

**COMMITTEE ITEMS**

# Committee Items- September 27, 2021

## Budget & Finance

### Budget & Finance

*In Committee:*

ORDR265\_08\_09\_2021- CPC-FY22 Recommendations - (COTW)

#1 YWCA @ Hillside

TRAN110\_09\_13\_2021- Late File-Plum Island Utility Trust fund \$100K to Reservation Terrace

Shoreline Protection \$100K

## CITY OF NEWBURYPORT



IN CITY COUNCIL

August 09, 2021

**ORDERED:**

That the City Council appropriates or reserves from the Community Preservation Act FY 2022 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following projects, based upon the Community Preservation Committee's recommendation, the total amount of \$1,366,254. The source of funds shall be FY2021 estimated revenues in the amount of \$1,293,240.44 and the Community Preservation Fund Balance in the amount of \$126,460. Each project listed below shall be considered a separate appropriation or reservation in the amount indicated for that project. Any conditions or stipulations indicated within the Community Preservation Committee's recommendation, incorporated herein, shall be considered a condition of this appropriation and subsequent grant award.

Project No.	Project Title	Applicant	Request	Recommendation
1	YWCA at Hillside	YWCA Greater Newburyport	\$50,000	\$50,000
2	Newburyport Rental Assistance	Affordable Housing Trust	\$200,000	\$200,000
3	Custom House Door Restoration	Newburyport Maritime Society, Inc.	\$43,832	\$43,832
4	Cushing House Landscape Restoration Phase III	Historical Society of Old Newbury	\$45,717	\$45,717
5	Garrison Birthplace Signage	Newburyport Preservation Trust	\$1,800	\$1,800
6	Open Space Reserve Fund	Open Space Committee	\$100,000	\$100,000
7	Market Landing Park Expansion	Newburyport Office of Planning & Development	\$250,000	\$250,000
8	Lower Atkinson Master Plan Amendment	Newburyport Parks Department	\$3,850	\$3,850
9	Bartlet Mall Frog Pond Improvements	Newburyport Parks Department & Commission	\$186,035	\$186,035
10	Restoration of Swan Fountain at Bartlet Mall	Newburyport Parks Department & Commission	\$126,000	\$126,000

11	Restoration of Nock Middle School Tennis Courts	Newburyport Parks Department and Friends	\$175,000	\$175,000
12	Atwood Park Lighting Improvements	Newburyport Parks Department & Commission	\$33,000	\$33,000

**Total:**            **\$1,215,234**    **\$1,215,234**

13	NHS Stadium Bond Payment	127,080
14	Cherry Hill Soccer Field Bond Payment	\$11,940
15	Administrative Costs	\$12,000

**Total:**            **\$151,020**

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Councillor Charles F. Tontar

**In City Council August 9, 2021:**

Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.

**Application #1**  
**Applicant: YWCA**  
**Amount: \$50,000**

**Amendment approved in Committee 9/16/21:**

This award, and distribution of funds, is made subject to the following conditions:

- 1) Through the agreement with the applicant, the related "Hillside Center for Sustainable Living" developer reaffirms written commitment to construct ten (10) deeply affordable units to be sold to the applicant as represented during the original development permitting process for the associated YWCA/Hillside projects and subsequently stipulated in the Planning Board's decision pursuant to Newburyport Zoning Ordinance Section VI-C.
- 2) Through the agreement with the applicant, the related "Hillside Center for Sustainable Living" developer records the deed restriction for market rate units required by Zoning Board of Appeals (ZBA) permits for said project; and a deed restriction for the 10 affordable YWCA units is recorded prior to or concurrent with any disbursement of this award.
- 3) Through the agreement with the applicant, the related "Hillside Center for Sustainable Living" developer agrees to substantial completion of the 10 affordable units ("lodging house") prior to issuance of the Certificate of Occupancy for any additional market rate units (excepting the 3 already slated to be leased on November 1) that are part of the related "Hillside Center for Sustainable Living" development project.
- 4) Through the agreement with the applicant, the related "Hillside Center for Sustainable Living" developer agrees to create a sidewalk ready area that will help connect the development to Route 1 (see attached image). Upon approval by the State and in accordance with all other local laws and standards, the aforementioned developer shall return and convert the sidewalk-ready area to an actual sidewalk, to be accessible by the public.
- 5) Whenever vacancy should occur, the applicant shall notify the Newburyport Housing Authority in an effort to draw as many Newburyport residents as possible to the standing waitlist.
- 6) This award shall expire on 4/30/22, unless otherwise extended by Order of the City Council, if applicant does not close (as indicated by a recording at the registry of deeds) on the sale of the subject property in accordance with # 3 above.
- 7) The previous award made by order of the City Council in the amount of \$150,000 (approved 8/29/2016) is hereby amended to include all of the same conditions listed above.
- 8) Through the agreement with the applicant, the related "Hillside Center for Sustainable Living" developer will work with the City (through the Office of Planning and Development) on a best-efforts basis to apply to the Department of Housing and Community Development ("DHCD") to count all units in the full development towards the City's subsidized housing inventory ("SHI").





# CITY OF NEWBURYPORT FY 2022

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2021 SEP 13 PM 12:53

## TRANSFER/APPROPRIATION REQUEST

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor **Date Submitted:** 9/13/2021

**Transfer From:**

Account Name:	<u>Plum Island Utility Trust Fund</u>	Balance:	<u>\$ 1,789,268.00</u>
Account Number:	<u>8287-59600</u>	Category:	<u>\$ -</u>
Amount:	<u>\$100,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Available:**

Proceeds from CDM Smith Inc. Settlement Agreement. Must be approved by a two-thirds vote of the City Council in accordance with M.G.L. c. 40, sec. 5B.

**Transfer To:**

Account Name:	<u>Reservation Ter. Shoreline Protection</u>	Balance:	<u>\$ 1,901.52</u>
Account Number:	<u>3100-46800</u>	Category:	<u>\$ -</u>
Amount:	<u>\$100,000.00</u>	Trans I/O:	<u>\$ -</u>

**Why Funds Are Needed:**

Due to continued deterioration of the shoreline surrounding the Reservation Terrace section of Plum Island, short-term protective measures are needed to protect the water/sewer utilities and properties there. The work includes the installation of wood pilings and coir bags, based on the design that was completed by the engineering firm, GZA GeoEnvironmental. Estimated project cost is \$450,000, of which the Commonwealth of Massachusetts will fund \$350,000 and the City will fund \$100,000.

Donna D. Holaday, Mayor:

*Donna D. Holaday*

Date:

9/13/21

Ethan R. Manning, Auditor:

*Ethan R. Manning*

Date:

9/13/21

Sponsors: Sharif I. Zeid, Ward 1 Councillor

City Council Approval:

**Committee Items**  
**September 27, 2021**  
**General Government**

1. ORDR270\_08\_09\_2021 Indigenous Peoples Day
2. COMM344\_08\_30\_2021 Hanukkah menorah Market Sq. 11/22-12/10
3. COMM349\_09\_13\_2021 KP Law-Review and Amendment of 2020 Middle St. Bridge
4. ODNC095\_09\_13\_2021 Abolition of Civic Commission Sec. 12 – 140

CITY OF NEWBURYPORT



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IN CITY COUNCIL

**ORDERED:**

Resolution to change Second Monday in October to Indigenous Peoples Day

Whereas, the City of Newburyport recognizes that the Indigenous Peoples of the lands that would become the Americas have occupied these lands since time immemorial;

Whereas, the City of Newburyport recognizes that Newburyport is built upon the villages of the Indigenous Peoples of this region including the Algonquin and Pennacook people; and

Whereas, several cities and states in the United States have recognized Indigenous Peoples Day in an effort to promote truth, healing, reconciliation, redress, and justice acknowledging the trauma and historical harms, acts of genocide, and violations of the human rights of the American Indigenous Peoples; and

Whereas, the City of Newburyport is committed to respecting and protecting the full range of human rights as set forth in the mission statement of the City's Human Rights Commission; and

Whereas, the idea of Indigenous Peoples Day was first proposed in 1977 by a delegation of Native nations to the United Nations sponsored national conference on Discrimination Against Indigenous Populations in the Americas; and

Whereas, the United States government, the State of Massachusetts, and the City of Newburyport recognizes Columbus Day on the second Monday of October in accordance with the federal holiday established in 1971;

Now therefore be it resolved that the City Council of Newburyport, Massachusetts hereby proclaims the second Monday in October each year to be known as Indigenous Peoples Day; and

Be it further resolved that the City Council of Newburyport expresses support for Massachusetts State House Bill H3191 and Senate Bill S2027, which changes the Second Monday in October from the holiday of Columbus Day to Indigenous Peoples Day.

ORDR270\_08\_09\_2021

As amended in committee 9/21/21

This resolution was initiated in part by the students and faculty of the River Valley Charter School in association with the Newburyport Human Rights Commission and its Diversity, Equity and Inclusion Alliance.

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Councillor Heather L. Shand

**In City Council August 9, 2021:**

Motion to refer to General Governemnt by Councillor Shand, seconded by Councillor Tontar. 8 yes, 1 present (SZ), 2 absent (JD, AK). Motion passes.

### **The Indigenous Peoples Day Rename Campaign:**

Indigenous Peoples Day recognizes and celebrates the heritage of Native Americans and the history of their Nations. Honoring Columbus Day celebrates a legacy of genocide and perpetuates ongoing racism and neocolonialism towards Indigenous peoples.

Columbus did not discover the Americas; you can't "discover" lands that are already inhabited. The historical record needs to be set straight in order to respect the culture, language and traditional lifestyles of the Indigenous ancestors who existed long before Columbus' voyage.

Indigenous Peoples Day is about more than a name change; it's a refusal to allow the genocide of millions of Indigenous peoples to go unnoticed, and a demand for recognition of Indigenous humanity.

Recognizing this day in place of what's currently known as "Columbus Day" is a way to correct false histories, honor Indigenous peoples, and begin to correct some of the countless wrongs committed against Indigenous peoples.

Many American cities and states have already legally abolished Columbus Day and recognized Indigenous Peoples Day in its place. Enacting an officially recognized Indigenous Peoples Day would shed light on the disproportionately higher rates of poverty, unemployment, and incarceration experienced by Native Americans, as well as the lack of sufficient federal funding for education and health care on reservations. The various cultures and histories of Indigenous people within the United States are often reduced to harmful stereotypes, offensive mascots, or virtual erasure. A national holiday can be an opportunity for both education and celebration.

Massachusetts has long considered itself a beacon of progress for the United States as a whole, and needs to stop clinging to the concept of Columbus as a hero. For Massachusetts to become a truly progressive, inclusive, diverse and equitable state, Columbus Day needs to be abolished and replaced by Indigenous People's Day.

Massachusetts cities and towns that celebrate Indigenous Peoples Day:

- o Amherst
- o Arlington
- o Brookline
- o Cambridge
- o Easthampton
- o Great Barrington
- o Marblehead
- o Mashpee
- o Maynard
- o Melrose
- o Newton
- o Northampton
- o Provincetown
- o Salem
- o Somerville
- o Wellesley

## History of Indigenous People of the Newburyport Area

Research compiled by Erin-Hutchinson-Himmel, member of the FRS Indigenous Peoples Day Initiative

The history of the Indigenous people of the Newburyport area has been documented by many sources. According to the article, The People Of Merrimack Valley from the May 2010 issue of *Merrimack Valley Magazine*, "Six hundred years ago, there were no such things as "New Hampshire," "Massachusetts" or the "Merrimack Valley." There was only Wobanaki, or "Dawnland." The People who lived here were known as the Alnobak, or "People of the Dawn." We now call them the Abenaki."

Within the Abenaki people there were three divisions- The Eastern Abenaki, the Western Abenaki, and "in the middle, in the Merrimack Valley, were the Benokoiak, which means "Falling Hill People," referring to their main village along the Merrimack River in what is now Concord, N.H. Today they are known as the Penacook. The land of the Penacook ran from south and central New Hampshire, east to southern Maine and then south to northeastern Massachusetts. According to the MHC Reconnaissance Survey Town Report NEWBURYPORT Report Date: 1985; During the time period between 1500 to 1620 Newburyport was inhabited by members of the "Pawtucket Indians and related groups whose territory lay between the Piscataqua River and the Charles River then inland to Concord, New Hampshire."

In the Newburyport area the indigenous population included the Penacook Indians in the vicinity of the lower Merrimack drainage and the Agawam Indians south towards the Ipswich/Rowley area. Historical records by "Gookin (1792) lists ca. 3,000 men as belonging to the Pawtucket group prior to the 1617-19 epidemics." Historical records shared also by "Mooney (1928:4) lists 2,000 men belonging to the Penacook group." This clearly shows that the Penacook had very little direct contact with the Europeans before 1620. However, through trade with other Native groups, the Penacook obtained items brought to North America by the English, French and Dutch, "but it was not these material things that affected the Penacook most. It was the diseases that the Europeans brought with them."

As early as the 1500s these illnesses started taking their toll, not only on the Penacook, but on other Native nations, as well. "Between 1564 and 1570, an unknown epidemic struck the Northeast, followed by an outbreak of typhus in 1586. The disease hit the Penacook, leaving a 75 percent mortality rate in some areas. By 1620 the Penacook population was down to an estimated 2,500.

In 1631, a smallpox epidemic began in the Merrimack Valley and quickly spread throughout New England. Another wave of smallpox began in 1639. This was followed by influenza in 1647, smallpox in 1649 and diphtheria in 1659. It is estimated that the Penacook population in 1675 was down to about 1,200." In 1676, disease and conflict with the English forced the Penacook to leave the Lower Merrimack Valley.

Once the 1750's arrived the Penacook had been completely displaced from their homeland and were now living within the Abenaki nations within Maine, Vermont, and Canada. It has been shown that "Many of the Penacook left the area to join up with other Native Americans, but many more stayed behind, hiding their "Indian-ness" and living within the dominant society, all the while trying to keep their old ways alive." With the invention of home DNA testing it is being seen that many New Englanders have Abenaki genealogy.

Works Cited:

The MHC Reconnaissance Survey Town Report: *NEWBURYPORT* Report Date: 1985  
The People of the Merrimack Valley; May 2010 issue of Merrimack Valley Magazine.

NEWBURYPORT  
CITY CLERK'S OFFICE  
RECEIVED  
29 AUG 2021 11:17

August 9, 2021

President and Members of the City Council  
City Hall  
60 Pleasant Street, Newburyport, MA

Dear City Council,

As in years past, Congregation Ahavas Achim requests a permit to install a Hanukkah menorah in Market Square, adjacent to the Christmas tree. This year Hanukkah begins very early, with the first night falling on November 28<sup>th</sup> and continuing through December 8<sup>th</sup>. We plan to set up the menorah during the week of November 22<sup>nd</sup> and will be able to take it down as early as December 10<sup>th</sup>, however we are open to leaving it in place through New Year's if it is felt that it adds to the city's holiday display. We will need access to an electrical outlet, but will handle all of the setup directly. Thank you very much for your consideration.

Warm wishes,

Alex Matthews  
Congregational Leader  
Congregation Ahavas Achim, Newburyport

**KP LAW***The Leader in Public Sector Law*RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA2021 SEP -7 AM 11:47  
101 Arch Street, Boston, MA 02110  
Tel: 617.556.0007 Fax: 617.654.1735  
www.kc-plaw.com

September 1, 2021

Mark R. Reich  
mreich@k-plaw.comBY FIRST CLASS MAIL  
AND BY ELECTRONIC MAILHon. Donna D. Holaday  
Mayor of Newburyport  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950Re: Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct, Rule 1.7 - Representation of the City of Newburyport and Town of West Newbury Review and Amendment of 2020 Middle Street Bridge Memorandum of Understanding

Dear Mayor Holaday:

The Town of West Newbury and City of Newburyport have jointly requested KP Law to review and advise each municipality regarding proposed amendments to a Memorandum of Understanding pertaining to the allocation of costs for evaluation, design, and repair of the Plummer Spring Road/Middle Street Bridge (the "Agreement") by and between the City of Newburyport and the Town of West Newbury, whom the firm represents as City Solicitor and Town Counsel respectively. The parties further agreed that the costs for such representation will be split equally between both municipalities.

Our relationship with Newburyport and West Newbury creates interests that require disclosure pursuant to the Rules of Professional Conduct of the Massachusetts Bar that require us to obtain the "informed consent" of each Town, after disclosure of adequate information and explanation about the risks of, and alternatives to, the proposed simultaneous representation, before we can undertake such representation. In addition, while the State Ethics Commission has determined that KP Law, P.C. and its individual attorneys are not "municipal employees" pursuant to the Conflict of Interest Law, we provide this letter to dispel any appearance of a conflict on the firm's behalf in this matter.

MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if the interests of one client are directly adverse to those of another client, or if his representation of one client may be materially limited by his responsibilities to another client or his own interests. If, however, the attorney reasonably believes that the representation of either client will not be adversely affected and each of the clients consents after consultation, the attorney may represent the client in such a situation.

Hon. Donna D. Holaday  
Mayor of Newburyport  
September 1, 2021  
Page 2

DETERMINATION

It is our belief that our position as counsel for West Newbury, for the purposes and under the conditions described in this letter, does not create a concurrent conflict of interest and will not affect the exercise of our independent professional judgment on behalf of Newburyport with regard to the Agreement or any other matter. It is our further belief that even if a conflict exists, our ability to provide competent and diligent representation to the City of Newburyport will not be negatively impacted by our role as counsel for West Newbury in this matter. The only risk I would note would be in the event that negotiations over the Agreement or any matter related to the Agreement break down between the parties, to the point where one municipality seeks legal redress from the other. Under these circumstances, KP Law, P.C. would likely have to cease representing all parties with regard to the Agreement. It is, however, for you to determine, as the Appointing Authority, whether the representation described herein will not impair the integrity of this firm's services to Newburyport.

Accordingly, I request that the Mayor, as Appointing Authority, consent to our representation of the City of Newburyport notwithstanding the firm also serving as counsel to the Town of West Newbury with regard to the review of proposed amendments to the Agreement. Should you so consent, I ask that you sign the enclosed determination as required by the Rules of Professional Conduct. Please sign the two originals provided, return one copy to this office, and retain one copy for your records.

Thank you for your consideration. Please do not hesitate contact me with any questions you have in this regard.

Very truly yours,



Mark R. Reich

MRR/JRD/jmp  
Enc.  
cc: City Council

DETERMINATION

It is determined, pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, that the Mayor of the City of Newburyport consents to KP Law, P.C. representing Newburyport with regard to proposed amendments to a Memorandum of Understanding between the City of Newburyport and the town of West Newbury regarding the allocation of costs for evaluation, design, and repair of the Plummer Spring Road/Middle Street Bridge, as disclosed in a letter to the Mayor dated September 1, 2021, notwithstanding that KP Law, P.C. serves as Counsel for the Town of West Newbury.

Dated: \_\_\_\_\_

CITY OF NEWBURYPORT,  
By its Mayor,

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

CITY OF NEWBURYPORT



IN CITY COUNCIL

Introduced September 13, 2021

ORDERED:

**AN ORDINANCE DELETING REFERENCE TO THE DEFUNCT CIVIC COMMISSION**

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

**Chapter 12** Streets, Sidewalks and Other Public Places  
**Article V** Public Places  
**Division 4** Civic Commission

WHEREAS, pursuant to Chapter 486 of the Acts of 1980, entitled "An Act to Assist Cities and Towns in the Commonwealth to Finance the Construction, Reconstruction, Rehabilitation and Expansion of Facilities for Civic and Convention Centers and Exhibition Halls," the City of Newburyport (the "City") received funding from the Commonwealth of Massachusetts (the "Commonwealth") to be applied to the renovation of the City's former Central Fire Station, located at 1 Market Square, referred to after its renovation as the Firehouse Civic Center and commonly known today as the Firehouse Center for the Arts (the "Firehouse Center").

WHEREAS, further pursuant to Chapter 486 of the Acts of 1980, any city by vote of its city council with the approval of its mayor may appoint a commission, to be known as the civic and convention center commission or the exhibition hall commission, to act on behalf of the city in carrying out the purposes of such act.

WHEREAS, pursuant to Chapter 14 of the Acts of 1983, notwithstanding the provisions of sections three and three A of chapter forty of the General Laws or any other provision of law to the contrary, the City was authorized to enter into a lease agreement with a developer for the Firehouse Center, the length thereof to be determined by and between the City and such developer.

WHEREAS, pursuant to Chapter 14 of the Acts of 1983, notwithstanding the provisions of MGL Chapter 40, Sections 3 and 3A or any other provision of law to the contrary, the City was authorized to enter into a lease agreement with a developer for the Firehouse Center, the length thereof to be determined by and between the City and such developer.

WHEREAS, the City of Newburyport, as lessor, and the Society for the Development of the Arts and Humanities of Greater Newburyport, Inc., as lessee, entered into that certain lease agreement regarding the Firehouse Center dated September 12, 1990, as amended (the "SDAH Lease")

WHEREAS, in accordance with Chapter 486 of the Acts of 1980, the City Council adopted that certain ordinance dated February 14, 1994, which amended the Code of Ordinance, City of Newburyport, to create "Civic Commission" to carry out all of the City's obligations and to exercise all of the City's rights as determined under the SDHA Lease.

WHEREAS, the Civic Commission has not existed for at least a decade.

NOW, THEREFORE, the heading of Division 4 of Article V of Chapter 12, as well as Sections 12-140 through 12-144, all of the Code of Ordinances, City of Newburyport, Massachusetts, are hereby amended to read as follows, with deletions *italicized and single-stricken-through*, and additions *italicized and double-underlined*:

**DIVISION 4. - ~~CIVIC COMMISSION~~OTHER PUBLIC PLACES**

**Sec. 12-140. - ~~Creation~~Firehouse Civic Center.**

*In accordance with Section 5 of Chapter 486 of the Acts of 1980, there is hereby created a civic commission by the City of Newburyport. The Civic Commission created under that certain ordinance of February 14, 1994, to carry out all of the City's obligations and to exercise all of the City's rights as determined by the lease agreement for the so-called Firehouse Civic Center (also known as the Firehouse Center for the Arts), originally entered into by the City of Newburyport, as lessor, and the Society for the Development of the Arts and Humanities of Greater Newburyport, Inc., as lessee, as of September 12, 1990, is hereby abolished. Where authorized by a two-thirds, supermajority vote of the full City Council, the Mayor may enter into leases and amendments thereto of the Firehouse Civic Center on such terms and conditions as authorized by the City Council.*

**Sec. 12-141. - ~~Composition.~~**

*The commission shall consist of five (5) persons, who shall hold office for terms of one (1), two (2), three (3), four (4), and five (5) years respectively from the first Monday in March next following such appointment, or until their successors are qualified; and thereafter the mayor shall annually, before the first Monday in March, with approval from the city council, appoint one such commissioner for a term of five (5) years from said first Monday in March. A vacancy in such board shall be filled in like manner for the remainder of the unexpired term. Such commissioners shall serve without compensation.*

**Sec. 12-142. - ~~Members, prohibition.~~**

*No person may serve on the commission who is either a member of the board of directors of the Society for the Development of the Arts and Humanities of Greater Newburyport, Inc.*

~~(hereinafter referred to as SDAH) as lessee or an employee or official of the City of Newburyport, nor the spouse or other immediate family member of any such director, employee, or official.~~

~~Sec. 12-143. Rules.~~

- ~~(a) The commission, at its discretion, shall draft and approve rules and regulations that govern the operation of the commission and the administration of the lease. Such rules shall include, but not be limited to, a method by which disputes between the SDAH and vendors may be resolved with the commission acting in the role of arbitrator.~~
- ~~(b) The commission shall further require a monthly report from the SDAH in relation to the operation of the Firehouse Civic Center.~~

~~Sec. 12-144. Responsibilities.~~

~~Said commission shall be responsible for the duties granted to it by said Chapter 486 of the Acts of 1980. Further, said commission shall be authorized by the City of Newburyport to carry out all of the city's obligations and to exercise all of the city's rights as determined by the lease agreement for the Firehouse Civic Center as entered into by the City of Newburyport as lessor and the SDAH as lessee. Said lease agreement was originally entered into on September 12, 1990. Any future amendments to such lease shall be governed by the terms of this section. A copy of the lease agreement and any amendments are on file in the office of the city clerk.~~

~~Said commission is authorized to enter into a lease with the Trustees of the Newburyport Waterfront Trust ("Trust") for the property shown as "Area to be Leased 4,662 Sq. Ft." on a sketch plan filed with the city clerk. Any future lease agreement shall be governed by the terms of this section. A copy of any lease and any amendments entered into by said commission and the Trust shall be filed with the city clerk.~~

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Councilor Jared J. Eigerman, Ward 2

## Committee Items-September 27, 2021

### Neighborhood & City Services

COMM234_03_30_2020	Ltr from Newburyport Livable Streets 3/11/2020
COMM285_01_27_2021	Memorandum from Councillor Christine Wallace
COMM299_02_08_2021 Late File	Ltr. from Phillips Dr. Neighborhood Committee
COMM326_05_10_2021 Late File	Hale Street pedestrian/bicycle improvements (CIP)
COMM337_07_12_2021 Late File	Central Congregational Church paint crosswalk rainbow colors
COMM343_08_30_2021	Congregation Ahavas Achim replacement sign at High & Olive Sts.

N4CS

COMM234\_03\_30\_2020



March 11, 2020

RE: Hale Street Pedestrian and Bicycle Improvements

Dear Members of the City Council:

Hale Street is an important route connecting the Squires Glen and West End neighborhoods to schools, recreation areas, and the downtown. It also links to the Coastal Trails network, with a trailhead for the Gloria Braunhardt Bike Path that provides a safe walking and cycling route to the Storey Avenue business district as well as to the bus station and the Garrison Trail.

However, Hale Street's high traffic speeds, lack of sidewalks, and narrow to nonexistent shoulders make it unwelcoming and unsafe for walkers and bicyclists, particularly young people getting to school and activities. Improving this road's safety and walkability has long been a desire of West End residents. The Safe Routes to School Preliminary Assessment report that was prepared for the City in 2016 identified as a priority project the widening of Hale Street and the construction of a protected multimodal (bike/ped) path. The report also recommended implementing traffic calming devices along Hale Street in order to reduce vehicle speeds.

On February 4, Newburyport Livable Streets facilitated a community meeting about Hale Street, which was attended by about 40 neighborhood residents, as well as several members of the City Council. Mayor Holaday opened the meeting, and City Engineer Jon-Eric White presented preliminary concepts for better accommodating walkers and bicyclists within the street's existing layout, and with minimal impact to sensitive resources. Meeting attendees offered their own perspectives on the issue, expressing a variety of concerns about project complexity, costs and timeline, but all were in support of making the road better for walking and cycling, especially for school-age children.

It is undeniable that Hale Street can be redesigned and improved to provide safe accommodation for vulnerable users, but it is also true that cost considerations will likely require the optimal project to be funded and constructed in phases. Newburyport Livable Streets believes that it is time to move forward with project planning and design to demonstrate to residents of Squires Glen and the West End that the City is committed to resolving this long-standing issue.

In order to move this important project forward, some preliminary steps should be taken in the short term. City Engineer White has recommended that the City engage a survey firm to carry out a detailed survey of the right-of-way and adjacent land, and then engage an engineering firm to prepare a concept plan. The total cost of these two projects is estimated to be \$125,000. Once a concept plan has been prepared and a long-term solution has been agreed upon, the final design can be done in-house by the DPS Engineering Division.

We understand that the Mayor will be presenting a request for these funds to the Council, either as a CIP project or as a transfer request. We strongly urge you to support such a request so that survey and design work can begin this year.

Thank you for your consideration of this project. We look forward to working with the City as the project progresses.

Sincerely,

NEWBURYPORT LIVABLE STREETS

Rick Taintor	Ben Iacono	Bob Uhlig
Sheila Taintor	Kitty Krajei	Jay McCarthy
Juliet Walker	Conrad Willeman	Nancy McCarthy
Judy Tymon	Elizabeth Marcus	
Alden Clark	Mary McDonald	

ADDITIONAL SUPPORTERS OF THE HALE STREET PROJECT

Jim McCarthy	Jennifer Lader	Omni Raimo
Sharon Kennedy	Aine Quimby	Adam Robitaille
Nancy Brock	Deidra Rooney	Amber Roback

NWS

COMM285\_01\_27\_2021

MEMORANDUM

TO: Honorable Mayor Donna Holaday  
DPS Director Tony Furnari

FROM: Christine Wallace, Ward 4 Councillor

RE: Ward 4 Road Project Outstanding Items

DATE: January 13, 2021

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On behalf of the Ward 4 residents, I am requesting the following items be a priority for completion when the 2021 road construction season begins. Please note this is not a comprehensive list and is not in any particular order. These are outstanding items that I receive numerous questions on for projects already in progress.

1. **High Street Striping** – In addition to the necessary repairs (pavement, curbing, sidewalks), lane striping is high priority. This includes striping of the centerline, shoulders, bike lanes, and parking lanes. If the time frame for the other fixes is still unknown, at a minimum temporary line painting should occur this spring.
2. **High Street Crosswalks** – Crosswalks that were removed from High Street during the 2019 construction should be returned and ADA-compliant ramps should be installed. Crosswalks that are used for safe routes to schools should be a priority, such as those at Myrtle Street and North Atkinson Street.
3. **Speed Limit Signs** – For High Street and Merrimac Street, final locations for the 25 mph speed limit signs should be determined and signs permanently installed.
4. **Merrimac Street Striping Plan** – As part of completing the Merrimac Street paving project, the striping plan should be provided to the public with adequate time for review and comment prior to the work. This includes planned striping in the vicinity of Lower Atkinson for Pioneer League parking.
5. **Lower Atkinson Parking Lot** – The parking lot at Lower Atkinson used for the Pioneer League ball fields needs to be restored to its prior condition after being used as a staging area for the 2019-2020 Merrimac Street construction. This includes at a minimum removal of all debris, re-grading, and installation of suitable gravel.
6. **Columbus Avenue** – The water line replacement project needs to be completed, and paving of the street shortly thereafter during this construction season is a priority. Timeline changes and scope of work for both phases should be communicated clearly to the residents.

I also receive frequent questions on future street and sidewalk work planned for Ward 4 and therefore I am requesting the following:

7. **5-year Pavement Management Plan** – The city-wide pavement study and street prioritization plan prepared by Beta Engineering should be provided to the public as soon as possible to allow time for meaningful review and comment prior to the construction season.

## Phillips Drive Neighborhood Committee

C/O 21 Phillips Dr., Newburyport MA 01950

February 4, 2021

Mayor Donna Holaday & City Council  
60 Pleasant Street  
Newburyport MA 01950  
*Via email*

Dear Mayor Holaday and Council Members:

We hope this letter finds you well in these turbulent times.

The residents of the Phillips Drive Neighborhood continue to be in close contact with our Ward Councilor, Byron Lane, and other City Councilors to ensure that our critically urgent infrastructure needs remain a **priority** with the City. As we await the engineering report from BSC which you are currently reviewing, we respectfully remind you of your pledges since 2017 to make our critically urgent infrastructure needs a budgetary priority.

We have faith that our actions to meet with you, the City Council, other members of the Neighborhoods and City Services department, and our State Senators will result in dedicated funding to remediate the decades-long infrastructure issues. We are aware that the NYS and west end Fire Department are in need of funding, but our issues have been ignored for decades and the need is critical. As noted in your email to us on May 2, 2017, "It would be unconscionable for the city not to make an effort to provide some relief for the residents of Phillips Drive."

Thank you for your attention and for your commitment to follow through on your pledges for designated funding to fully address the infrastructure needs.

Sincerely,

Kathleen Brittan, Philip Cootey, Richard Goulet, Cynthia Palladino, Melissa Welch  
The Phillips Drive Neighborhood Committee

Cc: Neighborhoods and City Services Department  
Sen. Diane DiZoglio  
Sen. James Kelcourse

10 Dexter Street  
Newburyport, MA 01950  
5 May 2021

City Council  
City of Newburyport  
City Hall  
Newburyport, MA 01950

By Email

RE: Capital Improvement Plan – Hale Street Pedestrian and Bicycle Improvements

Dear City Councilors:

I am writing to request that the funding for Hale Street pedestrian and bicycle improvements in the proposed Capital Improvement Plan be expanded and better defined as described in this letter.

This project has long been identified as an important one for giving West End residents a safe walking and cycling connection to schools, recreation areas and the downtown.

- The 2005 Strategic Land Use Plan noted, “Neighborhood residents have expressed a desire for provision of a sidewalk along the length of Hale Street; however, the proximity of wetlands along the edge of the roadway would make it extremely difficult and costly to widen the road to accommodate a sidewalk.” (p. 17)
- In the 2016 Safe Routes to Schools Preliminary Assessment report, MassDOT recommended that multimodal enhancements be constructed on the north side of Hale Street all the way to Turkey Hill Road. “to provide a separate facility for pedestrians. The widening should accommodate a multimodal path with roadway vehicle barrier and should consider traffic calming devices along Hale Street.” (pp. 27-28, emphasis added)
- Most recently, the City’s Complete Streets Prioritization Plan (March 2019) includes two alternative strategies for improving bicycle and pedestrian accommodations on Hale Street between Low Street and Turkey Hill Road – a sidewalk plus striped bike lane (projects 3G and #3H and a shared use path (project 3I).

In February 2020 Newburyport Livable Streets hosted a community meeting to present some preliminary concepts for how pedestrians and bicyclists could be accommodated more safely on Hale Street, and to provide an opportunity for residents to raise questions and concerns. We followed that up with a letter to the City Council on March 11, 2020, requesting that \$125,000 in funding be appropriated to hire consultants to carry out a survey and wetlands delineation of the corridor, and to prepare a conceptual design plan for improvements. However, before that request could be considered by the Council, the City was faced with the pandemic which dominated policy and funding discussions for the ensuing months, and as a result there was no opportunity at that time to follow up on our letter.

I welcome the inclusion of a portion of the requested funding in the proposed Capital Improvement Plan as a first step in resuming the conversation about Hale Street. However, I am concerned that the current CIP does not give enough weight to this long-identified need in the City. First, the proposed CIP shows the funding for survey and wetlands delineation as depending on the City receiving an as yet unidentified grant. This is somewhat unusual in that grant funds are not usually available for this type of project: more typical is the approach shown in the CIP for Complete Streets projects, where the City proposes to pay for planning and design from General Fund/Free Cash and then to apply for grants (or issue debt) to pay for the construction.

RE: Capital Improvement Plan – Hale Street Pedestrian and Bicycle Improvements

Page 2

Second, I am concerned that the proposed CIP does not include funding for a conceptual design. This is a necessary step that must be taken, as it is essential to receive public input and obtain consensus before the City's Engineering staff can begin detailed design.

Finally, the proposed CIP does not show any construction funding in the next five years, which implies that no substantive action on this project will take place in that time period.

It is important not to shortchange this important project. A critical aspect of bike/ped safety is to reduce speed differentials between vulnerable users and cars, and to provide physical separation where speed differential is great. Providing a wider shoulder may be enough for able adults, but children need a raised sidewalk or separated path to protect them from traffic. This is reflected in both the 2016 SRTS report and the 2019 Complete Streets Prioritization Plan.

It is also important to recognize that any project that delivers meaningful safety improvements will be costly. Realistic cost estimates should be incorporated into the capital planning. For example, the two options identified in the 2019 Complete Streets Prioritization Plan had estimated costs, including design, of \$2,365,000 and \$2,950,000 for the 1.75-mile distance (approximately \$1,350,000-\$1,686,000 per mile).

Because of this, it may be helpful to think about breaking the overall project into smaller pieces rather than trying to design and build the entire project at once. There are likely different appropriate designs for different parts of this long route, and they can be funded and implemented in stages. There are three logical segments of the corridor – Low St to Doe Run, Doe Run to I-95, and I-95 to Turkey Hill Road. Each of these segments represents about one-third of the total length, and each has its own context and likely its own solution.

In conclusion, I suggest that the Council consider two modifications to the proposed CIP: (a) increasing the FY2022 amount to \$125,000 in order to include funding for conceptual design and making this allocation pay-as-you-go rather than dependent on grant funding, and (b) adding placeholders in at least one future year to represent an initial phase of construction.

Thank you for your consideration of these issues.

Sincerely,



Rick Taintor

July 10, 2021

Council President Jared Eigerman  
Newburyport City Council  
Mayor Donna Holaday  
60 Pleasant Street  
Newburyport, MA 01950

Council President Eigerman, Members of the Newburyport City Council and Mayor Holaday,

The Central Congregational Church requests permission to paint the crosswalk at the corner of Pleasant Street and Titcomb Street in rainbow colors, similar to the crosswalk nearest to Newburyport City Hall.

We request permission to paint the sidewalk ourselves with paint provided by the city or that we purchase with guidance from the city. Street closings will be necessary to perform the painting. We plan to utilize a template similar to the crosswalk in front of City Hall, remaining compliant with visibility requirements while also demonstrating the feeling of inclusion we strive to communicate to the community. We have contacted the owners of Changing Tides Cafe (across Pleasant Street from the Church) and they are in full support of our proposal.

In recent years, municipalities around the world and the U.S. have installed rainbow crosswalks. Examples include Taipei, Tel Aviv, Toronto, Seattle, Philadelphia.

Locally, communities including Arlington, Brookline, Cambridge, Great Barrington, Northampton, Provincetown and Salem have them. In fact, Newburyport's 1<sup>st</sup> Rainbow Crosswalk is just down the street in front of City Hall. We believe this additional rainbow crosswalk will complement the others, adding to the feeling of inclusion in our city.

The Human Rights Commission supports this crosswalk proposal, if it meets with your approval. We were delighted to hear from the HRC that so many in our community support of rainbow crosswalks including the Newburyport Clergy Association, the Newburyport Human Rights Commission, DEI Alliance, Anti-Racism Affinity Group, Women's Huddle, Indivisible-RISE, the Governors Academy Family DEI Committee, Congregation Ahavas Achim, Old South Presbyterian Church, First Congregational Church of Rowley, Peoples UMC, Newburyport/Merrimacport UMC, First Congregational Church of Georgetown, First Religious Society UU Church, East Parish UMC, Main Street Congregational Church Amesbury, Belleville Congregational Church, and Central Congregational Church. Additionally, 27 local businesses and 378 people have registered support for this initiative (233 Newburyport adults, 65 students and 80 adults from neighboring communities).

Thank you for your consideration. We look forward to hearing your response. Thank you for all of your efforts in helping make Newburyport a more welcoming and inclusive community for all its residents and visitors.

Sincerely Yours,

Jean Copelin and Sarah Seamans  
Co- Chairs of the Central Congregational Church Board of Deacons  
14 Titcomb Street, Newburyport, MA

Dues

August 9, 2021

Richard Jones, City Clerk  
City Hall  
Newburyport, MA

Dear Mr. Jones,

I am writing from Congregation Ahavas Achim (Jewish synagogue on Washington Street) for information on the procedure for getting city approval for a permanent sign at the corner of High and Olive Streets.

The Congregation had a sign at that location for many years until it was knocked down about 15-20 years ago, and we never took the steps to have it replaced.

I understand from your office that we need to apply to the City Council for permission to replace it. I also need information on what size is allowed and any restrictions that might apply.

Thank you very much,



Ron Rutchick  
Congregation Ahavas Achim  
Chairman of Building Committee  
53½ Washington St., Newburyport

Cell: 978-869-4058  
[ronrutchick@gmail.com](mailto:ronrutchick@gmail.com)

Home address:  
82 Bromfield St.  
Newburyport, MA

# **Committee Items- September 27, 2021 Planning & Development**

## ***In Committee:***

- ODNC087\_08\_09\_2021 Municipal Facility Reports
- ODNC088\_08\_09\_2021 Municipal Building Procurement
- ORDR278\_09\_13\_2021 Acceptance of Colby Farm Parcel C (Open Space)
- ORDR279\_09\_13\_2021 Authorization for NRA Land Transfer
- ODNC083\_06\_28\_2021 Zonning-Amendment-I-95\_Wind-Corridor

# **Committee Items- September 27, 2021 Planning & Development**

## *In Committee:*

- ODNC087\_08\_09\_2021 Municipal Facility Reports
- ODNC088\_08\_09\_2021 Municipal Building Procurement
- ORDR278\_09\_13\_2021 Acceptance of Colby Farm Parcel C (Open Space)
- ORDR279\_09\_13\_2021 Authorization for NRA Land Transfer
- ODNC083\_06\_28\_2021 Zonning-Amendment-I-95\_Wind-Corridor
- ODNC046\_01\_27\_2020 Zoning Amendment Short Term Rental Units Def.

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL

ORDERED:

August 9, 2021

**AN ORDINANCE REGARDING ANNUAL REPORTING ON THE CONDITION AND OPERATIONAL PERFORMANCE OF CITY-OWNED BUILDINGS**

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

Amend existing Section 5-47 as follows, with additions double-underlined, and ~~deletions double stricken out~~:

**Sec. 5-47. – Municipal building reports and operational requirements.**

Each year, no later than the last day of February, the Mayor shall cause all~~in the month of February~~ department heads whose departments have custody~~responsible for maintenance~~ of municipal buildings, expressly including the Superintendent of Schools as to buildings in the custody of the School Department~~except schools~~, to shall submit to the City Council a consolidated report on the physical conditions and the energy usage, CO2 emissions, water consumption, and trash waste performance of each such municipal building, with a copy filed with the City Clerk and also posted in its entirety on the City's website~~in the city clerk's office~~. The Mayor may determine what City officers shall assist in compiling such consolidated report. Upon receipt, the City Clerk~~The city clerk~~ shall distribute said report to all members of the City Council~~city councillors~~. The report shall include at a minimum information regarding~~but not limited to~~ structural conditions, compliance with Massachusetts Architectural Access Board (MAAB) regulations~~ADA compliance and concerns~~, plumbing, heating, electrical, and other building utilities and services in compliance with this Section 5-47, and details about personal and premises protection. Each such report shall use the MassEnergyInsight (MEI) web-based, reporting tool maintained by the Commonwealth of Massachusetts, or its successor tool as published or otherwise promulgated by the Commonwealth. Metrics to be reported shall include: (i) Total GHG Emissions in metric tons of CO2e per square foot of gross floor area per year; (ii) Energy Use Intensity (EUI) in million British Thermal Units (MBTUs or MMBTUs) per square foot per year; (iii) Water Use in gallons per square foot per year; and (iv) estimated Total Waste in short tons per square foot per year.

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Councillor Jared J. Eigerman

**In City Council August 9, 2021:**

Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Vogel. So voted.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 9, 2021

## AN ORDINANCE REQUIRING A GHG PROTOCOL FOR SIGNIFICANT CITY PROJECTS

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

Add new Section 5-49 as follows, with additions double-underlined, and ~~deletions double stricken-out~~:

### Sec. 5-48. – GHG Protocol and Reporting Requirements.

- (a) Purpose. The purpose of this Section 5-48 is to promote the policy of the City of Newburyport that its buildings and structures consume the minimum amount of energy, with an ideal of “net zero energy” when measured across the City’s entire portfolio of real property, and also that the construction, maintenance, and operation of its buildings result in the minimal emission of greenhouse gases with an ideal of “net zero CO<sub>2</sub> emissions” when measured across the City’s entire portfolio of real property.
- (b) Definitions. The following definitions apply under this Section 5-48.
- i. City shall mean the City of Newburyport, Massachusetts.
  - ii. City Action shall mean any formal and final authorization, appropriation, execution of a contract or other decision by the City to proceed to Commencement of a Significant City Project.
  - iii. Carbon Dioxide (CO<sub>2</sub>) equivalent (CO<sub>2</sub>e) shall mean the number of metric tons of CO<sub>2</sub> emissions with the same global warming potential as one short ton of another greenhouse gas, and is calculated using Equation A-1 in 40 CFR Part 98.
  - iv. Commencement of Construction shall mean the initiation of on-site physical or construction work or activity. Research, design, or other work or activity necessary to evaluate a Significant City Project under this Section 5-48 shall not be considered Commencement of Construction.

- v. Commencement of a Significant City Project shall mean the earliest of: (A) initiation of any preparatory phase of the Significant City Project, including any action or expenditure of funds on the financing, marketing, or development of the Significant City Project; (B) Commencement of Construction; and (C) initiation of the operational phase of the Significant City Project. Research, design, or other work or activity necessary to evaluate a Significant City Project for purposes of this Section 5-48 shall not be considered Commencement of a Significant City Project.
- vi. Delivered Energy shall mean any type of energy that could be bought or sold for use as building energy, including, without limitation, electricity, steam, hot water or chilled water, natural gas, biogas, landfill gas, coal, coke, propane, petroleum and its derivatives, residual fuel oil, alcohol based fuels, wood, biomass and any other material consumed as fuel.
- vii. Greenhouse Gas (GHG) shall mean any of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
- viii. GHG Protocol shall mean the “Revised MEPA GHG Emissions Policy and Protocol,” promulgated by the Commonwealth’s Executive Office of Energy and Environmental Affairs, and effective March 5, 2010, as it may be amended from time to time, which policy and protocol is hereby incorporated in this Section 5-48 by reference as if restated completely.
- ix. Gross Floor Area shall mean gross floor area as that term is defined under the Zoning Ordinance of the City of Newburyport, Massachusetts.
- x. MEPA shall mean the Massachusetts Environmental Policy Act (MEPA) (M.G.L. c. 30, ss. 61-62I and its implementing regulations at 301 CMR 11.00, as they may be amended from time to time.
- xi. Net Zero GHG Emissions shall mean a condition when anthropogenic GHG emissions are balanced globally by anthropogenic GHG removal over a specific period.
- xii. Net Zero Energy shall mean, on a Source Energy basis, a condition when the actual, annual Delivered Energy at a site is less than or equal to the exported On-Site Renewable Energy exported.
- xiii. Non-City Proponent shall mean any Person other than the City, including a designee or successor-in-interest, that undertakes a Significant City Project.
- xiv. On-Site Renewable Energy shall mean Renewable Energy collected and generated within the site boundary that is used for Site Energy and the excess Renewable Energy could be exported outside the site boundary, for

which renewable energy certificates (RECs) are retained or retired by the owner of the site.

- xv. Person shall mean any individual, corporation, partnership, trust, association, or other business or non-profit organization, or any federal, state, regional, or municipal governmental, intergovernmental or other entity that is not the City.
- xvi. Renewable Energy shall mean energy resources that are naturally replenishing but flow-limited, including, without limitation, biomass, hydro, geothermal, solar, wind, ocean thermal, wave action and tidal action.
- xvii. Routine Maintenance shall mean any maintenance work or activity carried out on a regular or periodic basis in a manner that has no potential for GHG emissions or for which performance standards have been developed that avoid, minimize, or mitigate potential GHG emissions to the maximum extent practicable.
- xviii. Significant City Financial Assistance shall mean any direct or indirect financial aid to any Person provided by the City, including, but not limited to, mortgage assistance, special taxing arrangements, grants, issuance of bonds, loans, loan guarantees, debt or equity assistance, and the allocation of municipal funds, with a value exceeding fifty thousand dollars (\$50,000). Financial Assistance shall not be considered to include: (A) the grant of aid for medical services or personal support, such as welfare or unemployment funds, to an individual or third party on behalf of an individual; (B) pass-through of federal or state funds or issuance of bonds solely on behalf of a local economic development or financing agency, without allocation by the City; or (C) routine assistance by City staff.
- xix. Significant City Project shall mean any Significant Construction either (A) undertaken by the City or (B) or receiving Significant City Financial Assistance.
- xx. Significant Construction shall mean: (A) the erection of a building or structure having a Gross Floor Area of five thousand (5,000) or more square feet; (B) expansion or other enlargement of an existing building or structure so as to increase its Gross Floor Area by five thousand (5,000) or more square feet; (C) to establish or change the use(s) of a Gross Floor Area of five thousand (5,000) or more square feet; or (D) Substantial rehabilitation of a building or structure having, or to have after rehabilitation, a Gross Floor Area of more than ten thousand (10,000) square feet.
- xxi. Site Energy shall mean energy consumed at the site as measured at the site boundary, including heating, cooling, ventilation, domestic hot water,

indoor and outdoor lighting, plug loads, process energy, elevators and conveying systems, and intra-site transportation systems.

- xxii. Source Energy shall mean Site Energy plus the energy consumed in the extraction, processing and transport of primary fuels, such as coal, oil and natural gas, energy losses in thermal combustion in power generation plants, and energy losses in transmission and distribution to the site.
- xxiii. Substantial Rehabilitation shall mean alterations, extension, reconstruction, or repairs to a building or structure within any period of twelve (12) months that together cost more than fifty percent (50%) of the physical value of the building or structure, where physical value is based upon the assessed value by the City Assessor as of the January 1 preceding the date of determining the applicability to a Significant City Project of this Section 5-48.
- (c) Applicability of GHG Protocol. Regardless of whether a Significant City Project is subject to review under MEPA, and unless an exemption applies under subsection (b)(iii) below, every Significant City Project shall be subject to the GHG Protocol as if an Environmental Impact Report (EIR) were required under MEPA and as such GHG Protocol is modified under this Section 5-48.
- i. Generally. The general requirement of this Section 5-48 is that the City or the Non-City Proponent of a Significant City Project quantify the potential annual GHG emissions from a proposed Significant City Project according to the quantification protocol outlined in the GHG Protocol, and report the results of that analysis in a document called a "GHG Report" to be submitted to the Mayor with a copy filed with the City Clerk, who, upon receipt, shall distribute said report to all members of the City Council. GHG emissions shall be expressed in short tons of CO<sub>2</sub>e.
- ii. GHG Report. The GHG Report shall include a calculation of the Significant City Project's baseline GHG emissions in accordance with the GHG Protocol, and estimated GHG emissions associated with the preferred alternative, as well as outline and commit to a series of mitigation measures that will help to reduce GHG emissions from the proposed Significant City Project. To demonstrate the efficacy of the mitigation measures, the GHG Report shall include a measurement of GHG emissions reductions and energy savings estimated to be achieved by the 's preferred alternative against the Significant City Project baseline, and also discuss the rationale and GHG emissions reduction potential of mitigation measures that were not selected for the preferred alternative. In summary, the GHG Report is intended to include a three-step analysis: (A) identify a project baseline; (B) calculate estimated GHG emissions from the project baseline condition; and (C) calculate estimated emissions reductions based on mitigation measures by comparing project alternatives to the baseline. In addition, the GHG Report shall describe: (I) all

feasible measures to be taken by the City or the Non-City Proponent of a Significant City Project receiving Significant City Financial Assistance to avoid GHG emissions, or, to the extent GHG emissions cannot be avoided, to minimize and mitigate GHG emissions to the maximum extent practicable; (II) a Person responsible for funding and implementing mitigation measures; and (III) the anticipated implementation schedule that will ensure that such described mitigation measures shall be implemented prior to or when appropriate in relation to GHG emissions.

iii. Exemptions. Notwithstanding anything in this Section 5-48 to the contrary, the GHG Protocol shall not apply, and no GHG Report shall be required for (A) Routine Maintenance; and (B) those Significant City Projects for which the City's Planning Director has issued a written determination that little or no GHG emissions are reasonably expected.

(d) Design and Engineering Contracts and RFPs. Every design or engineering contract entered into by the City, as well as any Request for Proposals (RFP) issued by the City, for a Significant City Project shall require the design or engineering contractor, or a subcontractor associated with them, to demonstrate experience within the past three (3) calendar years designing buildings or structures to Net Zero Energy and/or Net Zero GHG Emissions standards, and such experience shall be included among the criteria used by the City to award any such contract or select a respondent under any such RFP.

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Councillor Jared J. Eigerman

**In City Council August 9, 2021:**

Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.

CITY OF NEWBURYPORT



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

**ORDERED:**

September 13, 2021

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

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of land by deed to the City on the so-called "Colby Farm" property located at the intersection of Low Street and Colby Farm Lane, identified as Parcel C on a plan recorded with the Essex South Registry of Deeds as Plan 94 of Plan Book 474. Said parcel also being further identified as follows; and

<u>Street Name</u>	<u>Assessors Reference</u>	<u>Approx. Acreage</u>
9 Colby Farm Lane	Tax Map 97, Parcel 17	9.363 acres +/-

Further, that said land accepted by the City shall be kept free of permanent structures and open to the public as permanent open space subject to the protections afforded by Article 97 of the Amendments to the Massachusetts Constitution, for the purposes of conservation and/or continued agricultural operations (*as may be determined by the City at a future date by lease or license agreement through the Office of the Mayor*); and

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of a deed to the property encumbered by a permanent Conservation Restriction, or grant of such a Conservation Restriction to a designated third party after acceptance of the property deed, in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Conservation Restriction accordingly.

\_\_\_\_\_  
Councillor Heather L. Shand

*pub*

# IMAP

Interim Map (2022)

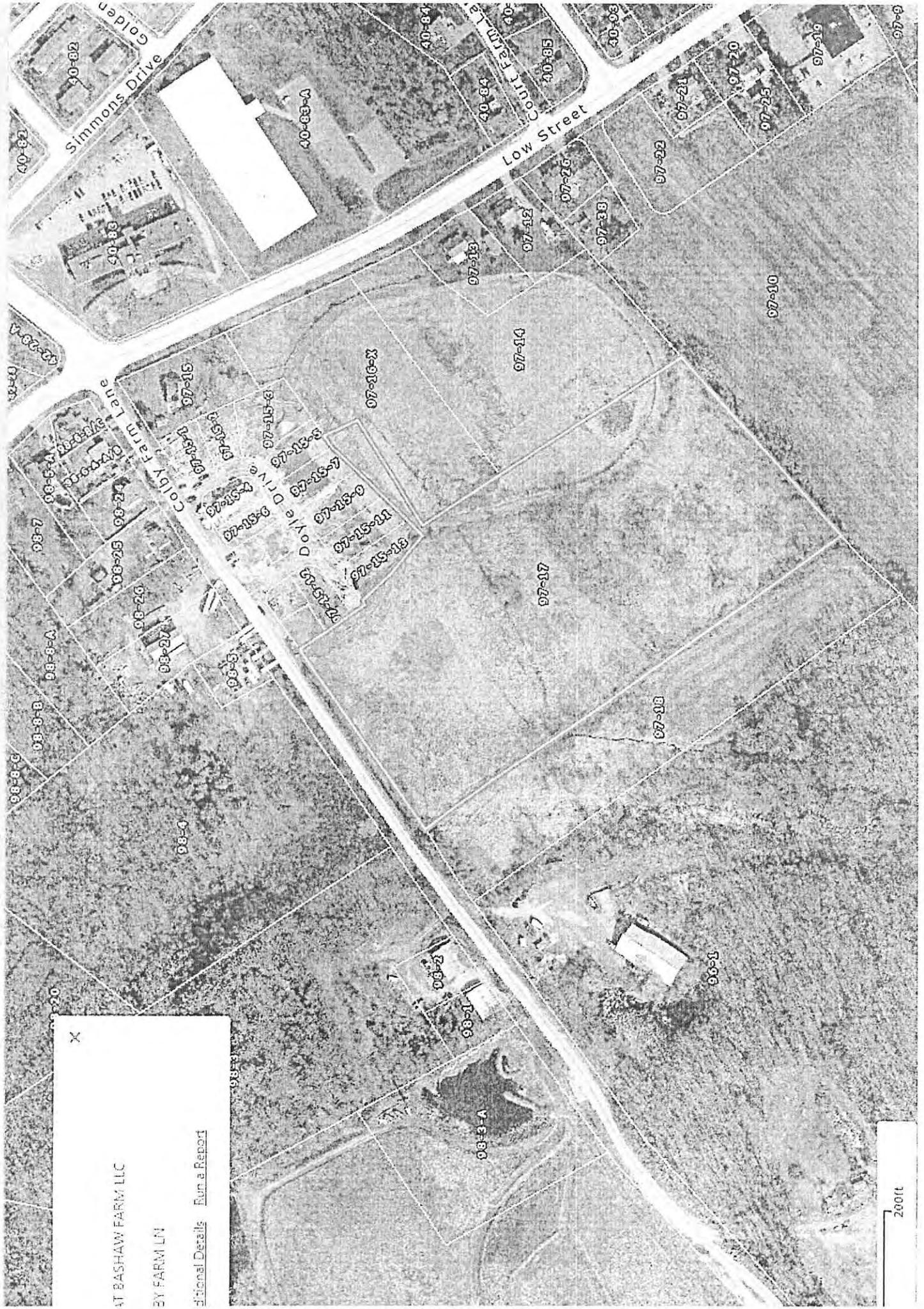
X

AT BASHAW FARM LLC

BY FARM LN

Additional Details: [Run a Report](#)

200ft



Property Location: Colby Farm Lane, Newburyport, Massachusetts

**QUITCLAIM DEED**

**The Reserve at Bashaw Farm LLC**, a Massachusetts Limited Liability Company, with an address of 229 Steadman Street, Lowell, Massachusetts (hereinafter "Grantor"), for consideration paid in the amount of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, and pursuant to that Specific Condition 5 as set forth in the Special Permit issued on August 21, 2019 and recorded in the South Essex Registry of Deeds Book 38067 Page 576, hereby grants to the **City of Newburyport**, a Massachusetts municipal corporation, acting by and through its Mayor, with an address of 60 Pleasant Street, Newburyport, Massachusetts,

with QUITCLAIM COVENANTS,

That parcel of land on Colby Farm Lane, in Newburyport, Essex County, Massachusetts, containing approximately 9.363 acres and depicted as Parcel "C" (Open Space) on a plan entitled "Approval Not Required Plan Form A Bashaw Farm, Newburyport, MA 01950", dated November 19, 2019, prepared by GM2 Cammett, 8 Chestnut Street, Amesbury, MA, and approved by the Newburyport Planning Board on November 20, 2019 and recorded with the Essex Southern District Registry of Deeds in Plan Book 474 as Plan 94 (the "Plan").

Subject to and with the benefit of easement, rights, restrictions, covenants, conditions, takings and other matters of record, insofar as the same are now in force and applicable and as shown on said Plan, without limitation, specifically subject to that "snow storage easement" as shown on the Plan.

Being a portion of land conveyed to Grantor by deed of Melissa Garand Sherman, Trustee of Mallow Realty Trust dated November 25, 2019, and recorded with the Essex Southern District Registry of Deeds in Book 38067, Page 587.

The granted premises do not constitute all or substantially all of the Grantor's assets located within the Commonwealth of Massachusetts.

The City's acceptance of the deed is attached hereto and incorporated herein.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

*[signatures on following page]*

Executed as a sealed instrument this \_\_\_\_\_ day of September, 2021.

THE RESERVE AT BASHAW FARM LLC

\_\_\_\_\_  
By: The Daly Group, LLC; David T. Daly, Manager  
Its: Manager, duly-authorized

**COMMONWEALTH OF MASSACHUSETTS**

ESSEX, ss:

On this \_\_\_ day of September, 2021, before me, the undersigned notary public, personally appeared David T. Daley, Manager of The Daly Group, LLC, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Manager of The Reserve as Bashaw Farm LLC.

\_\_\_\_\_  
Notary Public:  
My commission expires: \_\_\_\_\_

ACCEPTANCE OF DEED

The foregoing Quitclaim Deed from **The Reserve at Bashaw Farm LLC**, is hereby accepted pursuant to the authority granted by the vote of the Newburyport City Council dated \_\_\_\_\_, an attested copy of which is recorded herewith and any other authority in any way appertaining, for open space, conservation, and passive and active recreational purposes.

EXECUTED as of this \_\_\_ day of September, 2021.

CITY OF NEWBURYPORT  
By its Mayor,

\_\_\_\_\_  
Donna D. Holaday

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_ day of September, 2021, before me, the undersigned notary public, personally appeared Donna D. Holaday, Mayor of the City of Newburyport as aforesaid, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

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



CITY OF NEWBURYPORT



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IN CITY COUNCIL

September 13, 2021

**ORDERED:**

**AN ORDER TO ENSURE PROPER TRANSFER OF TITLE TO THE CITY OF NEWBURYPORT FOR ALL REGISTERED LAND AND RECORDED LAND FORMERLY OWNED BY THE NEWBURYPORT REDVELOPMENT AUTHORITY (NRA).**

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

**THAT**, KP Law, P.C., as the duly appointed City Solicitor for the City of Newburyport, acting by and through Jonathan D. Eichman, Esq., is hereby authorized to execute and file with the Essex South Registry of Deeds Recorded and Registered Land Districts on the City's behalf that certain Certificate of Transfer of Land authorized under and referencing the passage of Chapter 96 of the Acts of 2020, and that the Mayor of the City of Newburyport, and said City Solicitor, is hereby authorized to act on behalf of the City and enter into any and all instruments or actions necessary to execute this Order accordingly.

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Councillor Jared J. Eigerman

*PE*

## CERTIFICATE OF TRANSFER OF LAND

### Pursuant to Chapter 96 of the Acts of 2020 ("An Act to Dissolve the Newburyport Redevelopment Authority "NRA" and Transfer Its Lands to the City of Newburyport")

1. Pursuant to Section 1 of Chapter 96 of the Acts of 2020, signed by the Governor on June 19, 2020, an attested copy of which is attached hereto and incorporated herein as Exhibit A, the General Court dissolved the Newburyport Redevelopment Authority;
2. Section 2 of Chapter 96 of the Acts of 2020 states that "all monies, and personal and real property interests whatsoever held by the Newburyport Redevelopment Authority held are hereby transferred and conveyed to, and shall be vested, in the City of Newburyport";
3. Said Chapter 96 of the Acts of 2020 states that "the city may execute and deliver a certificate in a form suitable for recording referencing the passage of this act along with a copy of said act and the register of deeds for Essex county shall accept the same for recording and make a marginal reference thereto upon the record all applicable deeds for all property heretofore owned by the Newburyport Redevelopment Authority, as provided by summary format by the City of Newburyport. The land court shall also accept said certificate and a copy of this act for the purpose of issuing a certificate of title to the city of Newburyport for any real property heretofore owned by the Newburyport Redevelopment Authority.
4. Attached to this Certificate of Transfer of Land is a list of the properties currently owned of record by the Newburyport Redevelopment Authority.

Executed as a sealed instrument this 31st day of May, 2021.



Jonathan D. Eichman, Esq.  
Being the City Solicitor to the  
City of Newburyport, Massachusetts

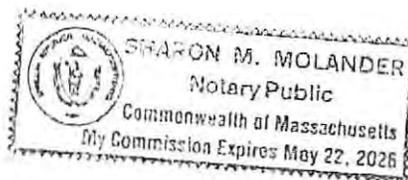
COMMONWEALTH OF MASSACHUSETTS

Suffolk County, ss.

On this 4th day of June, 2021, before me, the undersigned Notary Public, personally appeared the above-named Jonathan D. Eichman, in his capacity as City Solicitor to the City of Newburyport, proved to me by satisfactory evidence of identification, being (check whichever applies):

driver's license or other state or federal governmental document bearing a photographic image.  oath of a credible witness known to me who knows the above signatory, or  my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.

(Print Name of Notary Public) Sharon M. Molander  
My commission expires: 5-22-26  
Qualified in the Commonwealth of Massachusetts



Property of the NRA

Property Address	Assessor's Map and Lot	Record Plan Reference
24 Merrimack Street	Map 11, Block 1, Lot A	"West Lot" Plan Book 471, Plan 97
Ferry Wharf, Ferry Wharf Way and 1-23 Water Street Rear	Map 11, Block 1, Lot C, Lot D, Lot E & Lot F	"East Lot" Plan Book 471, Plan 97 Land Court Confirmation Plan 39539 <sup>A</sup>
"Submerged Tidelands"/off Merrimack Street	None	See Plan Book 471, Plan 97
Lot 1 & Lot 3 Green Street	Portion of Map 3, Lot 28	Lot 1 and Lot 3 Land Court Plan 22555 <sup>B</sup> (registered land)

**Source of Title Information**

Eminent Domain Taking dated March 14, 1968 and recorded at Book 5516, Page 357  
 Eminent Domain Taking dated July 20, 1972 and recorded at Book 5888, Page 81  
 Eminent Domain Taking dated November 21, 1967 and recorded at Book 5493, Page 608  
 Land Court Confirmation Decree No. 39539 dated August 15, 1988 and recorded at Book 9658, Page 504  
 Certificate of Title No. 52065 dated January 5, 1983  
 Tidelands Certificate dated October 15, 1969 and recorded in Book 5644, Page 181

Chapter 96  
of the Acts of 2020

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninety-First General Court

AN ACT TO DISSOLVE THE NEWBURYPORT REDEVELOPMENT AUTHORITY AND TRANSFER ITS LANDS TO THE CITY OF NEWBURYPORT.

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

SECTION 1. Notwithstanding section 4 of chapter 121B and section 51 of chapter 155 of the General Laws or any other general or special law to the contrary, the Newburyport redevelopment authority, established on February 1, 1960 by vote of the city council of the city of Newburyport pursuant to said section 4 of said chapter 121B, is hereby dissolved and shall not be continued as a body corporate after the effective date of this act. No approval from the department of housing and community development or any other state agency shall be necessary to effect the same.

SECTION 2. Notwithstanding any general or special law to the contrary, the entirety, without exception, of all monies, and personal and real property interests whatsoever held by the Newburyport redevelopment authority are hereby transferred and conveyed to, and shall be vested in, the city of Newburyport, with all lands whatsoever, including, without limitation, tidelands, whether flowed or filled, to be held permanently for the purposes of park and conservation uses; provided, however, that: (i) public parking shall not be an excluded use; and (ii) all existing public rights for fishing, fowling and navigation within said tidelands shall be preserved in their entirety.

The city may execute and deliver a certificate in a form suitable for recording referencing the passage of this act along with a copy of said act and the register of deeds for Essex county shall accept the same for recording and make a marginal reference thereto upon the record of all applicable deeds for real property heretofore owned by the Newburyport redevelopment authority, as provided in summary format by the city of Newburyport. The land court shall also accept said certificate and a copy of this act for the purposes of issuing a certificate of title to the city of Newburyport for any registered land heretofore owned by the Newburyport redevelopment authority.

SECTION 3. The city of Newburyport shall, for all purposes, be the successor of interest to the Newburyport redevelopment authority under the stipulation in land court case number 39539, dated March 31, 1980, and recorded in Essex South district registry of deeds at book 6695, page 428, including, without limitation, as to all outstanding obligations thereunder.

A TRUE COPY ATTEST  
*William Francis Galvin*  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH  
DATE 3/29/21 CLERK RB

SECTION 4. The city of Newburyport shall reserve any monies transferred to the city pursuant to section 2, in addition to no less than 100 per cent of any ongoing meter revenues generated from parking on the land solely for the purposes of design, construction, maintenance or operation of an extended waterfront park and related infrastructure on: (1) the lands described in section 2; provided, however, that the lands shall be protected under article 97 of the Constitution; and (2) adjacent property as deemed necessary by the city of Newburyport for the purposes of integrating the waterfront park expansion with adjacent public parks, ways and infrastructure. Such funds shall be placed into a separate, designated receipts reserved for appropriation fund for these purposes as improvements to the public realm.

SECTION 5. If any provision of this act conflicts with any provisions of any general or special law, state agency regulations or guidelines, the provisions of this act shall govern.

If after the effective date of this act, the city of Newburyport determines that a new redevelopment authority shall be necessary in the city for any reason, it may vote to organize a new redevelopment authority in accordance with section 4 of chapter 121B of the General Laws.

SECTION 6. All members of the Newburyport redevelopment authority immediately prior to the effective date of this act shall immediately transfer all files, legal and financial records or other materials belonging to the Newburyport redevelopment authority to the city of Newburyport, acting through its office of planning and development. Such files, records and materials shall include any such items held by consultants or legal counsel to the Newburyport redevelopment authority, without reservation.

SECTION 7. The city of Newburyport shall design, fund and construct an extended waterfront park. On a best-efforts basis, the design shall be consistent with the principles and references documented in the ad hoc central waterfront committee's proposed amendment, dated May 30, 2017 agreed upon by the Newburyport city council in May 2017, which is on file with the city clerk.

SECTION 8. This act shall take effect upon its passage.

House of Representatives, June 4, 2020.

Passed to be enacted,

*Paul J. Donato*  
Acting Speaker.  
In Senate, June 11, 2020.

Passed to be enacted,

*Karen E. Spilka*  
President.

June 19, 2020.

Approved,  
at 12 o'clock and 10 minutes, P. M.

*Charles D. Bass*  
Governor.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 28, 2021

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE NEWBURYPORT ZONING ORDINANCE PERTAINING TO WIND ENERGY FACILITIES AND TOWERS ALONG I-95.**

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

**WHEREAS**, the City of Newburyport has a vested long-term interest in the creation and maintenance of renewable energy facilities; and

**WHEREAS**, the Commonwealth of Massachusetts, acting through the Department of Public Works and Public Works Commission, did on August 21, 1991 transfer to the City of Newburyport fee interest ownership of the so-called “Old Route I-95” Right of Way / Access Road (Assessor's Map 94 Lot 3), subject to certain restrictions and limitations; and

**WHEREAS**, the old I-95 access road land adjacent to I-95 may provide one or more viable locations for the construction of new wind turbines with little or no impact to abutters, in particular due to the lack of residential homes in the area;

**THEREFORE, LET IT BE ORDAINED THAT** uses number 616 and 617 in subsection V-D of the Zoning Ordinance entitled “Table of use regulations” be amended pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~double-stricken-through-and in bold~~, and additions double-underlined and in bold:

6. INDUSTRIAL/INFRASTRUCTURE															
USE	NUM	CON	HSR-A, HSR-B	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Wind Energy Conversion Facility	616	<u><b>NP SP(g)</b></u>	NP	NP	NP	NP	NP	NP	NP	NP	SP(g)	SP(g)	NP	NP	NP
Wind Monitoring or Meteorological Tower	617	<u><b>NP SP(g)</b></u>	NP	NP	NP	NP	NP	NP	NP	NP	P(g)	P(g)	NP	NP	NP

**AND FURTHER, THAT** Footnote (g) of the “Table of use regulations” contained within Section V-D of the Zoning Ordinance be amended pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~double stricken through and in bold~~, and additions **double-underlined and in bold**:

- (g) Subject to special permit regulations; please refer to section XXVI for further information. Site plan review is not required for wind energy conversion facilities. **Within the Agricultural/Conservation (“Ag/C” or “CON”) District Wind Energy Conversion Facilities and Wind Monitoring or Meteorological Towers shall only be permitted within the Old I-95 Right-of-Way / Access Road corridor on the East side of present day I-95 (Assessors Map 94 Lot 3).**

**AND FURTHER, THAT** Subsections 1 and 2 of Section XXVI-C (entitled “Applicability and criteria”) be amended pursuant to Section XII-B (Adoption and Amendment) to read as follows, with deletions ~~double stricken through and in bold~~, and additions **double-underlined and in bold**:

1. The construction of any wind energy conversion facility shall be permitted in the **Ag/C (“A/C” or “CON”),** I-1 and I-1B zoning districts, a minimum distance of three hundred (300) feet from a residential zoning district, subject to issuance of a special permit and provided the proposed use complies with all dimensional and special permit regulations set forth in sections F and G of this section.
2. Wind monitoring or meteorological towers shall be permitted in the **Ag/C (“A/C” or “CON”),** I-1 and I-1B zoning districts, a minimum distance of three hundred (300) feet from a residential zoning district, subject to issuance of a building permit for a temporary structure. Only one (1) monitoring or meteorological tower per lot is allowed.

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Councillor Barry N. Connell

**In City Council June 28, 2021:**

Motion to refer to Planning & Development by Councillor Shand, seconded by Councillor McCauley. Roll call vote. 9 yes, 2 absent (AK, JE). Motion passes.

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL

Amendment of the Whole 8-30-2021

**ORDERED:****A ZONING AMENDMENT TO ALLOW SHORT-TERM RENTAL UNITS IN SPECIFIED DISTRICTS**

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

**THAT** the Zoning Ordinance of the City of Newburyport, Massachusetts (the "Zoning Ordinance") be amended to insert a new Section V-G, as follows:

**V-G – SHORT-TERM RENTAL UNITS RESERVED.****1. Purposes.** *The purposes of this section V-G include:*

- a. To define short-term rental use and regulate the use of short-terms rentals in the City.;
- b. To incorporate responsibly the growth of the so-called home-share industry into Newburyport's existing neighborhoods by striking a fair balance between the preservation of permanent housing, including affordable and moderately priced housing (with or without deed restrictions), and the flexibility required for residents to benefit from this new industry; and
- c. To ensure that potential negative impacts from STRUs, including, but not limited to, impacts upon public health and fire safety, and due to increased trash, noise, traffic, and parking, are mitigated to avoid adverse impacts on overall neighborhood character or property values.

**2. Definitions**

Unless specified otherwise herein, all terms used in Section V-G shall be as defined in 830 CMR 64G.00 (Room Occupancy Excise).

**Home-Share Rental Unit:** An STRU that is the Operator's Primary Residence and is rented as an STRU while the Operator is not personally and physically present overnight.

**License Commission:** The License Commission of the City of Newburyport.

**Limited-Share Rental Unit:** An STRU that is the Operator's Primary Residence, and is rented as a STRU while the Operator is personally and physically present overnight.

**Operator:** A natural person who is an owner of record of the Residential Unit, or is legally authorized to act in relation to the STRU as the owner of record. Such owner may be, without limitation, an individual owner, alone or together with others, a trustee of a trust, a manager of an LLC, or an officer of a corporation. An owner legally authorized to act for the record owner shall be duly designated by the licensing authority as the responsible party for a STRU. Only one natural person may be an Operator.

**Owner-Adjacent Rental Unit:** A STRU that is not the Operator’s Primary Residence but is located on the same Lot as the Primary Residence of, and is owned by said Operator.

**Primary Residence:** The Residential Unit designated by the Operator as his/her principal place of residence, and in which the Operator resides for no fewer than 183 days of every year.

**Residential Unit:** A Residential Unit is a lawful dwelling unit that makes up all or part of the three (3) following principal residential uses as identified in this Ordinance: One-family (Use 101), Two-family (Use 102) or Multifamily (Use 103). For purposes of this section, the term “Residential Unit” shall not include any other use contained in the Newburyport Zoning Ordinance.

**Short Term Rental Unit (“STRU”):** A Residential Unit made available by its Operator, in exchange for payment or other consideration, for residential occupancy by others for any period of less than thirty-two (32) consecutive days,

**3. Specific districts where permitted. STRU use meeting the definition of either Home-Share Rental Unit, Limited-Share Rental Unit or Owner-Adjacent Unit shall be permitted by right solely in accordance with this Section V-G and within the R-2, R-3, B-2, B-3 zoning districts.**

USE	NUM	CON	HSR-A, HSR-B	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Short Term Rental Unit	111	NP	NP	NP	P	P	NP	P	P	NP	NP	NP	NP	NP	NP

**4. Requirements and Restrictions. Each STRU shall comply with the following requirements:**

a. In the B-2 and B-3 zoning districts, a STRU shall be permitted solely when located above the first floor of the structure.

b. There shall be no external, physical evidence of the STRU to differentiate it in appearance from the single-family, two-family, or multi-family residential premises in which it is located, nor from other residential properties similarly situated. All forms of display and/or advertising of the STRU use open to view from outside the lot shall be prohibited.

- c. The STRU shall not create excessive noise, fumes, odor, dust, vibration, heat, glare, or electrical interference.
- d. The STRU shall operate under a valid license issued by the Licensing Commission and shall comply with all applicable laws, ordinances, codes, rules and regulations.
- e. Only an Operator may offer a STRU for rent.
- f. Except in the PIOD, and as is otherwise provided for Owner-Adjacent Rental Units, no Operator may offer more than one STRU at a time.
- g. Parking- STRU shall a plan to provide Off-street (on or off-site) parking area(s) to accommodate all uses of the property, including the proposed STRU
- h. Occupancy and Use Limitations
  - i. **Limited-Share Rental Units-**
    - 1. There is no limitation on the number of days per year that an Operator may make a Limited-Share Rental Unit available for occupancy.
    - 2. Occupancy of a Limited-Share Rental Unit shall be limited to a maximum of three (3) bedrooms for guests and a maximum of six (6) guests, and at least one (1) additional bedroom shall be exclusively used and occupied by the Operator during the pendency of the use by STRU guests.
  - ii. **Home-Share Rental Units-**
    - 1. There is no limitation on the number of days per year that an Operator may make a a Home-Share Rental Unit available for occupancy; provided, however, that except within the PIOD, the total number of days the Unit is occupied when the Operator is not physically present overnight shall not exceed a total of ninety (90) days per each licensing year.
    - 2. Occupancy of a Home-Share Rental Unit shall be limited to a maximum of four (4) bedrooms and a maximum of eight (8) people.
  - iii. **Owner-Adjacent Rental Units-**
    - 1. There is no limitation on the number of days per year that an Operator may make an Owner-Adjacent Unit available for occupancy.
    - 2. An Owner-Adjacent Rental Unit shall be allowed in two-family or three-family dwellings only where all dwelling units are owned by the Operator.
    - 3. An Operator of an Owner-Adjacent Residential Unit in a multifamily residential dwelling may not make available at the same time both the

Owner-Adjacent Residential Unit and a Home Share or Limited-Share Rental Unit serving as the Operator's Primary Residence.

**5. Ineligible Residential Units**

- a. No STRU providing affordable housing and listed on the Town's subsidized housing inventory may be used for short-term rental.
- b. No camper, trailer, recreational vehicle, mobile home, tent, lean-tos, temporary structure or similar space may be used as a STRU.
- c. No unit for which an in-law apartment special permit has issued shall be used as a STRU.

**6. Exempt Units**

The following uses of a dwelling unit shall be exempt from Section V-G:

- a. **Residential units contracted for hospital or convalescent stays.** *The use of a dwelling unit or portion thereof (1) under a written contract between the owner of such dwelling unit and a health-care facility, government entity, non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the United States Internal Revenue Services as a public charity or private foundation, or (2) for the temporary housing in such unit of natural persons who are being treated for trauma, injury, or disease, or of their family members; and*
- b. **Residential units used for furnished institutional or business stays:** *The use of a dwelling unit or portion thereof under a written contract between the owner of such dwelling unit and an institution or business, for the temporary housing of employees or other individuals affiliated with such institutions or business, provided, however, that the minimum duration of such stay shall be ten (10) days.*
- c. **Plum Island:** STRUs located within the Plum Island Overlay District (PIOD) may be used for any number of days (consecutive or non-consecutive). An Operator of such STRUs need not meet any Primary Residence requirement under this Section, and is not limited in the number of STRU's said Operator may make available within the PIOD.

# **Committee Items-September 27, 2021**

## **Public Safety**

### *In Committee:*

APPL050\_09\_13\_2021

Coronathon Full + 1/2 Marathon 10/9/2021 8 am - 2 pm

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

2021 SEP - 7 PM 3:58

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

NAME OF EVENT: Caravanthon 26.2 2.0 (Full & 1/2 Marathons)

Date: Oct 9, 2021 Time: from 8 to 2

Rain Date: N/A Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Winners Circle (Salisbury MA)

3. Description of Property: Salisbury MA Public \_\_\_\_\_ Private \_\_\_\_\_

4. Name of Organizer: Winners Circle Running Club City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person: Stacey Harrison

Address: 14 Harrison Ave Telephone: \_\_\_\_\_

E-Mail: Salisbury MA Cell Phone: 978-457-8133

Day of Event Contact & Phone: \_\_\_\_\_ 3151

5. Number of Attendees Expected: 50-100

6. MA Tax Number: 04-2767835

7. Is the Event Being Advertised? Yes Where? Facebook

8. What Age Group is the Event Targeted to? 18+

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

Stacey789@  
MSN.com

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

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

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

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_  
Other \_\_\_\_\_ Total # \_\_\_\_\_  
Name of Carnival Operator: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

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

N/A  
This will take place in Salisbury MA

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

\* Race starts and ends in Salisbury MA. It will go through parts of Newburyport

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE \_\_\_\_\_

ROAD RACE

WALKATHON \_\_\_\_\_

1 Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: Winners Circle Running Club

2 Name, Address & Daytime Phone Number of Organizer: Stacy Harrison / Winners Circle Running Club  
978-457-3151 / Elm Street  
Salisbury MA 01952

3 Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up The race starts and ends in Salisbury, MA. It goes through Newburyport.

4 Date of Event: 10/9/21 Expected Number of Participants: 100

5 Start Time: 8:00 Expected End Time: 2:00

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

Garrison Bridge Trail Story Ave Mulliken wa  
Ferry Rd Turkey Hill  
Curzo Mill Rd Hill Clippert (Clippert) Trail  
Hoyts Ln Ferry Rd Malcolm Hoyt

7 Locations of Water Stops (if any): Turkey Hill

8 Will Detours for Motor Vehicles Be Required? NO If so, where? \_\_\_\_\_

9 Formation Location & Time for Participants: In Salisbury MA

10 Dismissal Location & Time for Participants: In Salisbury MA

11 Additional Parade Information:

- Number of Floats: \_\_\_\_\_
- Locations of Viewing Stations: \_\_\_\_\_
- Are Weapons Being Carried: Yes \_\_\_\_\_ No
- Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No

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

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

N/A

**If yes:**

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

**If no:**

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

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

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

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

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

## DEPARTMENT APPROVAL (for Committee Member use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

Approval Required	Date: _____	Signature _____
_____	1. Special Events: _____	
_____	2. Police: _____	
	Is Police Detail Required: _____	# of Details Assigned: _____
_____	3. Traffic, Parking & Transportation: _____	
_____	4. ISD/Health: _____	
_____	5. Recycling: _____	
_____	6. ISD/Building: _____	
_____	7. Electrical: _____	
_____	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	<input type="checkbox"/> Yes: \$ _____ due on _____	<input type="checkbox"/> No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
_____	10. Recreation Department: _____	
_____	11. License Commission _____	

The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.

### Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
08/24/2021

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).

<b>PRODUCER</b> Insurance Management Group 12730 Coldwater Rd Ste 103  Fort Wayne IN 46845		<b>CONTACT NAME:</b> Margaret Mayers <b>PHONE (A/C No, Ext):</b> (260) 338-2434 <b>FAX (A/C No):</b> (765) 664-0761 <b>E-MAIL ADDRESS:</b> mmayers@insmgt.com	
<b>INSURED</b> Road Runners Club of America/2021 and Its Member Clubs 1501 Lee Highway Suite 140 Arlington VA 22209		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> National Casualty Company NAIC # 11991 <b>INSURER B:</b> Nationwide Life Insurance Company 68069 <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

COVERAGES CERTIFICATE NUMBER: 2021 \$1M A.I. 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.

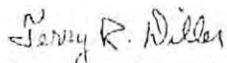
INSR LTR	TYPE OF INSURANCE	ACORD ISO	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Legal Liability to Participant \$1,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: Per Event Basis			KRO0000008622000	12/31/2020	12/31/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 500,000 MED EXP (Auto and person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COM/OP AGG \$ 1,000,000 Abuse and Molestation \$ 500,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			KRO0000008622000	12/31/2020	12/31/2021	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000 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 STATE/ OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess Medical & Accident (\$250 Deductible/Claim)			BAX0000031541900	12/31/2020	12/31/2021	Excess Medical \$10,000 AD & Specific Loss \$2,500

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

CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S) 10/09/21 Coronathon Marathon and Half Marathon INSURED RRCA CLUB/EVENT MEMBER. Winner's Circle Running Club ATTN: Amanda Burnham, 211 Elm St., Salisbury MA 01952  
Processed by RMV

### CERTIFICATE HOLDER

### CANCELLATION

10/09/21 City of Newburyport 60 Pleasant St  Newburyport MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 06/24/2021
---------------------------------

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).

<b>PRODUCER</b> Insurance Management Group 12730 Coldwater Rd Ste 103  Fort Wayne IN 46845		<b>CONTACT NAME:</b> Margaret Mayers <b>PHONE (A/C No. Ext.):</b> (260) 338-2434 <b>E-MAIL ADDRESS:</b> mmayers@insmgt.com <b>FAX (A/C No.):</b> (765) 664-0751	
<b>INSURED</b> Road Runners Club of America/2021 and Its Member Clubs 1501 Lee Highway Suite 140 Arlington VA 22209		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> National Casualty Company NAIC # 11991 <b>INSURER B:</b> Nationwide Life Insurance Company 86869 <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

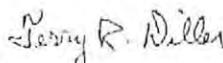
COVERAGES CERTIFICATE NUMBER: 2021 \$1M A.I. REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Legal Liability to Participant \$1,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: Per Event Basis		KRO0000008622000	12/31/2020	12/31/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 Abuse and Molestation \$ 500,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		KRO0000008622000	12/31/2020	12/31/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 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 \$
B	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 <input type="checkbox"/> N/A		BAX0000031541900	12/31/2020	12/31/2021	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ Excess Medical \$10,000 AD & Specific Loss \$2,500

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

CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 10/09/21 Corona INSURED RRCA CLUB/EVENT MEMBER. Winner's Circle Running Club ATTN: Amanda Burnham, 211 Elm St, Salisbury MA 01952  
 Processed by RMV

<b>CERTIFICATE HOLDER</b>  10/09/21 Town of Salisbury 5 Beach Road  Salisbury MA 01952	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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owwow River

Rocky Hill Meeting House

Macy-Colby Macy St. House

Chain Bridge

Carr Island Sanctuary

Bellvue School District

Belleville Cemetery

Merrimac St.

iver

Artichoke Reservoir

Oleo Woods

Artichoke Reservoir

Low St.

Unit Cust

Cushin Museum Garden

ke

Newbury Common Pasture Wildlife Conservation Easement

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**Committee Items-September 27, 2021**  
**Public Utilities**

ORDR275\_08\_30\_2021

DiStasio Excavation Contractors

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

August 30, 2021

**THAT** the City Council of the City of Newburyport approves the following Licensed Contractor application for the 2021 construction year for water, sewer, drain laying, roadway, and sidewalk work:

M.DiStasio Excavation Contractors  
231 Central St  
North Reading, MA 01864

---

Councillor Tontar  
Public Utilities Chairperson



CITY OF NEWBURYPORT

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2021 AUG 18 10:12:53

DEPARTMENT  
OF  
PUBLIC SERVICES

**MEMORANDUM**

ANTHONY J. FURNARI  
DIRECTOR

**TO:** Richard Jones, City Clerk  
**FROM:** Anthony J. Furnari, DPS Director  
**DATE:** August 18, 2021  
**RE:** License Contractor Application and recommendation for 2021 Season

---

JAMIE TUCCOLO  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

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

16A PERRY WAY  
NEWBURYPORT, MA 01950

M. DiStasio Excavation Contractors  
231 Central St.  
North Reading, MA 01864

TEL: 978-465-4464

FAX: 978-465-1623

WWW.CITYOFNEWBURYPORT.COM

For the following work;

Water Service  
Sewer Service  
Drain Laying  
Roadway  
Sidewalk

Thank you for your attention to this matter.



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

CITY OF NEWBURYPORT  
DEPARTMENT OF PUBLIC SERVICES  
16A PERRY WAY  
NEWBURYPORT, MA 01950

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

**Application to become a  
Licensed Contractor**

*Submit completed application to the above address*

Today's Date: 07/26/2021

Name of Company: M. DiStasio Excavation Contractors

Name of Owner: Michael DiStasio

Contact Person: Michael DiStasio

Street Address: 231 Central St City: North Reading State: MA Zip Code: 01864

Phone #: 617-416-5499 Cell #: 671-416-5499 Fax #: \_\_\_\_\_

Insurance Certificate #: CS1800425003 Policy Expiration Date: 6/22/2022

Name and Contact Information of Insurer: Tarpey Insurance 781-246-2677

Bond # 65580543 Bond Expiration Date: July 28th, 2022

**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**  
**Lafayette City Center**  
**2 Avenue de Lafayette, Boston, MA 02111-1750**  
www.mass.gov/dia

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

Name (Business/Organization/Individual): M. DiStasio Excavation Contractors

Address: 231 Central St

City/State/Zip: North Reading MA 01864 Phone #: 617-416-5499

<b>Are you an employer? Check the appropriate box:</b>		<b>Type of project (required):</b>
1. <input checked="" type="checkbox"/> I am an employer with <u>4</u> employees (full and/or part-time).*	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.†	6. <input type="checkbox"/> New construction
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.]	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.]	7. <input type="checkbox"/> Remodeling
3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.]‡		8. <input type="checkbox"/> Demolition
		9. <input type="checkbox"/> Building addition
		10. <input type="checkbox"/> Electrical repairs or additions
		11. <input type="checkbox"/> Plumbing repairs or additions
		12. <input type="checkbox"/> Roof repairs
		13. <input type="checkbox"/> Other <u>Utility Work</u>

\*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 attached 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: Tarpey Insurance

Policy # or Self-ins. Lic. #: AWC40070388732020A Expiration Date: 11/15/21

Job Site Address: 21-27 Hancock St, 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: \_\_\_\_\_ Date: 8/4/21

Phone #: 617416-5499

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

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

Issuing Authority (check one):

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

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

# Information and Instructions

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

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

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

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

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## Applicants

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

---

## City or Town Officials

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

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

---

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts  
Department of Industrial Accidents  
**Office of Investigations**  
Lafayette City Center, 2 Avenue de Lafayette  
Boston, MA 02111-1750

Tel. (617) 727-4900 or 1-877-MASSAFE  
Fax (617) 727-7749



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/28/2021

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 Tarpey Insurance Group, Inc. 442 Water Street Wakefield, MA 01880	CONTACT NAME: Lisa Mills	
	PHONE (A/C, No, Ext): (781) 246-2677 FAX (A/C, No): E-MAIL ADDRESS: lisa@tarpeyinsurance.com	
INSURED Michael Distasio dba M Distasio Excavation Cont 231 Central Street North Reading, MA 01864	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Capitol Specialty Insurance Corporation	A0682
	INSURER B: Arbella Protection	41360
	INSURER C: Quaker Special Risk	A0052
	INSURER D: AIM Mutual Insurance Co	A0412
	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	ADOL 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 type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CS1800425003	06/22/2021	06/22/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY			1020072677	06/05/2021	06/05/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	UMBRELLA LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 250			AN094624	10/14/2020	10/14/2021	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$
D	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	AWC40070388732020A	11/15/2020	11/15/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 100,000

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

City of Newburyport is Additional insured

### CERTIFICATE HOLDER

### CANCELLATION

City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

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

AUTHORIZED REPRESENTATIVE

*Hea Amilk*



Effective Date: July 28th, 2021

# Western Surety Company

## LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 65580543

That we, M Distasio Excavation Contractors

of North Reading, 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 Oblige, in the penal

sum of Five Thousand and 00/100 DOLLARS (\$5,000.00), lawful money of the United States, to be paid to the Oblige, 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 Oblige.

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 July 28th, 2022, 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 Oblige and to the Principal at the address last known to the Surety, and at the expiration of thirty (30) 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 28th day of July, 2021.

M Distasio Excavation Contractors  
Principal

Principal  
WESTERN SURETY COMPANY

By Paul T. Bruffat  
Paul T. Bruffat, Vice President

STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss

ACKNOWLEDGMENT OF SURETY  
(Corporate Officer)

On this 28th day of July, 2021, 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.



S. Green  
Notary Public — South Dakota

My Commission Expires: February 12, 2027

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 65580543

for M Distasio Excavation Contractors

as Principal in the penalty amount not to exceed: \$ 5,000.00.

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 28th day of July, 2021.

ATTEST

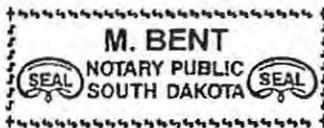
P. Leitheiser  
P. Leitheiser, Assistant Secretary

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



STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss

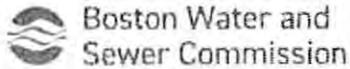
On this 28th day of July, 2021, before me, a Notary Public, personally appeared Paul T. Bruflat and P. Leitheiser who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



M. Bent  
My Commission Expires March 2, 2026 Notary Public

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





January 27, 2021

Michael DiStasio  
231 Central Street  
NORTH READING, MA 01864

Account Number                   2010895  
Drain Layer's License           CE00012385

RE: YOUR NEW DRAIN LAYER'S LICENSE

Dear Michael DiStasio:

Congratulations on successfully passing Boston Water and Sewer Commission drain layer's license test.

Drain layer's licenses are valid for one calendar year (January 1 – December 31). Renewals occur at the end of each calendar year.

**Your license card will be a cut-out on your paid bill (available in 30 days).**

Paid bills are online at [www.bwsc.org](http://www.bwsc.org) on our Customer Self-Service (CSS) portal. On the CSS portal, you can also make payments and view historical bills.

Register to the CSS portal with:

- Your Account Number           2010895
- Your CSS Portal Activation Code   2RXBS8

Please call Engineering Customer Service with any questions.

Sincerely,

*Francis M. McLaughlin*

Francis M. McLaughlin  
Manager, Engineering Customer Services  
Engineering Customer Service Department  
(617) 989-7600

City of Newton  
Ruth Ann Fuller



Mayor

**Department of Public Works**  
**Utilities Division**

Livio Cence, Utilities Superintendent

60 Elliot Street

Newton, Ma. 02461

Telephone (617) 796-1645 Fax (617) 796-1653

Email:

October 08,2019

Re: Letter of Reference – M. Distasio

To Whom It May Concern:

This letter is being written in regards to the quality of work performed by M. Distasio in the City of Newton.

M. Distasio has performed work in the City of Newton and has always met our standards and specifications while delivering quality work in a responsible manner. Work completed in the City has included the installation of sewer and water services.

Connections along with repairs to institutional and commercial properties as necessary. They have provided us with all the necessary documentation and paperwork in a timely fashion and in an organized manner.

If you have any questions. please feel free to call me Livio Cence - Assistant Utilities Superintendent City of Newton 617-796-1645

Sincerely,

Livio

Cence



CITY OF WALTHAM  
MASSACHUSETTS

Janice E. Deveney  
Secretary to the Board of Survey & Planning

Administrative Assistant  
Consolidated Public Works Dept.

October 15, 2019

Brian Kerines, Water Superintendent  
City of Medford,

I am writing this letter of recommendation on behalf of Michael Distasio of M. Distasio Excavating Contractors of 231 Central Street, N. Reading, MA. who is currently on the City of Waltham's approved contractors list.

Their work ethic and quality of work is outstanding.  
It is with complete confidence that I would recommend this company for any projects in your city.

Please feel free to contact me should you have any questions regarding this company.

Sincerely,

Janice E. Deveney, Administrative Assistant  
Consolidated Public Works  
City of Waltham  
165 Lexington Street  
Waltham, MA 02452  
781-314-3803



**TOWN OF NORTH READING**  
*Massachusetts*

**Department of Public Works**

October 10, 2019

Re: Letter of Reference – M. Distasio

To Brian Kerines

This letter is being written in regards to the quality of work performed by Mike Distasio in the Town of North Reading.

Mr. Distasio has performed several jobs in North Reading which have called for an interaction of some manner between his company and our Water/Engineering Departments. Mike's work has met or surpassed all of our requirements and inspections regarding water service installation and repairs. His company also works directly for the DPW during snow removal on municipal roads and does a great job.

If you have any questions, please feel free to call me, 978-664-6071

Sincerely,

Chris Deming  
Operations Manager  
Town of North Reading  
Department of Public Works