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Minutes of the Newburyport Parks Commission February 17, 2022

Zoom Recording:

https://us02web.zoom.us/rec/share/W7K_JO80of3VDo77Ma34jL5f57Au4c9TpNrbGjg9r5fJU-x9YvjH96wmrTQfh3pg.yobopjTMQEpxXsKC?startTime=1645138714000

Call to order: 6:02 p.m.

A quorum was present

In attendance: Ted Boretti, Matthew Ellsworth, Charles Griffin, Paul Swindlehurst

Also in attendance: Michael Hennessey, Lisë Reid (see attached attendee list)

ELECTION OF PARKS COMMISSION CHAIR

Motion to nominate Ted Boretti as Parks Commission Chair Pro Tempore by Commissioner Swindlehurst, seconded by Commissioner Griffin. So voted on roll call vote, 4 yes.

MOTION REGARDING AGENDA

Motion to take the agenda out of order by Commissioner Ellsworth, seconded by Commissioner Griffin. So voted on roll call vote, 4 yes.

NEW BUSINESS

Permit request, Girl Scout Cookie Sales at Inn St Playground

Motion to approve permit for Girl Scout Cookie Sales by Commissioner Griffin, seconded by Commissioner Ellsworth. So voted on roll call vote, 4 yes.

New trees at Osprey Sculpture on Clipper City Rail Trail 2 (CCRT2), Make a Wish Foundation grant

Parks Manager Hennessey presented his plan to plant three clusters of three crab trees each behind existing benches along the Clipper City Rail Trail 2 between the Coast Guard Station and American Yacht Club. The trees are being donated by the Make a Wish Foundation.

Motion to allow planting of trees to proceed under the supervision of the Parks Department by Commissioner Ellsworth, seconded by Commissioner Griffin. So voted on roll call vote, 4 yes.

MINCO Newburyport Crossing Development Interface with Clipper City Rail Trail 1

Robert Uhlig presented landscape plans for an interface between the Clipper City Rail Trail 1 and the proposed Newburyport Crossing development. Mr. Uhlig explained that he and the developer have coordinated with City Planning and Parks Departments to remove the overgrown and invasive vegetative buffer between the public and private property and replant with 100 new trees and other plantings. Mr. Uhlig presented illustrations of MINCO's plans that

address the Planning Board's request to make the connection between the two properties more visible and welcoming to make it clear that the retail space on the north end of the site and other pedestrian connections are open to the public.

Commissioner Swindlehurst asked about pathway connections between the rail trail and the Route 1 pedestrian crossing at Hill Street.

Mr. Uhlig answered that they plan a continuous, 8-foot-wide, accessible pathway from the rail trail to the Route 1 crossing at Hill Street; he says they have created two other public courtyard seating spaces: one close to the Hill Street connection; another along the same pathway closer to the rail trail.

Mr. Uhlig stated that plantings carry the whole way down to Parker Street, and across the trail from the southern pedestrian connection and that overall the developer has agreed to maintain physical amenities, i.e. paving, seating elements that enter in to the Clipper City Rail Trail property as well as all plantings that have been planted as part of the project and the existing Alchemical Garden; the Parks Department will maintain the mown buffer.

Mr. Uhlig stated that the developer will regrade an area to the north of the Alchemical Garden to eliminate the swale and level the grade for the City to install play or fitness equipment in future should it wish to do so. Some existing trees as identified by the City at the edge of the parking lot will be preserved.

Commissioner Griffin spoke in favor of the plan and suggested public restrooms at the site would be desirable, even if they had to be funded by the City, though conceded that might not be possible.

Commissioner Boretti asked Mr. Uhlig to confirm that the extent of planting reaches from the parking lot south to Parker Street and if existing trees are being maintained. Mr. Uhlig confirmed both in the affirmative.

Mr. Uhlig stated that the north commercial building program is unknown but that it is intended to house a commercial business open to the public.

Commissioner Swindlehurst asked if the Parks Department supported the project. Both Director Reid and Mike Hennessey spoke in favor of the plan.

Commissioner Swindlehurst asked if irrigation is included in the plan. Mr. Uhlig said the site will be fully irrigated but is not sure if irrigation extends to City property. Director Reid asked if the contractor would be responsible for watering all plantings through establishment; Mr. Uhlig assumed they would.

Commissioner Ellsworth supported the plan.

Motion to approve "plans as presented by Bob Uhlig under the condition that answers that were given to questions asked by commissioners remain part of the plan" by Commissioner Swindlehurst, seconded by Commissioner Ellsworth. So voted on roll call vote, 4 yes.

Murals on CCRT2 Fence Near Harrison St. (Paula Estey)

Paula Estey presented a proposal to hang community art project murals on the fence along the CCRT behind Harrison Street. Commissioner Griffin spoke in favor of the project in general but expressed concern about setting a precedent for similar projects that would result in piecemeal

presentation that disturbs the “austere” and “brutalist” quality of the fence walls, but also stated that the temporary nature of installation was a positive. Commissioner Ellsworth spoke in favor of brightening up the corridor. Commissioner Boretti commented about a general policy about donated artwork.

Motion to “accept the proposal presented by the PEG center as presented tonight with conditions identified during the course of the discussion to be installed this spring to remain for a period not to exceed 12 months at which point the installation would be revisited with the PEG Center by Commissioner Swindlehurst, seconded by Commissioner Ellsworth. So voted on roll call vote, 4 yes.

Amend License Agreement for Rail Trail Access to 30 Winter Street (Eric Primack)

Motion to “allow a surety bond be made under the conditions outlined in the agreement” by Commissioner Swindlehurst, seconded by Commissioner Ellsworth. So voted on roll call vote, 4 yes.

Landscape Plan on Public Property Abutting 30 Winter Street (Eric Primack)

Mr. Primack presented his landscape plan for private and abutting public property which is located on the Clipper City Rail Trail (CCRT) 1 corridor. He asked to include a fence in his plan.

Commissioner Swindlehurst asked about what city department is responsible for enforcing regulations related to private encroachment on public property.

Mr. Vining offered some context saying that there are a number of places along entire Clipper City Rail Trail corridor where lines are blurred in terms of private encroachment on public property. In the section in question, fee is still owned by the MBTA; the City has a 99-year lease. The MBTA reserves the right to remove people’s walls or fences. For many years they have been fine with those fences being there, but property owners do that at their own risk. There are no “squatters rights.” The MBTA is informally allowing landowners to do this but that doesn’t mean you have the right. If there are areas where encroachment is problematic it would be handled by the Mayor’s office, Planning office and/or the City’s legal solicitor.

Director Reid asked Mr. Vining if the Parks Commission even has the right to give permission for these planting on CCRT1. Mr. Vining said that historically the MBTA has not been interested in the details and doesn’t see any need to go to them to make these sort of changes; he suggests the Parks Commission is fine in making changes along those lines.

Commissioner Swindlehurst asked if there is a precedent on other parts of the CCRT that allowed a private landowner 1,000 square feet or more of public land that they use for their private use.

Mr. Vining confirms there are some other instances where there are small areas that were deemed not significant to the public space and that the city did not particularly want to take care of where private owners were allowed to maintain existing fences or walls for their private use.

Mr. Vining asserted that removal of these private structures would be a political issue, not a legal one because property owners do not have a legal right to be there.

Commissioner Ellsworth noted that there appear to be not just fences, but built structures on some of the neighbor's land.

Commissioner Griffin spoke against this proposal suggesting that we not give permission to erect a fence anywhere but on the property line and that other fences on public property should be removed, saying the area would be more attractive if it were wider. He disagreed with the notion that we would have an extensive public area cut off from public view and used as private back yards.

Mr. Vining talked about the difficulties the City had in reclaiming the corridor behind Harrison Street to make the connection from Water Street to Purchase Street.

Commissioner Swindlehurst asked if the Ward 1 Councilor would like to speak. Councilor Heather Shand suggested that she has not heard anyone complain about the CCRT 1 section and that it was not an appropriate time to wade into a political discussion on property rights.

Director Reid asked Parks Manager Hennessey to comment on the planting plan. He confirmed general approval of the plan but would like to have some say in plant choices.

Director Reid suggested that commissioners might simply not take action on this item.

Commissioner Griffin approved of the planting plan but not the fence.

Motion to “approve the landscaping plan without the fence with input from Parks Manager Hennessey and Parks Department in terms of quantity, size and species of plantings” by Commissioner Ellsworth, seconded by Commissioner Griffin. So voted on roll call vote, 4 yes.

Planting plan for CCRT1 near Washington Street gateway (Friends of Newburyport Trees)
Stephanie Pellegrini and Crispin Miller of Friends of Newburyport Trees (FoNT) presented Phase I of their plan to install a sculpture and plantings to the CCRT between Washington Street and the High Street overpass. Plantings and installation would be paid for by FoNT. Phases II and III would install more plantings closer to the High Street overpass and on top of the abutment wall that runs the length of the section in question. Parks Manager Hennessey confirmed his approval of planting plan.

Commissioner Swindlehurst asked that in future: 1. notification of abutters be the responsibility of the Parks Department rather than FoNT; and 2. the Parks Commission should be reviewing and approving much more complete plans so there are no surprises.

Motion to “accept Phase 1a to 1b of the replanting plan by FoNT on the pathway level of CCRT1 by Washington Street with oversight by the Parks Department as necessary” by Commissioner Ellsworth, seconded by Commissioner Swindlehurst. So voted on roll call vote, 4 yes.

Extension of COVID fee waiver

Motion to “immediately reinstate the fee schedule as previously approved for all groups that would be required to pay a fee” by Commissioner Swindlehurst, seconded by Commissioner Griffin. So voted on roll call vote, 4 yes.

Discussion of CPC grant applications

The commission discussed making Bartlet Mall Restoration and Lower Atkinson Improvements their highest priorities in that order. Kim Turner said that the mayor's office is advocating for ARPA funding for the Joppa Walkway and portions of the Lower Atkinson Improvement project and also offered some information about bonding for projects.

Parks Director Update

Director Reid updated commissioners on a spreadsheet summarizing actions of the commission.

MEETING MINUTES

Motion to “approve minutes of the January 20, 2022 meeting” by Commissioner Griffin, seconded by Commissioner Swindlehurst. So voted on roll call vote, 4 yes.

Motion to “adjourn” by Commissioner Griffin, seconded by Commissioner Swindlehurst. So voted on roll call vote, 3 yes (Commissioner Ellsworth absent).

Adjourned 8:36 p.m.