

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 9, 2020

AN ORDINANCE TO AMEND THE MUNICIPAL CODE WITH RESPECT TO THE SENIOR CITIZEN PROPERTY TAX WORK-OFF PROGRAM

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

Amend Section 2-86 – “Senior citizen tax incentive program,” as follows, with deletions ~~double striken through in bold~~, and additions double-underlined and in bold:

Sec. 2-86. – Senior citizen ~~tax incentive~~ property tax work-off program.

~~The City Council of the City of Newburyport accept the provisions of M.G.L.A., c. 59, § 5K for the purpose of entitling eligible senior citizens over the age of 60 to receive a maximum benefit of one thousand dollars (\$1,000.00) off their property tax bills in exchange for providing volunteer service to the city at a rate no more than the current minimum wage of the commonwealth. This program is to be administered by the mayor's office, in conjunction with the council on aging.~~

Pursuant to the provisions of M.G.L.A., ch.59 § 5K, homeowners who are age 60 or over are provided the opportunity to participate in the senior citizen property tax work-off program. Under the program, participating taxpayers volunteer their services to the city in exchange for a reduction in their tax bills. Participants in the program are compensated for services at an hourly rate equal to the current minimum wage of the commonwealth. The maximum amount of the abatement shall be \$1,500 per fiscal year. This program is administered by the mayor's office, in conjunction with the director of council on aging.

Councillor Barry Connell

Councillor Afroz Khan

In City Council November 9, 2020:

Motion to Refer to Budget & Finance by Councillor Khan, seconded by Councillor Tontar. So voted.

In City Council November 30, 2020:

Motion to Approve 1st reading by Councillor Tontar, seconded by Councillor Khan. Motion to Amend MGLA to MGL by Councillor Khan, seconded by Councillor Eigerman. Motion to Approve 1st reading Amended by Councillor Tontar, seconded by Councillor Khan. Roll Call vote, 11 yes. Motion passes.

COMMITTEE ITEMS

Removal from Committee Form

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

Committee Name: Budget and Finance

Committee Chair: Tontar

	Measure Identifier	Measure Title	Amended in Committee? (if yes, attach final version)	Consent Agenda or Regular Agenda?
1.	TRAN086_11_30_2020	RRFA-Wtrfrt Pkg Fd \$3,867.22 to PKG Maint- Wtrfrnt Pk \$3867.22	NO	Consent
2.	TRAN087_11_30_2020	Elec Rev Acct 2,500 to Fence/Mural 2,500	YES	Consent
3.	ORDR222_11_30_2020	Acceptance of Massachusetts Veterans Brave Act	NO	Consent
4.	ORDR214_10_13_2020	Low Street Purchase (P&D, CotW)	YES	Regular
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

Committee Items-December 14, 2020

Budget & Finance

Budget & Finance

In Committee:

- ORDR214_10_13_2020 Low Street Purchase w/ P&D & COTW
- TRAN086_11_30_2020 RRFA-Wtrfrnt Pkg Fd \$3,867.22 to PKG Maint-Wtrfrnt Pk \$3867.22
- TRAN087_11_30_2020 Elec Rev Acct 2,500 to Fence/Mural 2,500
- ORDR222_11_30_2020 Mass Veterans Brave Act Acceptance

October 13, 2020

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 purchase of a portion of that property located at 57 Low Street (*depicted as Lot A-1 on the attached plan*) for general municipal purposes.

FURTHER ORDERED THAT, at the recommendation of the Mayor, \$220,000 is appropriated from free cash to pay costs of purchasing a portion of that property located at 57 Low Street (*depicted as Lot A-1 on the attached plan*), on the terms and conditions contained in the attached Letter of Intent (*dated July 10, 2020*) and draft deed to the City provided by the Commonwealth of Massachusetts Division of Capital Asset Management and Maintenance (DCAMM), for “general municipal purposes,” and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this Order.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

In City Council October 13, 2020:

Motion to refer to Budget & Finance and to Planning & Development by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Zeid). Motion passes.

In City Council November 9, 2020:

Motion to Remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion passes.
Motion to Refer to Budget & Finance, Planning & Development, and Committee of the Whole by Councillor Tontar, seconded by Councillor Khan. So voted.



CITY OF NEWBURYPORT FY 2021

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

TRANSFER/APPROPRIATION REQUEST

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 11/30/2020

Transfer From:

Account Name:	<u>RRFA - Waterfront Parking Fund</u>	Balance:	<u>\$ 592,052.58</u>
Account Number:	<u>2738-59610</u>	Category:	<u>\$ -</u>
Amount:	<u>\$3,867.22</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:

Upon dissolution of the Newburyport Redevelopment Authority, a receipts reserved for appropriation fund was established to hold monies transferred to the City, as well as, ongoing parking meter revenue. In accordance with Chapter 96 of the Acts of 2020, funds are reserved for "design, construction, maintenance or operation of an extended waterfront park and related infrastructure."

Transfer To:

Account Name:	<u>PKG Maint-Waterfront Park</u>	Balance:	<u>\$ -</u>
Account Number:	<u>01293002-52406</u>	Category:	<u>\$ 250,206.78</u>
Amount:	<u>\$3,867.22</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

To reimburse the Waterfront Trust for costs incurred to maintain the park land formerly owned by the Newburyport Redevelopment Authority. Given the adjacency of the parcels, a shared maintenance agreement was in place between the Waterfront Trust and the Newburyport Redevelopment Authority. The Waterfront Trust has continued to maintain the park, while a new agreement is written.

Donna D. Holaday, Mayor:

Donna D. Holaday

Date: 11/19/20

Ethan R. Manning, Auditor:

Ethan R. Manning

Date: 11/18/20

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:



CITY OF NEWBURYPORT FY 2021 TRANSFER/APPROPRIATION REQUEST

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 11/30/2020
Revised December 4, 2020

Transfer From:

Account Name:	<u>Electrical Revolving Fund RRFA Paid Parking Fund</u>	Balance:	\$ 1,180,306.45
Account Number:	<u>2806-59600 2739-59600</u>	Category:	\$ -
Amount:	<u>\$2,500.00</u>	Trans I/O:	\$ -

Why Funds Are Available:

Monies collected from the downtown paid parking program. This fund, upon recommendation of the Mayor and approval of the City Council, may be used for acquisition, installation, maintenance and operation of parking meters and other parking payment and enforcement technology, the regulation of parking, salaries of parking management personnel, improvements to the public realm, and transportation improvements.

Transfer To:

Account Name:	<u>Fence/Mural Project</u>	Balance:	\$ 10,000.00
Account Number:	<u>2924-49700</u>	Category:	\$ -
Amount:	<u>\$2,500.00</u>	Trans I/O:	\$ -

Why Funds Are Needed:

The City received donations totaling \$10,000 for the installation of a fence and murals adjacent to the State/Harris Street parking lot. The City Council accepted the donations and the Historical Commission approved the project. However, after further review, the fence that was originally specified did not meet local ordinance and a different style was needed to comply, thereby increasing the cost. After soliciting quotes, the final cost of the project is \$12,500, broken down as follows: fence (\$8,050), artwork (\$2,000), mural production and installation (\$2,450).

Donna D. Holaday, Mayor:

Date:

12/4/20

Ethan R. Manning, Auditor:

Date:

12/4/20

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

B&F
PK

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 30, 2020

AN ORDER TO ACCEPT THE PROVISION OF THE MASSACHUSETTS VETERANS' BRAVE ACT, M.G.L. C.59, S.5, CLAUSE 22H "PROPERTY TAX EXEMPTION FOR GOLD STAR PARENTS/GUARDIAN" AND CLAUSE 22G "ELIGIBILITY FOR VETERANS PROPERTY WHEN OWNERSHIP UNDER A TRUSTEE"

WHEREAS, members and veterans of the armed forces, through their service, bear the responsibility of protecting the freedom of the people of the United States; and

WHEREAS, Governor Baker signed on August 28, 2018, the BRAVE Act which includes specific actions for local adoption by municipalities that would assist veterans as well as gold star families; and

WHEREAS, the City of Newburyport is grateful to the members and veterans of the Armed Forces, and their families, and wish to acknowledge their contributions to our community; and

WHEREAS, the City of Newburyport Assessor and the Director of Veteran Affairs recommend adoption of new municipal options related to property and exemptions that would further our support and appreciation for the veterans and their families that reside in our city;

THEREFORE BE IT RESOLVED THAT, the City of Newburyport hereby accepts Massachusetts General Law Chapter 59, Section 5, Clause 22H, that provides, in pertinent part, for the surviving parents or guardians of gold star personnel to be entitled to a full exemption from taxation on their domiciles beginning on or after July 1, 2021 provided that the surviving parent or guardian must have lived in Massachusetts for at least 5 years before the tax year begins (or the deceased service member or veteran had to have been domiciled in Massachusetts for at least 6 months before entering military service); and

BE IT FURTHER RESOLVED THAT, the City of Newburyport hereby accepts Massachusetts General Law Chapter 59, Section 5, Clause 22G, which provides, in pertinent part, that real estate used as the domicile of a veteran but owned by a trustee, conservator or other fiduciary for the veteran's benefit is eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-

second C, Twenty-second D, Twenty-second E or Twenty-second F if the person were the owner of the real estate. Said exemption shall be effective for fiscal year beginning on or after July 1, 2021.

Councillor Afroz Khan

Removal from Committee Form

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

Committee Name: Public Safety For CC meeting Dec 14, 2020

Committee Chair: McCauley

	Measure Identifier	Measure Title	Amended in Committee? (if yes, attach final version)	Consent Agenda or Regular Agenda?
1.	APPL016_11_30-2020	Old South Church – Outdoor Xmas Eve mass	NO. Completed APP w Ins Binder	Regular
2.	COMM278_11_9_2020	Compost Guidelines	NO.	Regular
3.	COMM227_02_10_2020	Update & Request from Waste Stream Task Force (Don't need to include original COMM)	NO	Regular
4.				
5.				
6.				
7.				
8.				
9.				
10.				

**Committee Items-
Planning & Development
December 14, 2020**

In Committee:

COMM214_01_13_2020 Ltr from Central Congregational Church

ORDR214_10_13_2020 Low Street Purchase w/B&F (COTW)

COMM270_10_13_2020 Ltr to DCAM_JEigerman

ORDR223_11_30_2020 Preservation Restriction on the Custom House



CENTRAL CONGREGATIONAL CHURCH
 AN OPEN AND AFFIRMING CONGREGATION OF THE UNITED CHURCH OF CHRIST
 14 Titcomb Street P.O. Box 372 Newburyport, MA 01950
 978-465-0533
 The Reverend Christopher Ney, Pastor

2019 DEC 20 AM 10:30

December 18, 2019

Topic: Central Congregational Church, CPA funding, Historic Preservation Restriction

Dear Members of the City Council:

Members of the Central Congregational Church greatly appreciate the support of the community by way of the Community Preservation Act funding. This funding was specifically granted for repair and maintenance of the exterior of the sanctuary portion of the building, including the steeple. That work was completed by November 2018. The initial CPA payment of \$50,000 went toward the total restoration expense of \$161,039.00.

The remaining approved funding of \$25,000 is not to be released until acceptance of Central Church's Historic Preservation Restriction (PR) Application by the Massachusetts Historical Commission, Newburyport City Council and the Mayor of Newburyport.

The initial application for the required Historic Preservation Restriction was submitted on March 4, 2019 to the Massachusetts Historical Commission. In May of 2019 it was returned to Central Church for corrections and revisions to be made and additional information to be provided. Specifically, the Massachusetts Historical Commission requested that a series of photographs be taken when there were no leaves on the trees.

As our Community Preservation Committee "Project Quarterly Status Reports" have indicated, the revised PR application will include a description and photos of the entire envelope of the building at 14 Titcomb Street, as directed by the Massachusetts Historic Commission. In addition to the photographs provided and as noted above, the Massachusetts Historic Commission requested the Preservation Restriction Exhibits include clear, concise, high definition photos showing the exterior of the entire building without leafed out trees blocking any aspect.

A call to Michael Steinitz, Deputy State Historic Preservation Officer, Massachusetts Historical Commission, affirmed that the photos should be taken when there are no leaves obstructing views of the building. The major part of our delay in completing the PR has been waiting for the leaves to fall- even in late November one tree on the south side of the building stubbornly clung to its leaves.

info@centralnewburyport.org
 www.centralnewburyport.org

October 13, 2020

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 purchase of a portion of that property located at 57 Low Street (*depicted as Lot A-1 on the attached plan*) for general municipal purposes.

FURTHER ORDERED THAT, at the recommendation of the Mayor, \$220,000 is appropriated from free cash to pay costs of purchasing a portion of that property located at 57 Low Street (*depicted as Lot A-1 on the attached plan*), on the terms and conditions contained in the attached Letter of Intent (*dated July 10, 2020*) and draft deed to the City provided by the Commonwealth of Massachusetts Division of Capital Asset Management and Maintenance (DCAMM), for “general municipal purposes,” and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this Order.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

In City Council October 13, 2020:

Motion to refer to Budget & Finance and to Planning & Development by Councillor Tontar, seconded by Councillor Khan. 10 yes, 1 no (Zeid). Motion passes.

In City Council November 9, 2020:

Motion to Remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion passes.
Motion to Refer to Budget & Finance, Planning & Development, and Committee of the Whole by Councillor Tontar, seconded by Councillor Khan. So voted.

January 22, 2020

OREM
Division of Capital Asset Management
One Ashburton Place, 15th Floor
Boston, MA 02108
Attn.: Warren A. Madden, Project Manager

RE: 57 Low Street Conveyance

Dear Mr. Madden:

This written comment elaborates upon the verbal testimony I gave at the public hearing conducted by DCAMM on the proposed conveyance of 57 Low Street to the City of Newburyport, held on January 8, 2020, in our City Hall. You had suggested I write in.

Among the purposes of Massachusetts Environmental Protection Act (MEPA) and the MEPA Regulations at 301 CMR 11.00 is to provide meaningful opportunities for public review of the potential environmental impacts of Projects for which Agency Action is required. (301 CMR 11.01(1)(a).) In an era when our natural environment, worldwide, is in dire crisis, the proposed transfer of 2.17 acres by the Commonwealth to the City of Newburyport has so far neglected to analyze such impacts, contrary to MEPA's command, and denying meaningful public review.

Specifically, there is a mandatory requirement to prepare and file both an Environmental Notification Form (ENF) and an Environmental Impact Report (EIR) where alteration of property to be conveyed entails a variance in accordance with the Wetlands Protection Act. (301 CMR 11.03(3)(a)(2).) Here, a professional delineation (attached) indicates that the vast majority of the land to be transferred by the Commonwealth to the City is wetland or unbuildable buffer zone, per the Wetlands Protection Act. The prospective transferee of the acreage plans to fill or otherwise encroach on these wetlands, as stated publicly by its officials, and to intensify development there.

It does not matter that the Commonwealth will not itself alter the wetland after the proposed land transfer.

In determining whether a Project is subject to MEPA jurisdiction or meets or exceeds any review thresholds, and during MEPA review, the Proponent, any Participating Agency, and the Secretary shall consider the entirety of the Project, including any likely future Expansion, and not separate phases or segments thereof. The Proponent may not phase or segment a Project to evade, defer or curtail MEPA review. The Proponent, any Participating Agency, and the Secretary shall consider all circumstances as to whether various work or activities constitute one Project, including but not limited to: whether the work or activities, taken together, comprise a common plan or independent undertakings, regardless of whether there is more than one Proponent; any time interval between the work or activities; and whether the environmental impacts caused by the work or activities are separable or cumulative. Examples of work or activities that constitute one Project include work or activities that: ... meet or exceed one or more review thresholds on an area previously subject to a Land Transfer, provided that not more than five years have elapsed between the Land Transfer and the work or activities.

(301 CMR 11.02(2)(c) [emphasis added].)

OREM
re 57 Low Street Conveyance
January 22, 2020
Page 2

The same, continuous wetland is located behind the Massachusetts Military Division (National Guard) facility that will remain. MEPA imposes a legal duty to review publicly the effects of such wetlands alteration on the National Guard facility, which is listed on *Inventory of Historical and Archeological Assets* maintained by the Massachusetts Historical Commission, and on other properties, such as the River Valley Charter School, private businesses, and the City's own Department of Public Services facility nearby, before any land transfer may proceed. Yet, to my knowledge, DCAM has yet to file even an Environmental Notification Form (ENF) with the MEPA Office.

Wetlands alteration are only the trigger. MEPA jurisdiction is "broad" when a Project is undertaken by an Agency or involves Financial Assistance. (301 CMR 11.01(2)(a)(2).) Broad, or full scope, jurisdiction means that the Scope, if an EIR is required, shall extend to all aspects of a Project that are likely, directly or indirectly, to cause Damage to the Environment. (*Id.*)

The proposed land conveyance must comply with MEPA. Thank you for accepting this written elaboration on my verbal testimony, given earlier this month.

Sincerely,



Jared Eigerman
Newburyport City Council (Ward 2)

Enclosure: Wetlands Sketch Plan (Colored), June 27, 2019

cc (email): Tori Kim, Director, MEPA Office
Brona Simon, Executive Director, Massachusetts Historical Commission
Hon. Donna D. Holaday, Mayor, City of Newburyport
Hon. Heather Shand, Chair, City Council, City of Newburyport
Julia Godtfredsen, Conservation Agent, City of Newburyport

RE: FW: Newburyport: 57 Low Street (2.17+/- acres) - Public Hearing Testimony Letter

Jared Eigerman

Sent: Wednesday, February 26, 2020 5:17 PM**To:** Julia Godtfredsen; Andrew Port; Matthew Coogan**Cc:** Donna Holaday

Thanks for clarifying the record on status.

-- Jared Eigerman, Newburyport City Council (Ward 2)
President
Chair, Committee on General Government
Member, Committee on Rules

From: Julia Godtfredsen**Sent:** Wednesday, February 26, 2020 3:34 PM**To:** Jared Eigerman; Andrew Port; Matthew Coogan**Cc:** Donna Holaday**Subject:** RE: FW: Newburyport: 57 Low Street (2.17+/- acres) - Public Hearing Testimony Letter

Councilor Eigerman,

I'd just like to clarify that the Planning Office presented an informal overview of the proposed relocation of Youth Services to the Low Street property at a public meeting of the Conservation Commission on May 21, 2019. The informal presentation was posted on the agenda and consisted of a brief discussion of the existing conditions of the site and general location of a potential new Youth Services facility. The Commission was asked about their willingness to consider a variance for impacts to 25-foot buffer zone and BVW, assuming the City could meet the replication requirements under the WPA. Given the public benefit associated with the project, the already developed nature of the site, and potential opportunities for wetland replication within the watershed, the Commission agreed to consider an application that would propose a new YS facility and acknowledged that a variance request would likely be necessary. No vote or other form of approval was involved. The Notice of Intent process would consist of public hearings on all of the details of the project, its impacts and proposed mitigation measures. Only then would the Commission vote on an Order of Conditions and potential variance from the Newburyport Wetlands Ordinance. There was never a suggestion that a variance from provisions of the WPA would be necessary or requested. To my knowledge, the Commission has never issued one. They are extremely rare and not often upheld by DEP.

I hope that helps clarify the Commission's position on this.

Let me know if you have any questions.

Julia

Julia Godtfredsen

Newburyport Conservation Administrator

Email: jgodtfredsen@cityofnewburyport.com

Phone: 978-465-4400

From: Jared Eigerman**Sent:** Wednesday, February 26, 2020 2:19 PM**To:** Andrew Port; Matthew Coogan**Cc:** Julia Godtfredsen; Donna Holaday**Subject:** RE: FW: Newburyport: 57 Low Street (2.17+/- acres) - Public Hearing Testimony Letter

(I took Andi off because MEPA is not her bailiwick, and she is on leave, anyway.)

I think we are talking past one another. I will make just three points:

1. The 5,000 sf cap on replication is at 310 CMR 10.55(4)(b). However, as I already wrote, 310 CMR 10.05(10), entitled "Variance," provides at subsection (a) that "The Commissioner may waive the application of any regulation(s) in 310 CMR 10.21 through 10.60. Therefore, it follows that any waiver of a regulation 310 CMR 10.21 through 10.60 is a "variance in accordance with the Wetlands Protection Act." Are you saying that you already know that no waivers of any kind would be needed from any other provisions at 310 CMR 10.21 through 310 CMR 10.60? If only 310 CMR 10.55(4)(b) is relevant to this project, then please say so.

2. If the answer to No. 1 is "Yes," meaning that the 5,000 sf cap on replication at 310 CMR 10.55(4)(b) is the only relevant WPA regulation, how do you know without finishing the feasibility study that you can meet every single one of its requirements, namely?:
 - A. You need to fill only 5,000 sf.
 - B. the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area")
 - C. the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;
 - D. The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;
 - E. the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;
 - F. the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;
 - G. at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and
 - H. the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00.

3. The public is entitled to know all the costs of the YS project, and some of those costs are environmental, not merely hard dollars. I am willing to go along with the mandatory trigger for an ENF under 301 CMR 11.03(10)(b)(1) [demolition of all or any exterior part of any Historic Structure listed in or located in any Historic District listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth] because I am told that listing of the utility building was erroneous. I am not willing to look the other way on potential wetlands impacts, nor should anyone.

You write that "I have already met with the Conservation Commission informally and confirmed their willingness to allow such wetlands alteration/replication pursuant to the WPA, and our local wetlands regulations (*which are not similarly invoked by MEPA regulations or thresholds*)."

Seeing that you have had pre-application meetings, and that the Conservation Commission has already given you the "green light" is exactly why I am harping on MEPA. The purpose of that legislative scheme is for environmental issues associated with a project to be studied publicly and honestly before state government aids -- through funding, land transfer, or discretionary approval -- a given project.

2/26/2020

RE: FW: Newburyport: 57 Low Street (2.17+/- acres) - Public Hearing Testimony Letter

If you already have a replication plan -- with at least enough information to satisfy Point No. 2, just above -- then it must be considered now per 301 CMR 11.02(2)(c).

Thanks.

-- Jared Eigerman, Newburyport City Council (Ward 2)
President
Chair, Committee on General Government
Member, Committee on Rules

From: Andrew Port
Sent: Wednesday, February 26, 2020 11:41 AM
To: Jared Eigerman; Matthew Coogan
Cc: Julia Godtfredsen; Donna Holaday; Andrea Egmont
Subject: RE: FW: Newburyport: 57 Low Street (2.17+/- acres) - Public Hearing Testimony Letter

Hi Jared –

I disagree with your interpretation of MEPA standards as they make reference to the WPA and “Variances” therefrom. This has nothing to do with any opinion relative to where NYS should be located, which is a separate discussion and should be informed by additional factors like costs for land acquisition, construction, and the alternative option of remaining at the Brown School. The feasibility study will provide more reliable numbers, and design options, so that comparison can be made.

I confirmed with Julia my understanding of the term “Variance” as used in the Wetlands Protection Act (WPA), and the related “trigger” you cited from the MEPA regulations at 301 CMR 11.03 (3)(a)(2), which reads in relevant part as follows: “Alteration requiring a variance in accordance with the Wetlands Protection Act.” While the City may need to alter and replicate (replace) wetlands on the property after acquisition from the state, in order to construct a municipal facility (NYS or anything else), at no point have we indicated, nor do we intend, to request a so-called “Variance” under the WPA. In the most extreme case our request for wetlands alteration/replication on the site would be under 5K sq.ft. in size. The WPA allows up to 5k sq.ft. of wetlands alteration upon approval by the local Conservation Commission, and subject to mitigation by replication of new wetlands. I have already met with the Conservation Commission informally and confirmed their willingness to allow such wetlands alteration/replication pursuant to the WPA, and our local wetlands regulations (*which are not similarly invoked by MEPA regulations or thresholds*). I think your interpretation of anticipated activities at the site, and the nature of regulatory relief [potentially] required by the City, is incorrect. Alteration of wetlands, and replication thereof, under the 5K sq.ft. threshold is not a “Variance” as that term is used in relation to the WPA. Conversely, a request to alter more than 5K sq.ft. would require such a Variance (from the 5K sq.ft. “cap”).

Hope this helps to clarify. I’m always open to further discussion of this and other regulatory provisions, their interpretation and application.

Best –
Andy

Andrew R. Port, AICP
Director of Planning & Development

Office of Planning & Development
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Phone (978) 465-4400
Fax # (978) 465-4452

Email aport@cityofnewburyport.com

Web www.cityofnewburyport.com

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From: Jared Eigerman

Sent: Tuesday, February 25, 2020 4:55 PM

To: Matthew Coogan; Andrew Port

Subject: RE: [Ext]FW: Newburyport: 57 Low Street (2.17+/- acres) - Public Hearing Testimony Letter

Matt and Andy,

Just to circle back, Andy had posited that the mandatory Environmental Impact Report (EIR) trigger under MEPA for a "variance" from the Wetlands Protection Act only exists for those projects that propose to replicate more than 5,000 sf of regulated wetlands. I have re-read the MEPA regulations, MassDEP's Wetlands Protection Act Regulations, the Newburyport Wetlands Protection Ordinance, and the Newburyport Wetlands Protection Regulations, and I cannot see merit that argument.

"Variances" do not have so limited a meaning. For example, 310 CMR 10.05(10), entitled "Variance," provides at subsection (a) that "The Commissioner may waive the application of any regulation(s) in 310 CMR 10.21 through 10.60 when he or she finds that..." (emphasis added). 310 CMR 10.21 through 10.60 cover a lot more than replication. Section 6.5-30 of our own Wetlands Protection Ordinance uses the term "variance" to cover any deviation from normal standards.

I realize that this is all very inconvenient, but MEPA says what it says: if we buy 57 Low Street, then for the next five years, if we seek a variance from wetlands protection standards, we have to do an EIR as if we were DCAMM in spring 2020, meaning the EIR would have a "board" scope. (301 CMR 11.01(2)(a)(2).) Broad-scope EIRs, must extend to all aspects of a project that are likely, directly or indirectly, to cause damage to the environment. (Id.) That means an EIR that covers not just wetlands concerns, but traffic, noise, parking, etc.

Thank you.

-- Jared Eigerman, Newburyport City Council (Ward 2)
President
Chair, Committee on General Government
Member, Committee on Rules

From: Jared Eigerman

Sent: Thursday, February 13, 2020 5:41 PM

To: Matthew Coogan; Andrew Port

Subject: FW: [Ext]FW: Newburyport: 57 Low Street (2.17+/- acres) - Public Hearing Testimony Letter

Matt and Andy,

Please focus on this correspondence dated January 22 / 27 with DCAMM, rather than whatever is in the local newspaper. The Mayor, Julia, and Councillor Shand (as Chair of our Cmte. on Planning & Development) were all copied, at that time.

Thank you.

-- Jared Eigerman, Newburyport City Council (Ward 2)
President
Chair, Committee on General Government
Member, Committee on Rules

From: Madden, Warren (DCP) [warren.madden@state.ma.us]

Sent: Monday, January 27, 2020 10:15 AM

To: Jared Eigerman

Cc: Crowley, Paul M (DCP); Andrews, Stephen (DCP); Tsaparis, Nicholas (DCP); McMahon, Martha (DCP); Meeker, Carol (DCP); Cocciardi, Matthew (DCP); Prudente, John (DCP); Kim, Tori (ENV); Simon, Brona (SEC); Donna Holaday; Heather Shand; Julia Godtfredsen

Subject: [Ext]FW: Newburyport: 57 Low Street (2.17+/- acres) - Public Hearing Testimony Letter

external e-mail use caution opening

Hello Councilor Eigerman:

Thank you for your testimony letter from the Public Hearing on January 8, 2020 relative to the proposed conveyance of the above referenced property to the City of Newburyport.

WARREN A. MADDEN

Project Manager



Division of Capital Asset Management & Maintenance

PHONE 617-727-8090 x 31565

DIRECT 857-204-1565

From: Jared Eigerman <JEigerman@CityofNewburyport.com>

Sent: Wednesday, January 22, 2020 6:27 AM

To: Madden, Warren (DCP) <warren.madden@mass.gov>; Madden, Warren (DCP) <warren.madden@mass.gov>

Cc: Kim, Tori (EEA) <tori.kim@mass.gov>; Brona.Simon@state.ma.us <brona.simon@sec.state.ma.us>; Donna Holaday <DHoladay@CityofNewburyport.com>; Heather Shand <HShand@CityofNewburyport.com>; Julia Godtfredsen <JGodtfredsen@CityofNewburyport.com>

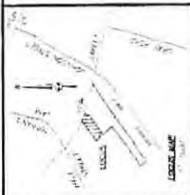
Subject: 57 Low Street Conveyance (Newburyport)

Dear Mr. Madden,

As you suggested after the January 8, 2020, public hearing on the matter identified above, here is my live testimony in restated, letter form.

Thank you.

-- Jared Eigerman
Newburyport City Council, Ward 2



RECORD OWNER:
 CITY OF NEWBURYPORT
 100 STATE STREET, 3RD FLOOR
 NEWBURYPORT, MASSACHUSETTS 01950

REFERENCES:
 1. ALL RIGHTS RESERVED BY THE CITY OF NEWBURYPORT
 2. ALL RIGHTS RESERVED BY THE CITY OF NEWBURYPORT
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 9. ALL RIGHTS RESERVED BY THE CITY OF NEWBURYPORT
 10. ALL RIGHTS RESERVED BY THE CITY OF NEWBURYPORT

NOTES:

1. THE BOUNDARIES OF THIS PLAN ARE BASED ON THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS, AND THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS, AND THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS.
2. THE BOUNDARIES OF THIS PLAN ARE BASED ON THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS, AND THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS, AND THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS.
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10. THE BOUNDARIES OF THIS PLAN ARE BASED ON THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS, AND THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS, AND THE RECORD MAPS AND FIELD SURVEYS OF THE CITY OF NEWBURYPORT, MASSACHUSETTS.



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57 LOW STREET

SKETCH PLAN OF LAND
 LOCATED IN
NEWBURYPORT, MASSACHUSETTS
 (ESSEX COUNTY)

PREPARED FOR
CITY OF NEWBURYPORT

SCALE: 1" = 40'
 DATE: JUNE 29, 2019

MERIDIAN ASSOCIATES
 100 STATE STREET, 3RD FLOOR
 NEWBURYPORT, MASSACHUSETTS 01950
 TEL: 978.532.1111 FAX: 978.532.1112
 WWW.MERIDIANASSOCIATES.COM

SHEET NO. 1 OF 1 PROJECT NO. 5120-1



REVISIONS

NO.	DATE	DESCRIPTION
1	06/29/19	ISSUE
2	06/29/19	ISSUE
3	06/29/19	ISSUE
4	06/29/19	ISSUE
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ADD
HS/PL

AMENDED AND RESTATED PRESERVATION RESTRICTION AGREEMENT

between

NEWBURYPORT MARITIME SOCIETY, INC.

and the

CITY OF NEWBURYPORT, MASSACHUSETTS

BY AND THROUGH THE NEWBURYPORT HISTORICAL COMMISSION

THIS AMENDED AND RESTATED PRESERVATION RESTRICTION AGREEMENT is made this _____ day of _____, 2020 by and between NEWBURYPORT MARITIME SOCIETY, INC., a Massachusetts not for profit corporation having its offices at 25 Water Street, Newburyport, MA 01950 ("**Grantor**"), and the CITY OF NEWBURYPORT ("**Grantee**"), a municipality duly organized under the laws of the Commonwealth of Massachusetts and located in Essex County, Massachusetts, to be administered, managed and enforced by its agent, the NEWBURYPORT HISTORICAL COMMISSION, located at 60 Pleasant Street, Newburyport, Massachusetts, 01950 ("**Commission**"),

WHEREAS, pursuant to that certain deed filed and registered on December 14, 2018, in the Southern Essex Registry District of the Land Court (the "**Registry**"), as Document No. 598271 (the "**Deed**"), the Grantor is the owner of certain real property with improvements thereon located at 25 Water Street, Newburyport, Massachusetts 01950 (the "**Premises**") comprising the building known as the United States Custom House (the "**Building**") and associated open space in which the Grantor operates a maritime history museum known as the Custom House Maritime Museum. The Premises are described in **Exhibit A** attached hereto and incorporated herein by reference and are shown in part as Lot B on Land Court Plan 4588-B and in part as Lot D and Lot E on Land Court Plan 4588-C, which plans are attached hereto and incorporated herein as Exhibits B and C, respectively;

WHEREAS, the Grantor and the Commission have previously entered into a Preservation Restriction Agreement dated September 13, 2002, filed and registered with the Registry on March 13, 2003 as Document Number 415394 (hereinafter the "Original Preservation Restriction Agreement"), a copy of which is attached hereto and incorporated herein by this reference as **Exhibit D**, and Grantor, Grantee and the Commission desire hereby to amend and entirely restate the Original Preservation Restriction Agreement;

WHEREAS, the Building consists of a two-story Greek revival style building designed by architect Robert Mills, and constructed in 1835. The two-story building has a fortress-like appearance with heavy proportions and minimal ornamental detail.

The primary façade faces south along Water Street and is dominated by a heavy Doric entablature supported on 2-story pilasters at the four building corners. It sits on a high base with a gable roof and pediment that is inspired by Greek temple forms. The walls are rough quarry-faced Rockport granite while the details are smooth dressed stone. The spandrel panels on the south façade between the first and second story windows are solid blocks of dressed granite.

The center of the three-bay south façade is vertically accentuated by a slight break in the wall and entablature and by a one-story portico with 11.5' high Greek Doric granite columns supporting an entablature. The columns are 28" in diameter at the base and taper approximately to 20.5" at the capital, making them proportionally five diameters high.

The doors are original with tall panels and stepped flat moldings, surrounded by decorative wood buttons. The stone architrave is recessed with a simple chamfered backband molding.

Committee Items-December 14, 2020

Public Safety

In Committee:

- APPL016_11_30_2020 Old South Church Christmas Eve Federal St
- COMM278_11_9_2020 Late File - Compost Guidelines
- COMM227_02_10_2020 Update & Request from Waste Stream Task Force

ps

FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY

PARADE _____ ROAD RACE _____ WALKATHON _____

Outdoor Christmas Eve Service

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:

Old South Presbyterian Church

2. Name, Address & Daytime Phone Number of Organizer:

Pastor Rev Dr. Sara Singleton
29 Federal St., Newburyport, MA 01950
719-216-4417

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up

Word Emanuelson, 26 Scotland Heights, Newbury - 508-243-4450
Dan Alyward, 9 Adams Lane, Newbury - 978-462-7047

4. Date of Event: Dec. 24, 2020 Expected Number of Participants: 110 - 140

5. Start Time: 6:30 - road blocked Expected End Time: 8:00 pm

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): 2 person police

detail to block off Federal St @ corner of School, allowing traffic to turn onto School, also blocking traffic at corner of Middle - allowing traffic to turn onto Middle. The area directly in front of the church - street & both sidewalks, will be for those who come to outdoor worship

7. Locations of Water Stops (if any): N/A Beginning at 7pm - concluding 7:45 pm.

8. Will Detours for Motor Vehicles Be Required? If so, where? see above

9. Formation Location & Time for Participants: church doors open onto the steps @ 7:00 pm

w/ liturgy and music from the steps and organ within
10. Dismissal Location & Time for Participants: 8:00 pm

11. Additional Parade Information:

- Number of Floats: N/A
- Locations of Viewing Stations: _____
- Are Weapons Being Carried: Yes _____ No
- Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____ N/A

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

CITY MARSHAL [Signature] LT Siemesko 11/25/2020 4 Green St. FIRE CHIEF [Signature] 0 Greenleaf St.
 DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK _____ 60 Pleasant St.

Sec. 13-97. - Road races, walkathons; bicycle and other multidisciplined events.

(a) *Short title.* This section may be cited as the "road races, walkathons and bicycle events."

(b) *Purpose and intent.* The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this section will define and codify the procedure for the benefit of all.

(c) *Definitions.*

(1) *Road race.* A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2) *Walkathon.* A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3) *Bicycle race.* A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4) *Multidisciplined event.* A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5) *Event.* Any road race, walkathon, bicycle race, multi-disciplined event as defined above.

(d) *Limitations.*

(1) *Procedure.* All events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for city council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through December 31, 2017, during which applications will be accepted beyond the prescribed due date. Prior to application with the city council, the event shall file and receive approval from all applicable city departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the city council application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. 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 application shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3) *Course map.* All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-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 harbor masters departments prior to submission to the city clerk.

(4) *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 not be used for public address announcements or music before 9:00 a.m.

(5) *Road closure.* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *Event termination.* If in the judgment of the city marshal, fire chief or department of public services (DPS) director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.

(8) *Event and traffic security.* The city marshal, fire chief, DPS director or in the case of a triathlon, the harbormaster can require special duty personnel to assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *Clean-up.* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

(10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

(e) *Enforcement.*

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the city clerk and city council and may be used as a factor in future application approvals and denials.

(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the city clerk and city council and shall be used as a factor in future application approvals and denials.

(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

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

Signed: Rev. Dr. Joe Singleton

Date: November 17, 2020

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

(For Street Closure or Any Use of a Public Way - Please complete page 3 of this application)

NAME OF EVENT: Outdoor Christmas Eve Service - Old South Presbyterian

Date: Dec 24, 2020 Time: from block off 6:30 to 8:00 pm
 Rain Date: N/A Time: from _____ to _____

2. Location*: Block in front of church, 29 Federal Street
 *Please Note: If the location is a public park or the rail trail, please also contact the Parks Department

3. Description of Property: Federal St, from School to Middle Sts. Public Private _____

4. Name of Organizer: Rev. Dr. Sara Singleton City Sponsored Event: Yes _____ No

Contact Person
 Address: 29 Federal St. Telephone: 719-216-4417
 E-Mail: pastor@oldsouthnbpt.org Cell Phone: S/A
 Day of Event Contact & Phone: _____

5. Number of Attendees Expected: 110 6' apart from one another (this is the area of the street and sidewalks - does not include our own side lawn or School St sidewalk)
 6. MA Tax Number: # 11024394

7. Is the Event Being Advertised? yes Where? Daily News, website, School St sidewalk of church.

8. What Age Group is the Event Targeted to? intergenerational

9. Have You Notified Neighborhood Groups or Abutters? Yes No _____, Who? In process of speaking w/ condo owners next to the church. Informational packets will be given to all adjacent neighbors on either side of across the street from the church.

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 _____ church organ inside w/ windows & doors open.
 C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
 Other _____ Total # _____
 Name of Carnival Operator: _____
 Address: _____
 Telephone: _____

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

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

If yes:

- a) How many trash receptacles will you be providing? two
- b) How many recycling receptacles will you be providing? two
- 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? in church receptacles

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: Nov 25, 2020 Signature: Jana E. Angleton

1. Special Events: Christmas Eve Service 12/24 Old South 39 Federal St.

2. Police: 2 details to block off Federal @ School + Middle St.
 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: *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*
 Yes: \$ _____ due on _____ No Fee for Special Events applies
 Other requirements/instructions per DPS _____

_____ 10. Parks Department: _____

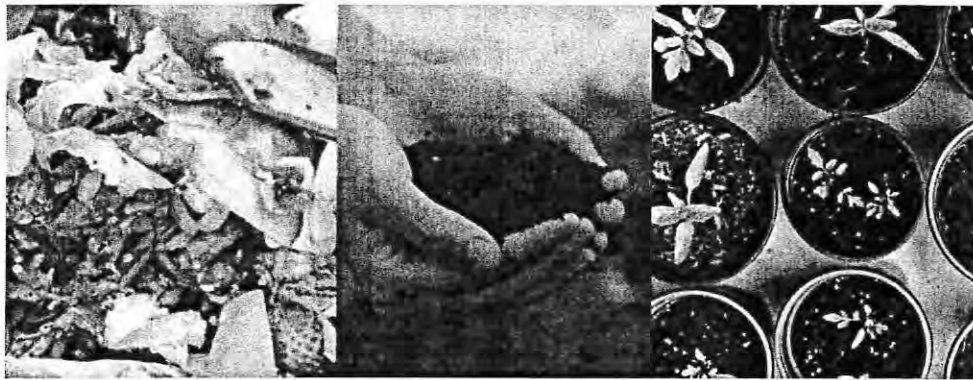
_____ 11. License Commission _____

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

COMPLETE GUIDE TO



In Support of the City of Newburyport



Developed by ACES (Alliance of Climate and Environmental Stewards)

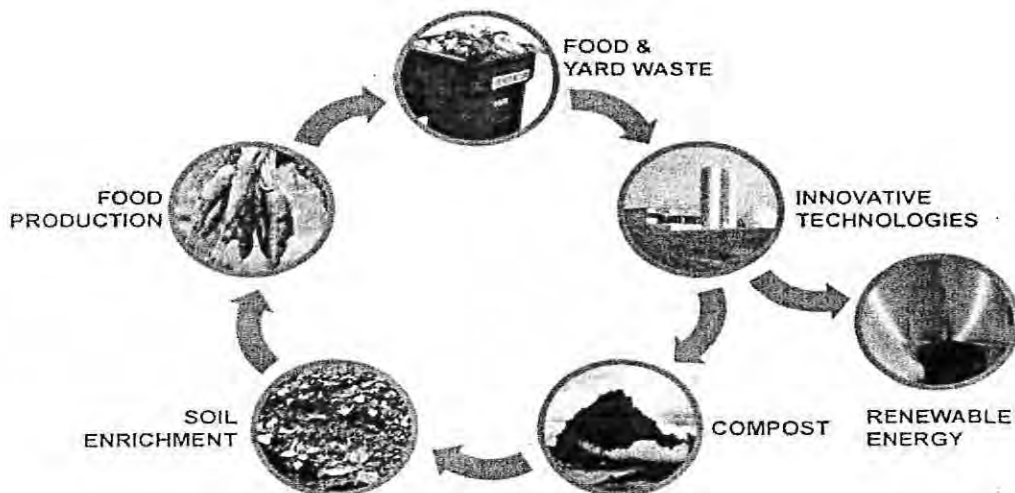


www.aces-alliance.org

Composting is one of the best ways we can reduce our carbon footprint and positively impact climate change.

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Why Composting in Newburyport is Important

“One of our most significant challenges for society and our community is disposing of the ever-increasing volume of waste of all forms. Organic waste from the production of foods, as well as, from our tables and kitchens adds to the weight of our trash and disposal costs. **Composting reduces costs and positively impacts our carbon footprint as it reduces methane emissions and enhances soils, water retention and provides carbon sequestration**” - Molly Ettenborough, Recycling and Energy Manager, Newburyport

Current situation for waste management and disposal

Waste disposal presents an increasingly difficult and costly problem for municipalities.

- Landfills are full and closing, and incinerators are near 100% capacity,
- There is a state moratorium on building additional incinerators,
- Some Massachusetts waste is being shipped out of state, and
- Municipalities face rapidly rising and uncontrolled costs for disposal, collection and hauling.

Organic waste is estimated to account for 25-50% of the weight of solid waste and presents an opportunity to divert significant tonnage out of the trash and recycling waste streams. Accordingly, in support of the City's Toward Zero Waste program, the Alliance of Climate and Environmental Stewards (ACES) established a project team to develop this plan for increasing composting in Newburyport.

Perspectives from ACES Youth Corps Members

Sam Cooper (NHS '21) “Not only does composting teach younger generations to be thoughtful when disposing of waste, it also forces us to learn a crucial lesson we encounter everyday: accountability. While composting waste is beneficial unto itself, we more importantly learn responsibility and honesty which carry over into other aspects of life.”

Sophie Burns (NHS '22) “Composting is a very important practice because it will allow younger generations to actually have a future. Food waste results in 8% of all global greenhouse gas emissions, so deferring that food waste to a facility that can successfully break it down without creating harmful emissions will help diminish the effects of climate change. Everybody needs to compost because even the smallest action can make such a big difference.

Newburyport composting practices today

Currently almost 600 Newburyport households subscribe to Black Earth's curbside composting service. Additionally, a new composting firm, MONA, has recently begun operations in the city. A number of residents also drop off compostable waste at a designated location in the city, and about 100 Earth Machines (composting bins) have been purchased from the City. There are an unknown number of people practicing backyard composting through means other than Earth Machines.

A recent survey of Newburyport residents indicates an interest to increase knowledge about composting and awareness of composting. Survey results also show a willingness among non-composters to pay for a curbside composting service. We believe by working with current composters across the City, we can encourage others to join this endeavor. We plan to launch an education and awareness campaign targeting Newburyport residents, as well as businesses and non-profits serviced per the City's waste disposal contract.



Goals for increasing composting in Newburyport

- **Vision 2030:** Composting will be widely practiced among all residents, non-profits, businesses and public entities across Newburyport.
- **Phase One Goal:** At least 900 residential households, nonprofits, and businesses on the City waste disposal contract will regularly practice composting.
 - This will be achieved via the roll out of an education and awareness campaign, to include non-profits and churches who provide meal services.
 - We will evaluate the results of the campaign by May 2021 in preparation for Phase Two.
- **Phase Two Goal:** To support the City Council, Mayor and relevant city departments in collaborating to develop policies designed to further incentivize composting among residential, public, non-profit and commercial entities.

Program Resources

Recognizing the significant budgetary issues faced at the local, state and federal level due to Covid-19, the campaign will be run at minimal cost, relying on volunteers and with any funding needs secured through available state grants.

Frequently Asked Questions

Why compost at all?

Composting can significantly reduce the volume of disposable trash other than recycling, therefore having a significant impact on overall disposal costs. Composting reduces strong greenhouse methane gas emissions (compared to landfilling) and puts carbon in the soil as humus, a rich nutrient-filled material.



How can I compost in Newburyport?

There are at least three ways through the city, others can be found online.

1. **CURBSIDE PICK UP SERVICE - Black Earth Compost -** <https://blackearthcompost.com/composting-guide-and-faq/> is the curbside program you see around the city. Composting this way allows all food, including meat, cheese and bones, but you would not be making your compost. The cost for this weekly pickup program is \$1.89/week but this cost will be reduced as more residents subscribe. Most people use a 13-gallon latched bin (13" w x 13" l x 27" h) with locking lid and wheels available from Black Earth for \$24.00 with biodegradable bag inserts. Many find a second 3-gallon size kitchen countertop container convenient. A benefit of this program is you have the option of receiving a free bag of Black Earth finished compost annually for your garden.
2. **FREE DROP-OFF -** A second composting option is similar to the first option with Black Earth except that instead of curbside pickup, when your compost container is full, you can drop the contents off at a free compost collection bin located at 115 Water Street, the Newburyport Waste Water Treatment Facility. Phase Two will include an evaluation of additional drop off sites.



Figure 1a. 13-gallon curbside compost bin



Figure 1b. 3-gallon kitchen composting container w/liner

3. **BACKYARD** - The Earth Machine is a durable backyard compost bin designed to compost food and yard waste. It will produce an all-natural soil conditioner, which provides gardens with much needed nutrients, while helping to retain moisture in the soil. Typically, it has an 80-gallon storage capacity, has a twist locking lid and is easy to maintain. Of course, it produces larger amounts of compost material for your garden. Earth machines may be purchased by residents of Newburyport at the Yard Waste Facility at a subsidized rate.



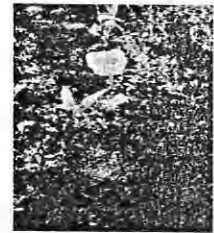
Figure 2. Earth Machine

Why composting and not my kitchen garbage disposal?

Decreased use of garbage disposals means saving water and electricity while preserving the quality of our waterways. Without organics in the mix, the wastewater treatment plant can function more efficiently saving costs on operation while also helping marine wildlife and habitat.

Is composting smelly?

Does your kitchen trash bin smell? Now consider removing all organic matter including spoiled food, leftovers, coffee filters, meat, bones, dairy, lobster shells, soiled pizza boxes, paper towels, napkins and certified compostable service ware from that kitchen trash. They can be put in a countertop compost container on your kitchen counter and then in an outdoor composting bin. Composting bins have locking lids with tight seals that trap any smells inside. Compare this to your kitchen trash bin which only has a top that overlaps the sides of the bin and you will realize that putting your compostable food in compost containers and removing it from the kitchen more frequently will actually *reduce* unwanted kitchen odors. In a recent [Newburyport survey](#), composters indicated odor was not an issue.



Does composting attract wild animals?

No. As described above, the sealable design of the compost bins' lids reduces odor, so there is no smell that would attract animals. Users of curbside composting have not reported animals breaking into their composting bins, as animals might when attracted to food waste in standard trash cans.

What about recycling? Does that help?

Yes, but not enough. Recycling helps protect the environment and conserves natural resources. Recycling also saves energy, creates jobs, and creates new demand. The City and its residents are required by State Law to recycle, as there are more than a dozen waste bans that bar residents from disposing of paper, many plastics, cardboard and other material in the trash. However, at present *we are paying for recycling*. The end materials may be purchased, but prices vary depending on the global market.

What constitutes much of our food waste?

In the U.S. 30-40% of our food is thrown out! Natural byproducts of eating include peelings, cores, spoiled food, bones and leftovers. Natural food waste and related materials are the heaviest part of our garbage, accounting for between 25-50% of the weight. Food waste usually ends up in one of two places: a landfill where it produces methane, which is 100 times more warming to our atmosphere than carbon dioxide, or an incinerator where the heat has to be cranked way up for it to burn, a process which uses more energy and emits gases.



How do we know composting would work here in Newburyport?

From 2015 to 2017, the City ran a curbside composting pilot in partnership with Black Earth Compost. Approximately 429 households participated over the course of the pilot, receiving free curbside composting pick up during this period. Based on both quantitative and qualitative feedback from participants, the program was a resounding success. Residents loved participating, felt good about their efforts, noted a drastic decrease in their trash volume and weight, and wanted to continue with the program. Two key findings from periodic surveys to the pilot group found that nearly 30% of the group decreased the volume of their trash output by 50% or more by participating in the program. An additional 44% of the group reported at least a 20% decrease in trash. About 600 households now subscribe to this curbside service. Our short-term goal is to increase the number of subscribers to 900 households.



For More Information

General Resources

BIOCYCLE - <https://www.biocycle.net/biocycle/>

Biodegradable Products Institute- <https://www.bpiworld.org/page-190309>

Black Earth Compost - <https://blackearthcompost.com/>

[What can I put in my Black Earth Compost Bin?](#)

MONA Environmental LLC - <https://www.monaenvironmental.com/>

Newburyport City Website - <https://www.cityofnewburyport.com/recycling-energy-resiliency-sustainability>

Federal and State Guidance

Maine Program: https://www.maine.gov/dacf/php/nutrient_management/compost.shtml

Massachusetts State Guidance - <https://www.mass.gov/doc/teaching-residents-about-composting-outline-talking-points/download>

Massachusetts State Information - <https://www.mass.gov/composting-organics>

Massachusetts State Draft 2030 Solid Waste Plan – <https://www.mass.gov/doc/draft-2030-solid-waste-master-plan/download>

NY State Association for Reduction, Reuse and Recycling - <https://www.nysar3.org/page/nys-organics-summit-100.html>

NY State Programs: <https://www.dec.ny.gov/chemical/98069.html>

US Environmental Protection Agency - <https://www.epa.gov/recycle/composting-home>

Municipal Guidance

Boston's Plans to Expand Composting: <https://www.bostonherald.com/2019/06/19/boston-plans-expansion-of-composting-and-recycling-programs/>

Boston's new rules (2014): <https://www.bostonglobe.com/magazine/2014/09/25/massachusetts-new-composting-rules-what-they-really-mean/SM9KF0Rw711Gq8KZTtx5dL/story.html>

Real Estate Boston - <http://realestate.boston.com/news/2019/04/17/push-curb-side-composting-programs/>

What can(not) be composted? <https://newburyportorganicspilot.wordpress.com/what-can-be-composted/>

Educational Plans

Building a Composting Bin: <https://www.practicallyfunctional.com/how-to-build-a-diy-compost-bin/>

Writing a Plan – The Green Team <https://www.thegreenteam.org/wp-content/uploads/2012/08/Compost-Lesson-Plan-2012.pdf>

Recycle Now - <https://www.recyclenow.com/reduce-waste/composting/why-compost>

Program developed by the Alliance of Climate and Environmental Stewards
to support of the City of Newburyport and its Toward Zero Waste Program
Please send any questions to
acesnewburyport@gmail.com
ACES WEB SITE: <https://www.aces-alliance.org>

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MEMORANDUM

TO: CITY COUNCIL PRESIDENT JARED EIGERMAN
CC: CITY COUNCIL
MAYOR DONNA HOLADAY
FROM: MOLLY M. ETTENBOROUGH
DATE: FEBRUARY 3, 2020
RE: UPDATE AND REQUEST FROM WASTE STREAM TASK FORCE

refer
to
PS
AK/HS
SZ (WS)

The purpose of this memo is to provide you with a brief update on efforts by the Waste Stream Task Force (WSTF) that were presented to the City Council in February 2019 and to also request from councillors any questions or issues that you would like the task force to address so we can move forward in a transparent and beneficial manner.

The WSTF was formed in the Spring of 2018, at the request of the Mayor, by the Recycling and Energy Office. Our objective was to explore alternatives to address market changes in solid waste and recycling and make recommendations based on our findings. Task Force Members include City Councilors; Barry Connell and Afroz Khan. Additional members include residents from various sectors of the community, as well as, local and regional waste and recycling experts including the DEP's District Coordinator, Sharon Byrne Kishida.

The WSTF provided a series of recommendations that resulted in *Draft Ordinance 35* dated May 28, 2019. Since the ordinance did not move forward from the last term, we are convening monthly to review findings and address questions raised during the public process and hearing last July. While that process provided an opportunity for the public, we believe we have not had a chance to hear from the City Council themselves including any of the new council members.

We are requesting that the City Council forward any questions or concerns they have about waste reduction in Newburyport to us as we convene over the next few months. This will help us in evaluating what are the best options for our city given the continued turmoil and uncertainties in the waste and recycling markets. If you do have any thoughts or questions, please send them to me at mettenborough@cityofnewburyport.com by March 9.

Thank you and we look forward to hearing from you.