior community are able to live in and enjoy the City;
- Preserve home values by allowing appropriately sized, scaled and architecturally compatible residential development that will preserve the historic character of the City;
- ~~Protect property and home values through the exploration of licensing and permitting options to monitor and regulate short term rental units such as those found on sites like Airbnb and HomeAway.~~

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- Protect property and home values through the regulation of short-term rental units such as those found on sites like Airbnb and HomeAway.



Newburyport's location at the mouth of the Merrimack River provides the community with many recreational and commercial opportunities. It also means that the water that flows along the waterfront and out to the Atlantic is cumulatively impacted by the many towns and cities upriver. Water testing done by volunteers over that past several years shows that contamination levels in the River vary greatly throughout the year. Today, the river is classified primarily as B waters, meaning that the water is intended to be both fishable, swimmable, and boatable, but all 50 miles in Massachusetts are still considered non-supporting for Class B waters (EOEA, 2001). The main environmental problems currently impacting the Merrimack River's water are the following: pathogens; nutrients, primarily phosphates; increasing amounts of impervious surfaces; flooding; loss of private forested lands in southern New Hampshire due to sprawl; and climate change, which will increase both flooding and polluted runoff (Merrimack River Watershed Council).

The City tests the river's water under the Commonwealth's regulations regarding the testing of all public bathing beach areas. The Newburyport Health Department collects samples for testing to send out to the state Department of Public Health's contractor, Biomarine, to perform this testing. It is important for the City to know the quality of the water and communicate it to residents and visitors on an ongoing basis. The City must also ensure that its own impact on the River is benign, which can be done through educating citizens and City leaders on preventing harmful runoff into the River as well as strengthening the City's water use, wastewater, wetlands protection and storm water policies, regulations and ordinances. By taking these actions, Newburyport will lessen its impact on ocean waters and on the Great Marsh, an area particularly vulnerable to human impact.

#### **Section D: Food Production**

An important part of any community's long term sustainability is the security of its food supply. In New England's agricultural past, food supply was local; now, our food comes from across the country and from all over the globe. But these far-flung food supply systems can contribute to environmental degradation, and are subject to disruption from drought and other climate-related stressors. Therefore, it is necessary to "strengthen our local and regional food systems and support and encourage an economically viable, environmentally sound and socially equitable food system throughout the food production, use and disposal cycle."<sup>1</sup>

Food and agriculture is also an important sector of the local and regional economy. Within five miles of Newburyport, there are six Community Supported Agricultural ("CSA") farms, one dairy farm, two Farmers Markets, and seven farm stands. Although local statistics are not readily available, in Essex County alone, according to the Massachusetts Department of Agriculture, there are 522 farms, covering 22,397 acres, with annual sales of over \$25 million. Although agriculture declined in the United States from 2002-2012, Massachusetts experienced a 1% growth in number of farms and acres of farmland, as depicted in Table ES-3 below.

There are many food-related businesses in the City, including restaurants and institutions such as the local hospital, the schools and grocery stores that make significant purchasing decisions about food. Using more locally and regionally grown, organic food instead of food shipped over long distances and grown with pesticides and chemical fertilizers will reduce the amount of energy used to transport our food, provide us with healthier, more nutritious food, and help our local and regional economy and environment.

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Although the degree of these impacts cannot be determined precisely, Newburyport has concluded that the risk of not preparing for them is too high. Fortunately, the Federal Hurricane Sandy Coastal Resiliency Competitive Grant Program and the Massachusetts Office of Coastal Zone Management Community Resilience Grant Program have provided funding to help our City prepare. These grants are administered by the National Wildlife Federation and its' focus is on Newburyport and its five neighboring communities along the North Shore to develop a detailed Climate Change Vulnerability Assessment and Adaptation Plan. The City began participating in this grant-funded project in early 2015 and it is expected to be complete by the end of 2016.

Also in 2015, the City was awarded a grant from the EPA Building Blocks for Sustainable Communities program to participate in a two-day workshop on "Flood Resilience for Riverine and Coastal Communities" (workshop was held in September 2015, report dated January 29, 2016). Additionally, the Mayor's office created an ad hoc Community Resilience Committee to assist in development and implementation of the City's first Resiliency Plan.

To date, the work of these groups has helped identify the Climate Change vulnerabilities listed in **Table ES-4** below as identified by the Newburyport Screening Level Climate Vulnerability Assessment. **Table ES-5** lists the City's critical infrastructure located in flood hazard areas and areas deemed at high risk from future storm damage and sea level rise.

**Table ES-4: Special Flooding Problems/High Hazard Concerns**

<b>High Hazard Concerns</b>	<b>Type of Hazard/Reason for Hazard Occurring</b>
Plum Island & Beach	Erosion and overtopping
Plum Island Turnpike*	Road flooding, ice cakes
Plum Island Center*	Overtopping, flooding
Newburyport Turnpike north of Newbury Golf Course*	Flooding from astronomical high-tides and storm surge, critical access point
Cashman Park	Tidal and riverine flooding
Hale Street	Flooding/inadequate infrastructure
Fox Run Road	Flooding/inadequate infrastructure
Henry Graf Road	Flooding
Business Park at Malcolm Hoyt Road	Flooding
Merrimack Street	Flooding
Ocean Avenue/Water Street	Flooding/ tidal capacity
Parker Street at Scotland Road	Flooding/inadequate capacity
Quail Run Hollow	Flooding/road maintenance
Downtown State Street/Market Square	Flooding/disconnect from sanitary sewer

\*Plum Island Center is entirely in Newbury as is a majority of the Plum Island Turnpike.

Summary of Special Flooding Problems/High Hazard Concerns listed in Newburyport's FEMA Hazard Mitigation Plan prepared by MVPC. Order of list does not indicate priority or level of concern.

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**Goal 1: Preserve Newburyport's Sense of Place**

**Objective 1: Foster downtown and waterfront areas that are welcoming to the community, respectful of the City's maritime heritage and complementary to the downtown's commercial core.**

Strategy 1: Ensure that Downtown and the Waterfront are safe and attractive places to live, work, and visit.				
<b>Action 1</b>	Preserve and enhance public spaces within Downtown and along the Central Waterfront to provide access to greenspace, viewsheds, parklands, recreation trails, and areas to hold public events.	Readiness Designation <i>(Priority/Timeline)</i>  <div style="border: 1px solid black; padding: 5px; display: inline-block;">High</div>	Responsible Agencies / Entities: <ul style="list-style-type: none"> <li>• BD</li> <li>• BI/ZEO</li> <li>• CU</li> <li>• DPS</li> <li>• NCC</li> <li>• M</li> <li>• OPD</li> <li>• PB</li> <li>• Parks</li> <li>• NRA</li> <li>• RES</li> <li>• TSAC</li> <li>• TW</li> <li>• WFT</li> <li>• COC</li> <li>• CNPO</li> </ul>	Potential Funding Source(s): <ul style="list-style-type: none"> <li>• General Budget</li> <li>• CPA Revenues/Grant</li> <li>• Grants</li> <li>• Fundraising</li> <li>• User Fees</li> </ul>
<b>Action 2</b>	Seek funding to maintain high quality street furniture, lighting, waste management, banners, flowers, sidewalks, and other amenities that contribute to an attractive and functional Downtown.			
<b>Action 3</b>	Improve the efficiency of permitting processes for signs, façade alterations, and other minor work while ensuring that all processes and expectations are clear and consistent.			
<b>Action 4</b>	Conduct wayfinding study to determine the most appropriate locations for signage, kiosks, and other methods of signaling destinations as well as determine the style and design of wayfinding signage and install signage prioritizing downtown and the waterfront first.			
Strategy 2: Protect the character of Downtown and the Waterfront, while accommodating change and new development.				
<b>Action 1</b>	Create and utilize architectural design guidelines and standards during permitting processes to ensure that new buildings complement their surroundings in terms of architecture, scale, massing, form, and materials.	Readiness Designation <i>(Priority/Timeline)</i>  <div style="border: 1px solid black; padding: 5px; display: inline-block;">High</div>	Responsible Agencies / Entities: <ul style="list-style-type: none"> <li>• AHT</li> <li>• BD</li> <li>• BI/ZEO</li> <li>• DPS</li> <li>• HM</li> <li>• HC</li> <li>• NCC</li> <li>• M</li> <li>• OPD</li> <li>• PB</li> <li>• NRA</li> <li>• RES</li> <li>• TSAC</li> <li>• WFT</li> <li>• ZBA</li> </ul>	Potential Funding Source(s): <ul style="list-style-type: none"> <li>• General Budget</li> <li>• CPA Revenues/Grant</li> <li>• Affordable Housing Trust Funds</li> <li>• Grants</li> <li>• Fundraising</li> <li>• User Fees</li> </ul>
<b>Action 2</b>	Protect historic buildings from demolition, while allowing enough flexibility for alterations to make necessary modifications to meet current building and health codes for commercial use.			
<b>Action 3</b>	Review parking policies and to the extent possible, remove parking from the waterfront to ensure higher and better uses of the Central Waterfront lands and vistas, while increasing availability of multimodal transportation and parking facilities for bicycles.			

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<b>Strategy 1: Ensure that Downtown and the Waterfront are safe and attractive places to live, work, and visit.</b>				
		<b>Readiness Designation (Priority/Timeline)</b>	<b>Responsible Agencies / Entities:</b>	<b>Potential Funding Source(s):</b>
<b>Action 1</b>	Preserve and enhance public spaces within Downtown and along the Central Waterfront to provide access to greenspace, viewsheds, parklands, recreation trails, and areas to hold public events.	<div style="border: 1px solid black; padding: 5px; display: inline-block;">High</div>	<ul style="list-style-type: none"> <li>• BD</li> <li>• BI/ZEO</li> <li>• CU</li> <li>• DPS</li> <li>• NCC</li> <li>• M</li> <li>• OPD</li> <li>• PB</li> <li>• Parks</li> <li>• NRA</li> <li>• RES</li> <li>• TSAC</li> <li>• TW</li> <li>• WFT</li> <li>• COC</li> <li>• CNPO</li> </ul>	<ul style="list-style-type: none"> <li>• General Budget</li> <li>• CPA Revenues/Grant</li> <li>• Grants</li> <li>• Fundraising</li> <li>• User Fees</li> </ul>
<b>Action 2</b>	Seek funding to maintain high quality street furniture, lighting, waste management, banners, flowers, sidewalks, and other amenities that contribute to an attractive and functional Downtown.			
<b>Action 3</b>	Conduct wayfinding study to determine the most appropriate locations for signage, kiosks, and other methods of signaling destinations as well as determine the style and design of wayfinding signage and install signage prioritizing downtown and the waterfront first.			
<b>Strategy 2: Protect the character of Downtown and the Waterfront, while accommodating change and new development.</b>				
		<b>Readiness Designation (Priority/Timeline)</b>	<b>Responsible Agencies / Entities:</b>	<b>Potential Funding Source(s):</b>
<b>Action 1</b>	Create and utilize architectural design guidelines and standards during permitting processes to ensure that new buildings complement their surroundings in terms of architecture, scale, massing, form, and materials.	<div style="border: 1px solid black; padding: 5px; display: inline-block;">High</div>	<ul style="list-style-type: none"> <li>• AHT</li> <li>• BD</li> <li>• BI/ZEO</li> <li>• DPS</li> <li>• HM</li> <li>• HC</li> <li>• NCC</li> <li>• M</li> <li>• OPD</li> <li>• PB</li> <li>• NRA</li> <li>• RES</li> <li>• TSAC</li> <li>• WFT</li> <li>• ZBA</li> </ul>	<ul style="list-style-type: none"> <li>• General Budget</li> <li>• CPA Revenues/Grant</li> <li>• Affordable Housing Trust Funds</li> <li>• Grants</li> <li>• Fundraising</li> <li>• User Fees</li> </ul>
<b>Action 2</b>	Protect historic buildings from demolition, while allowing enough flexibility for alterations to make necessary modifications to meet current building and health codes for commercial use.			
<b>Action 3</b>	Review parking policies and to the extent possible, remove parking from the waterfront to ensure higher and better uses of the Central Waterfront lands and vistas, while increasing availability of multimodal transportation and parking facilities for bicycles.			

*P&D / COTW*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

JUNE 26, 2017

A ZONING ORDINANCE REGARDING BED AND BREAKFAST USE

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

*Zoning Ordinance Amendment:*

APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Section V-D – Table of use regulations.

*Table of use regulations*

The Table of use regulations of Section V-D (Use Regulations) is hereby amended as to Use Number 110 to read as follows:

USE	NUM	CON	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Bed and breakfast	110	NP	<del>NP</del> <u>SP</u>	<del>NP</del> <u>SP</u>	<del>SP</del> <u>P</u>	<del>SP</del> <u>P</u>	P	P	NP	NP	NP	NP	<del>SP</del> <u>P</u>	SP

Section V-E – List of allowable uses.

*List of allowable uses*

The List of allowable uses of Section V-E (Use Regulations) is hereby amended as to Use Numbers 105, 106, and 110 to read as follows:

USE	NUM	DESCRIPTION
Hotel/inn	105	<u>Any building, structure, or any part thereof of a building containing rooming units, with or without individual cooking facilities, for transient a term of</u>

*CT/bv*



		<p>occupancy <u>of fewer than thirty (30) days</u>, and having a common entrance or entrances; and including an inn, motel, and motor inn, <u>as well as short-term residential rental units offered by someone other than a permanent resident as defined in Use Number 110, below; but excluding a lodging house or a bed and breakfast</u></p>
<p>Lodging House</p>	<p>106</p>	<p>Any building, structure, or part thereof used as a sleeping place or dwelling for hire, or otherwise, for five (5) or more persons, not within the second degree of kindred to the person conducting the lodging house, <u>without individual cooking facilities</u>, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions, <u>hotel/inn use, bed and breakfast use</u>, or duly licensed convalescent, nursing, or rest homes.</p>
<p>Bed and Breakfast</p>	<p>110</p>	<p><u>Any building, structure, or part thereof that is occupied by a permanent resident and contains</u><del>A owner-occupied building containing no more than five (5) short-term residential rental rooming units to serve no more than six (6) persons overall,</del> not including living quarters for the permanent resident. A <u>"permanent resident" means a natural person who occupies the property for at least sixty (60) consecutive days with intent to establish that property as his or her primary residence, either as an owner or as a lessee. A "primary residence" means the permanent resident's usual place of return for housing as documented by at least two of the following: motor vehicle</u></p>

		<p><u>registration; driver's license; voter registration; or tax documents showing the residential unit as the permanent resident's residence for the purposes of a homeowner's tax exemption; a person may have only one primary residence. A "short-term residential rental unit" means a sleeping place or dwelling for hire, for a term of occupancy of fewer than thirty (30) days, with or without its own cooking facility or access to a common cooking facility, for use by any person not within the second degree of kindred to the person offering such lodging, owner occupants, without individual cooking facilities for transient occupancy and having a common entrance or entrances. Common cooking facilities may be included providing that service is limited to those who are owners of the building and those rooming in the building</u></p>
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Councillor Charles F. Tontar

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Councillor Bruce L. Vogel

PHD  
COTW

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL

ORDERED:

October 30, 2017

## A ZONING ORDINANCE TO FORBID USE VARIANCES

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

## APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

THAT subsection X-H.6.A of said Zoning Ordinance, entitled "Variances," be amended pursuant to section XII-B, entitled "Adoption and Amendment," to read as follows, with deletions ~~stricken-through~~ **and in bold**, and additions double-underlined and in bold.

6. Variances. [Variances from the provisions of this ordinance shall be subject to the following:]
  - A. The zoning board of appeals shall have the power, after giving appropriate public hearing notice as described in section X-H, and after holding said hearing within sixty-five (65) days after the zoning board of appeals receives the petition from the city clerk, to grant, upon appeal or upon petition, a variance, ~~including expressly excluding any~~ **notwithstanding anything in this ordinance to the contrary**, from the terms of this zoning ordinance where the zoning board of appeals finds that, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this ordinance.

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 Councillor Jared Eigerman

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

October 24, 2017

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

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

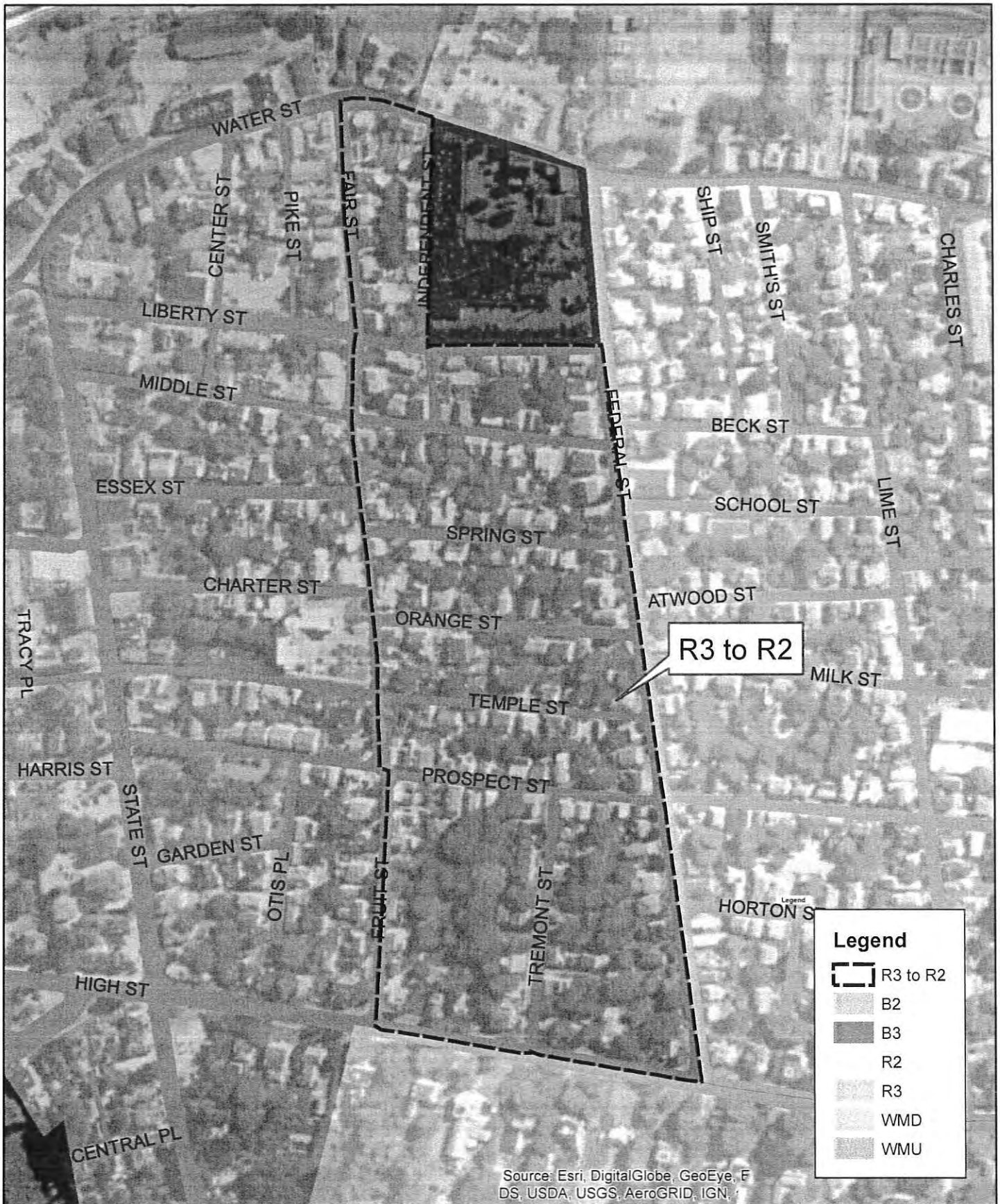
**APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT**

**Section III-C -- Zoning map.**

THAT the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that all parcels located within the following area of the City are changed from the Residential Three (R-3) District to the Residential Two (R-2) District, as depicted on the attached map entitled "Zoning Map Change - Proposed" prepared by the Office of Planning & Development, and dated October 30, 2017: the entire area bounded northwesterly by Fruit Street and Fair Street, northeasterly by Water Street, southeasterly by the Independent Street, and northeasterly by Liberty Street; and southeasterly by Federal Street and southwesterly by High Street, and expressly excluding those parcels currently located within the Business Three (B-3) District.

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Councillor Gregory D. Earls



## Zoning Map Change - Proposed



p.d.  
2017

October 30, 2017

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

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

**APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT****Section III-C -- Zoning map.**

**THAT** the Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport” be amended pursuant to Section III-D “Changes to Zoning Map” such that all parcels located within the following areas of the City are changed from the Residential Three (R-3) District to the Residential Two (R-2) District, as depicted on the attached map entitled “Zoning Map Change – Proposed,” prepared by the Office of Planning & Development, and dated October 30, 2017: the entire area (Assessor’s Maps 15 and 16) bounded northwesterly by Fair Street and Fruit Street, northeasterly by Water Street, southeasterly by Federal Street, and southwesterly by High Street, as well as the four adjacent parcels at 87 High Street (Assessor Map/Lot 33-38), 89 High Street (Assessor Map/Lot 33-39), 91 High Street (Assessor Map/Lot 33-40), and 93 High (Assessor Map/Lot 33-41), and expressly excluding those parcels currently located within the Business Three (B-3) District.

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Councillor Gregory D. Earls

## 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).

\_\_\_\_\_  
Councillor Barry N. Connell

\_\_\_\_\_  
Councillor Sharif I. Zeid

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

## CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 27, 2017

For reasons set forth herein, The CITY COUNCIL of the City of Newburyport hereby amends the City's Code of Ordinances, Appendix A Zoning Ordinance by adding by adding a new Section V-H, Temporary Moratorium on Recreational Marijuana Establishments, which would provide as follows:

## Section V-H Temporary Moratorium on Recreational Marijuana Establishments

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Ordinance, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Ordinance. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the City needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of Recreational Marijuana Establishments. The City Council intends to adopt a temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the City and to enact ordinances in a consistent manner.

B. Definition

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in G.L. c.94G, §1”

C. Temporary Moratorium

Notwithstanding any other provision of the Zoning Ordinance to the contrary, the City Council 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 Zoning Ordinance amendments, 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 March 15, 2018.

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Councillor Charles F. Tontar



**PUBLIC SAFETY COMMITTEE ITEMS  
DECEMBER 11, 2017**

- **ORDR055\_10\_10\_17** No Parking – 59th Street

PS

# CITY OF NEWBURYPORT



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

**ORDERED:**

October 10, 2017

**THAT** the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-166, that no person shall park any vehicle on the following streets or portions thereof as follows:

**Street:** 59<sup>th</sup> St.

**Restriction:** 59th St, Northwesterly Side of the street, from the vehicular end point of 59<sup>th</sup> street (as accessed from Northern Blvd) to a point 20' towards Northern Blvd. No Parking Anytime.

**Furthermore,** the City Clerk shall add this restriction to the public list available in the Clerk's office. This list shall be updated and posted on the City of Newburyport website.

\_\_\_\_\_  
Councillor Sharif I. Zeid

# PUBLIC UTILITIES COMMITTEE ITEMS

DECEMBER 11, 2017

- **ORDR066\_11\_27\_17** Raffaele Construction Corp. - Lic Contractor

PU

CITY OF NEWBURYPORT



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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:

Raffaele Construction Corp.  
21 Elm Place  
Swampscott, MA 01907

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

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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

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WAYNE S. AMARAL  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

16 A PERRY WAY  
NEWBURYPORT, MA 01950

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

Raffaeie Construction Corp.  
21 Elm Place  
Swampscott, MA 01907

TEL: 978-465-4464  
FAX: 978-465-1623

For the following work;

- Water Service
- Sewer Service
- Drain Laying
- Roadway
- Sidewalk

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 #: 617-620-5123 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): Raffaello 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 Severance

\* 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: 10/29/18

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.

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## 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.

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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)





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/07/17

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Benevento Insurance Agency Inc 497 Humphrey Street Swampscott, MA 01907	CONTACT NAME: Ingrid	PHONE (A/C, No, Ext): 781-599-3411	FAX (A/C, No): 781-581-7200
	E-MAIL ADDRESS:		
INSURED Raffaele Construction Inc. Gerry Raffael PO Box 436 Swampscott, MA 01907	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Arbella Protection		
	INSURER B: Arbella Indemnity		
	INSURER C: Commerce Insurance Company		
	INSURER D:		
	INSURER E:		
INSURER F:			

## COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			8500045245	10/24/17	10/24/18	EACH OCCURRENCE	\$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input checked="" type="checkbox"/> completed ops						MED EXP (Any one person)	\$ 5,000
	<input checked="" type="checkbox"/> XCU Included		Y				PERSONAL & ADV INJURY	\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE	\$ 2,000,000
	OTHER:			PRODUCTS - COMP/OP AGG	\$ 2,000,000		\$	
C	AUTOMOBILE LIABILITY			BGLJMS	11/17/17	11/17/18	COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO OWNED		Y				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> AUTOS ONLY						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	\$
	<input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY							\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB			4600066433	10/24/17	10/24/18	EACH OCCURRENCE	\$ 5,000,000
	<input type="checkbox"/> EXCESS LIAB		Y				AGGREGATE	\$ 5,000,000
	DED	RETENTION \$	10,000					\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			4220059433 01	10/24/17	10/24/18	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT	\$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$ 500,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000

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

## CERTIFICATE HOLDER

## CANCELLATION

City of Newburyport  
16A Perry Way  
Newburyport, MA 01950

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Bryan Benevento



*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,

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

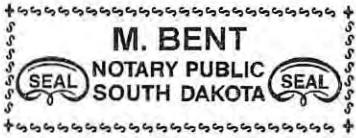
By [Signature]  
Paul T. Bruffat, Vice President

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

ACKNOWLEDGMENT OF PRINCIPAL  
(Corporate Officer)

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

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



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

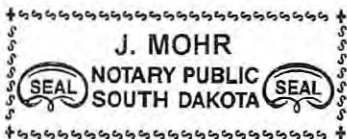
Paul T. Bruflat, Vice President

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.



My Commission Expires June 23, 2021

J. Mohr

Notary Public

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



## RULES COMMITTEE ITEM

DECEMBER 11, 2017

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

*Rules  
COPD*

CITY OF NEWBURYPORT



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

ORDERED:

February 27, 2017

**AN ORDER AMENDING CITY COUNCIL RULES RELATING TO COMMITTEE ITEMS BONDING FUNDS:**

BE IT ORDERED, that:

The following shall be inserted into the Newburyport City Council Rules, section titled "REMOVING AN ITEM FROM COMMITTEE":

7E. Any committee item relating to bonding funds in an amount over \$250,000 shall not be removed from committee until the greater of thirty (30) calendar days or 1 regularly scheduled City Council meeting has elapsed since the referral of such item to committee.

\_\_\_\_\_  
Councillor Sharif I. Zeid

\_\_\_\_\_  
Councillor Joseph H. Devlin

**AD HOC COMMITTEE  
ON CITY SERVICES TO IMMIGRANTS**

Chapter 2 Administration; Article III Boards, Committees, Commissions; Division 6 Human Rights Commission

Section 2-125 a

As approved by the City Council on December 14, 2015 currently reads:

It is the policy of the City of Newburyport to uphold the human rights of all persons in Newburyport and the free exercise and enjoyment of any rights and privileges secured by the Constitution and laws of the United States and the Commonwealth of Massachusetts. This policy shall promote and support equal opportunity for each person regardless of race, color, religious creed, national origin, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, and source of income or disability with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit and healthcare.

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The Ad Hoc Committee on city services to immigrants recommends the following underlined additions:

It is the policy of the City of Newburyport to uphold the human rights of all persons in Newburyport and the free exercise and enjoyment of any rights and privileges secured by the Constitution and laws of the United States and the Commonwealth of Massachusetts. This policy shall promote and support equal opportunity for each person regardless of race, color, religious creed, national origin, immigration status, sex, age, ancestry, sexual orientation, gender identity and expression, marital, family or military status, and source of income or disability with respect to housing, employment, education, public accommodations, City services, insurance, banking, credit and healthcare.

Further, City employees shall not ask for information about immigration status in the performance of daily tasks unless required to do so by Federal or State statute, regulation or court decision.

City department heads shall use tools at their disposal, including meetings and trainings, to direct their staff to comply with the City's policies described above. A communication shall be issued by City department heads to their staff upon adoption of this ordinance.