

CITY COUNCIL MEETING

AGENDA

**February 26, 2024 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport**

Executive Session

Zoom details for City Council Meeting:
<https://us02web.zoom.us/j/81299990548>
Or One tap mobile:
US: +19292056099,81299990548#
Or Telephone US: +1 929 205 6099
Webinar ID: 812 9999 0548

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE**
 - COMM00541_02_26_2024 Kim Turner letter including supporting documents (CS/COTW)
- 5. PUBLIC COMMENT**
- 6. MAYOR'S COMMENT**

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- 7. APPROVAL OF MINUTES**
February 12, 2024 (Approve)
- 8. COMMUNICATIONS**
 - COMM00538_02_26_2024 Plummer Spring Bridge Memo (PW&S)
 - COMM00539_02_26_2024 Merrimack Valley Regional Transit Authority Route Changes Memo &Map (PW&S)
 - COMM00540_02_26_2024 Newburyport-MBTA-Communities-Storey-Ave-Slides (P&D/COTW)
- 9. TRANSFERS**
 - TRAN00181_02_26_2024 Mayor: MYR DEI Coordinator \$25,000 to MYR DEI Initiatives \$25,000 (B&F)
 - TRAN00182_02_26_2024 DPS: Water Retained Earning \$42,000 to Water OPM Services \$42,000 (B&F)
 - TRAN00183_02_26_2024 DPS: Sewer Retained Earnings \$18,000 to Sewer OPM Services \$18,000 (B&F)
- 10. APPOINTMENTS**
 - *Confirmatory* APPT00472_02_12_2024 Cynthia Schartman 12 Market St. Newburyport Cultural Council Liaison on Public Arts Committee 3/1/2027

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA

14. ORDERS

- ORDR00540_02_26_2024 Grant Acceptance Form Defibrillator Equipment Program
- ORDR00541_02_26_2024 Gift Acceptance Exchange Club \$600
- ORDR00542_02_26_2024 Crosswalk on Turkey Hill at Hale St

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR00533 01 29 2024 NHS Statement of Interest Vote (COTW)
- ORDR00534 01 29 2024 Nock Statement of Interest Vote (COTW)
- ORDR00538 02 12 2024 Grant Acceptance Firefighter Safety Equipment \$14,100.66
- ORDR00539 02 12 2024 Grant Acceptance EMPG \$4600.00

Community Services

In Committee:

- APPT00463_02_12_2024 Andrea Weetman 183 High St. Newburyport Community Preservation Act Committee 3/15/2027
- APPT00464_02_12_2024 Kristen Donahue 16 Olive St. Newburyport Library Board of Directors 3/15/2027
- APPT00465_02_12_2024 Caroline McCarthy 4 Coombs Cir. Newburyport Library Board of Directors 3/15/2027
- APPT00467_02_12_2024 Kim Turner 27 High St. Newburyport Public Arts Committee 03/15/2025
- APPT00468_02_12_2024 Nicole Whelan 12 Lafayette St. Newburyport Public Arts Committee 3/15/2025
- APPT00469_02_12_2024 Shanna Sartori 2 Garden St. Newburyport Public Arts Committee 3/15/2025
- APPT00470_02_12_2024 Katherine Moran 9 Garden St. Newburyport Public Arts Committee 3/15/2025
- APPT00471_02_12_2024 Peter Carzasty 35 Temple St. Newburyport Public Arts Committee 3/15/2025
- APPT00473_02_12_2024 Paula Estey 3 Pine St. Newburyport Cultural Council Liaison on Public Arts Committee 3/1/2027
- COMM00525_01_08_2024 Letter from Joe Morgan re: Frog Pond Restoration Project
- ORDR00515_11_27_2023 Gift Acceptance Morrill Foundation \$110,000
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)
- ORDR00537_02_12_2024 Youth and Recreation Center Design Approval (COTW)

General Government

In Committee:

- ORDR00536 02 12 2024 Early Voting 2024
- ORDR00527_01_08_2024 Council Rules 2024

Licenses & Permits

In Committee:

- APPL00174 02 12 2024 Agave Parket Application
- APPL00175 02 12 2024 Angies Parklet Application
- APPL00176 02 12 2024 Angry Donut Parklet Application

- APPL00177 02 12 2024 Bar 25 Parklet Application
- APPL00178 02 12 2024 Brine Parklet Application
- APPL00179 02 12 2024 Carmine Parklet Application
- APPL00180 02 12 2024 Loretta Parklet Application
- APPL00181 02 12 2024 NU Kitchen Parklet Application
- APPL00182 02 12 2024 Oregano Parklet Application
- APPL00183 02 12 2024 Paddle Inn Parklet Application
- APPL00184 02 12 2024 Port Tavern Parklet Application
- APPL00185 02 12 2024 Anchor Pizza Parklet Application

Planning & Development

In Committee:

- APPT00466_02_12_2024 Larry Giunta 139 Crow Lane
Newburyport Associate Member 7/31/2027
Zoning Board of Appeals
- *Confirmatory* Dennis Morel 83 Bow Ridge Rd.
Lynn Building Inspector 2/15/2027
- APPT00474_02_12_2024 Kevin Wallace 40 Oak St.
Newburyport Fruit Street Local 3/15/2027
Re-Appointment Historic District Commission
- APPT00475_02_12_2024 Robert Currier 3 Summit Pl.
Newburyport Affordable Housing 3/15/2026
Re-Appointment Trust
- APPT00476_02_12_2024 Andrew Port 61 Water St.
Newburyport Director of Planning 3/15/2026
Re-Appointment & Development
- APPT00477_02_12_2024 Edward 8 Lucey Dr.
Noymer Newburyport Historical 3/15/2027
Commission
- COMM00529_01_29-2024 Letter from Jim McCarthy re: Request to update codified sign ordinances
- COMM00530 01 29 2024 Update Regarding Zoning Studies & Amendments (COTW)
Related to Storey Ave & “MBTA Communities”(COTW)
- COMM00534_02_12_2024 Administration Memo re: COMM00529_01_29_2024
(Jim McCarthy letter to request an update codified sign ordinances)
- COMM00535_02_12_2024 Development Agreements Documents re:
Zoning Amendment Global R3 Multi-Family
- COMM00536 02 12 2024 Update Regarding ODNC164 10 30 2023
Zoning Amendment Global R3 Multi-Family
- COMM00537 02 12 2024 Email from Stephanie Niketic re: ODN00164
- ODNC00165 02 12 2024 Zoning Ordinance to establish the
State/High Overlay District (SHOD) (COTW)

Public Works & Safety

In Committee:

- COMM00527_01_08_2024 Letter from Philip Cootey
- COMM00533_02_12_2024 Middle Street Plummer Spring Bridge - Proposed next steps
- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION:

Pursuant to MGL c. 30A s. 21 there will be an executive session for the purpose of discussing strategy with respect to City of Newburyport litigation involving zoning, personnel, roadways and land use, et al.

19. ADJOURNMENT

LATE FILE ITEMS

From: **Kimberly Turner** <KTurner@cityofnewburyport.com>
Date: Thu, Feb 22, 2024 at 2:54 PM
Subject: supplemental information for 59 Low St
To: *City Council* <CityCouncil@cityofnewburyport.com>
CC: Andrew Levine <ALevine@cityofnewburyport.com>, Sean Reardon <SReardon@cityofnewburyport.com>

Dear Council,

I am writing to provide you with some additional information prior to your March 4 CS/COTW meeting regarding 59 Low St. I have compiled a document that contains a timeline, presentations and information that has been provided to date regarding this property. The aim is to provide the Council with a singular document with a comprehensive compilation of information that can be easily accessed. I have attempted to keep this information succinct and have provided links to the City website where greater detail, if desired, may be found. We look forward to our next presentation and conversation on March 4. As you know, we are currently at 100% Design Development documents for this project. This is Phase 2 of a typical 5-phase project and we are now looking for feedback prior to moving into Phase 3, Construction Documents. This is an appropriate time hear reactions from all stakeholders so that necessary changes can be made before moving forward.

The Order before you is to authorize the Administration to proceed with Phase 3 Construction Documents. \$200,000 was allocated for full architectural design. To date, 40% of the funds have been spent to bring us to 100% Design Development. The remaining 60% of the funds will cover Construction Documents, Bidding and Construction Administration, which are the last 3 phases of the 5 phase project.

Please do not hesitate to reach out should you be interested in additional information.

Thank you,

Kim D Turner (*she/her*)
Manager of Special Projects
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[Newburyport, MA 01950](#)
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CITY OF NEWBURYPORT
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Ed Cameron, City Council President
City of Newburyport
60 Pleasant St.
Newburyport, MA 01950

February 20, 2024

Dear Councilor Cameron,

I would like to take this opportunity to provide the Council with documentation related to timeline, presentations and information that has been provided to date regarding the property at 59 Low Street. This project has a long history, and much information has been provided through numerous public meetings and working sessions. In order to make all this information easily accessible, it has been compiled into a single document. I have attempted to keep the information succinct and refer to the City website and/or previous meeting minutes and presentations where additional detail, if desired, can be found.

Timeline

January 13, 2022: Budget and Finance meeting to review ORDR300_11_08_2021 to purchase 57 Low St. from free cash amended to assign temporary use. ([minutes linked](#))

January 31, 2022: City Council unanimous approval to purchase 57 Low St. for \$220K as amended ([minutes linked](#))

February 11, 2022: Deed recorded. ([deed](#) and [plan of land](#) linked)

February 14, 2022: Property re-numbered from 57 to 59 to avoid confusion with the Armory. Post office, MAGIS and NextGen911 notified.

February, 2022: Project manager identified (MSP Turner), internal meeting with NYS, Planning, DPS and Mayor's office, concept review of site plan with Engineer and MSP ongoing.

March, 2022: Wetlands Scientist Hughes hired to flag wetlands, test pits dug by DPS, site meeting with Conservation Administrator.

March 15, 2022: Conservation Commission meeting to update members about the project and discuss process of RDA. ([minutes linked](#))

March 28, 2022: City Council presentation ([presentation linked](#)) of 'proof plan' showing that components of a new youth center, gym, parking and outdoor space could fit on the site, within the parameters of the current zoning and wetland restrictions. Discussion around need to re-flag wetlands since prior flagging was done in 2019, and is only viable for 3 years. Next steps identified: RDA with Con Com, hire an architect for Schematic Design, revise site plan as additional info becomes available with goal of 2 design options, request zoning change to

include community center use, prepare phased plan with associated costs, simultaneous review of Parks Facility location and Brown School.

March 30, 2022: General Government meeting to determine whether funds from the sale of the Kelley School could be used to pay for design for NYS at 59 Low St. remained in Committee ([minutes linked](#))

March-April, 2022: Requested proposals for Schematic Design and Cost Estimation. Per MGL, because scope below \$50K, three Architects were solicited for quotes: EGA (\$30K) ([proposal linked](#)), StudioMLA (\$32,850) and Douglas Architects (\$45K). Scope included review of historical info from the project site, including reports on environmental contaminants ([linked](#)) and review of program needs of the Department; conceptual design for the renovation of the existing structure at 59 Low St; addition of a modular gym and possible administrative space (max 1000 sf); cost estimation of the above; and a conceptual design alternative scenario that utilizes the gym/locker room/bathroom space at the Brown School both with and without associated administrative space, including associated costs.

April 6, 2022: Joint meeting between Planning Board and City Council to discuss zoning at the Business Park ([minutes linked](#)). Planning Board recommend to the City Council the adoption of the ordinance as amended (ODNC00105_02_2022): Amend the Newburyport Zoning Ordinance to address the permitted location of, and requirements for, various uses (especially within the I-1 & I-B Districts), and their associated parking requirements, titles, and descriptions, including but not limited to community center, boat sales/service/storage/rental, marine equipment sales, marine repair services, marine manufacturing, shipbuilding and repair, canvas and canvas products, seafood handling/distribution, marine retail, boat storage, marina and related. Planning & Development Committee voted to recommend to the City Council adoption of the ordinance as amended.

April 20, 2022: General Government meeting to determine whether funds from the sale of the Kelley School could be used to pay for design for NYS at 59 Low St. remained in Committee ([minutes linked](#))

April 28, 2022: Budget & Finance meeting to determine whether funds from the sale of the Kelley School could be used to pay for design for NYS at 59 Low St. Recommended amendment to source funds from free cash. ([minutes linked](#))

May 2, 2022: General Government meeting to determine whether funds from the sale of the Kelley School could be used to pay for design for NYS at 59 Low St. Recommended approval to the full council. ([minutes linked](#))

May 3, 2022: Conservation Commission opening of hearing to discuss RDA, site walk scheduled. ([minutes linked](#))

May 9, 2022: Site walk with the Conservation Commission at 59 Low St. City Council meeting: Motion to divide ODNC00105_02_14_2022 to table the amendment to the ordinance that would include Community Center as an approved use within the I-B District approved. Approval of TRAN00124_04_11_2022 RRFA Sale of Municipal Buildings \$30K to NYS Center Schematic Design. Approval of ORDR00319_02_14_2022 Kelley School Funds Order with amendment to reduce the amount of the funds from \$695,500 to \$595,500 and to add \$100,000 to a Brown School Stabilization Fund ([minutes linked](#))

May 17, 2022: Conservation Commission approval of the RDA for 59 Low St. This action set the wetland line for 3 years and allows a Notice of Intent (NOI) to follow based on the approved wetland line. ([minutes linked](#)) ([RDA linked](#))
Kickoff meeting with EGA to begin Schematic Design of 59 Low St.

June 28, 2022: Architects and MSP met with Recycling and Energy Manager Ettenborough and Planning Director Port to discuss how City's Net Zero Ordinance impacts the design of 59 Low St. Discussed options for energy efficiency. Determined that geothermal is not an effective solution, but rather to focus on possibilities for solar and/or heat pumps within the system.

June-October, 2022: Schematic Design and Cost Estimation phase.

November 1, 2022: City Council presentation of the Schematic Design: 3 options with associated cost estimates, programming needs, and budget impacts were presented. Option A estimate is \$8,072,153, Option B estimate is \$5,746,851 and Option C estimate is \$2,999,764 or \$4,749,764 with a phased-in gym. ([presentation linked](#))

November 14, 2022: Planning & Development meeting to review COMM00444_11_01_2022 Net Zero Energy Goals for NYS ([minutes linked](#))

January 12, 2023: Budget & Finance meeting to discuss ORDR00388_11_01_2022 NYS Facility Bond Order and COMM00443_11_01_2022 59 Low St FAQ remained in committee. Director Egmont presented NYS needs and numbers, including an overview of services provided, an historical registration numbers, and program needs. ([presentation linked](#)) ([minutes linked](#))

January 30, 2023: City Council meeting motion to refer TRAN00148_01_30_2023 RRFA Sale of Municipal Buildings \$200,000 to NYS Center Design Services (with EGA Design Proposal) to Budget and Finance and COTW. The allocation of funds allowed the City to submit a formal RFQ for Design Services. ([minutes linked](#))

February 2, 2023: Budget & Finance meeting to discuss ORDR00388_11_01_2022 NYS Facility Bond Order and COMM00443_11_01_2022 59 Low St FAQ remained in committee. MSP Turner presented site suitability of 59 Low St, including what criteria were used to select the site for NYS, what other sites were considered, history of environmental cleanups and current A1 rating from DEP, wetland boundary, FEMA flood zone proximity, drainage patterns and approach to stormwater management, parking and traffic. Also discussed TRAN00148_01_30_2023 RRFA Sale of Municipal Buildings \$200,000 to NYS Center Design Services. Recommended to full Council with amendment: the design shall assume a total budget of \$2,000,000. A complete project shall constitute a property that can be accessed safely by users and includes safe crossing across Low St. The Council shall receive a copy of the plans and updated cost estimate as available but no less than at 50% and 75% design. ([minutes linked](#)) ([presentation linked](#))

February 13, 2023: City Council approved, with amendment stricken, TRAN00148_01_30_2023 RRFA Sale of Municipal Buildings \$200,000 to NYS Center Design Services (with EGA Design Proposal) which allowed the City to post an RFQ for design work to advance the Schematic Design through Design Development, Construction Documents, Bidding Assistance and Construction Administration. ([minutes linked](#))

February 16, 2023: Budget & Finance meeting to discuss ORDR00388_11_2022 NYS Facility Bond Order and COMM00443_11_01_2022 59 Low St FAQ. Recommend to receive and file

- while costs and funding needs are reviewed further during the design process. Finance Director Manning presented known and potential funding sources, bonding capacity, and potential impact of the project on budget and taxes. ([minutes linked](#)) ([presentation linked](#))
- February 27, 2023: City Council meeting motion to receive and file COMM443_11_01 59 Low St FAQ and ORDR00388_11_2022 NYS Facility Bond Order approved ([minutes linked](#))
- March 2, 2023: RFQ for Architectural services including Design Development, Cost Estimation, Construction Documentation, Bidding and Construction Administration posted and advertised in compliance with MGL. ([RFQ linked](#))
- March 7, 2023: Pre-bid walk-through of site for bidding Architects.
- March 22, 2023: Bids due for RFQ.
- March 24, 2023: Design Selection Board (DSB) comprised of MSP Turner, NYS Director Egmont, Associate Director of Youth Programs Gordon, Recreation and Enrichment Director Pauline, Assistant Engineer Federico, Zoning Enforcement Officer Blanchet, and COS Levine met to review the qualifications of the applicants and narrowed the number of candidates to 3: EGA, StudioMLA and SHED.
- March 31, 2023: Fee proposals were requested from the 3 finalists.
- April 12, 2023: DSB met to review the fee proposals and selected EGA (\$200,000) for having both the lowest bid and high qualifications ([proposal linked](#)).
- April 13, 2023: Notice of Award submitted.
- May 1, 2023: Contract signed.
- May-December, 2023: Design Development phase. Ongoing meetings with Architectural team. Individual meetings with Recycling and Energy Manager Ettenborough, Building Inspector Earls, Energy Advisory Committee members, IT Director Pope, DPS Director Amaral, MassSave, and Design Review Committee comprised of NYS Director Egmont, Zoning Enforcement Officer Blanchet, COS Levine, Associate Director of Youth Programs Gordon, Recreation and Enrichment Director Pauline, Facilities Manager Bartlett, NCOD Chair Farrell, parent and resident MacDonald, Assistant Engineer Gagnon, ADA Coordinator Morel, parent and contractor Lively to seek input and adjust the design based on feedback obtained.
- October 3, 2023: Community Services initial meeting to discuss ORDR00497 Administrative order for the Establishment of a Recreation and Youth Services Department ([minutes linked](#))
- October 11, 2023: Public hearing to discuss ORDR00497 Administrative order for the Establishment of a Recreation and Youth Services Department ([presentation linked](#))
- October 24, 2023: Community Services meeting to discuss ORDR00497 Administrative order for the Establishment of a Recreation and Youth Services Department. Recommended approval to the full Council. ([minutes linked](#))
- October 30, 2023: City Council meeting to approve ORDR00497 Administrative order for the Establishment of a Recreation and Youth Services Department. Unanimous approval. ([minutes linked](#))
- January 18, 2024: Community presentation to present the Design Development set, answer questions about the design and seek input to adjust the design based on feedback obtained. ([presentation linked](#)) ([3D walkthrough linked](#))

January 29, 2024: City Council meeting to discuss COMM00528_01_29_2024 Design & Cost Estimates Youth & Recreation Center. CC votes to receive and file with a request to resubmit as an order ([minutes linked](#))

February 12, 2024: City Council meeting to discuss ORDR00537_02_12_2024 Youth and Recreation Center Design Approval referred to Community Services and COTW ([minutes linked](#))

Additional Information

Site

In November 2021, a Site Selection Committee (SSC) was assembled to review various sites around the City where Youth Services might be located. The Committee identified 12 sites including the Brown School, Colby Farm Lane, Fulton Pit, Cushing Park, Bresnahan, etc. and identified a series of criteria by which the sites would be scored. These criteria included space indoors and out, parking, potential for growth, centralized location, cost, zoning concerns, environmental impact, etc. After a full review, the SSC identified four top choices: Cushing Park, the former Enpro site, Fulton Pit and 59 Low Street. The SSC ranked 59 Low Street among the highest because it would constitute a renovation project vs a new construction project, equating to a lower cost, and it was centrally located immediately across the street from the Nock-Molin Schools. However, the space was currently being used by the former Parks Department, who would need to find an alternative location for operations. ([report linked](#))

The site currently has an A1 rating from the Department of Environmental Protection (DEP) meaning the soil remediation that has occurred at the site has brought it back to 'background levels' that are consistent with sites immediately adjacent to 59 Low St, including the Nock-Molin Schools. The permitted activities that have occurred at the site include removal of an underground tank in 1986, soil remediation around the tank, and installation of a new tank. That second tank was then removed in 1995 and a second round of remediation occurred. In 1992, crushed stone containing PAH's was installed for use as parking at 59 Low Street. Between 1995-1998 a third round of remediation of the combined contaminants occurred. The DEP then designated the site with an A1 rating. ([report linked](#))

The wetlands at 59 Low Street were re-flagged in spring 2022 because the prior flags were 3 years old and were no longer valid for permitting. New flagging by Wetlands Scientist Hughes was completed based on soil samples and presence of vegetation using a scientific method. A Request for Determination of Applicability (RDA) was filed with the Conservation Commission, and a Negative RDA was issued, approving the wetland boundaries as delineated, after a site walk and public meeting. This Determination is valid for three years, during which time any project proposed on the site may utilize the approved delineation. ([RDA linked](#))

In October 2021, as part of a Phase II ESA conducted by Credere Associates, LLC, eight soil borings were drilled during the environmental assessment on the easterly end of the site between the building and Low St. These borings were drilled to refusal on bedrock which ranged from 10-14.5' below ground surface. One boring was terminated at 15' below surface and consisted of no refusal. Samples were consistently wet around 5' below surface and consisted of sand with bands of clay and some silt and fine gravel. ([presentation linked](#)) To supplement these findings, the City dug two test pits in March of 2022: one approximately 10' off the west side of the existing building and the other to the south of the property just beyond the paved area. Soils were consistent with the prior report: a clay layer was uncovered approximately 2' below surface. Therefore, due to the presence of clay soil and groundwater elevation, a surface treatment detention pond was recommended for stormwater management to treat

the water before discharge into wetlands. Runoff was modeled using HydroCAD software to determine an appropriate size for said detention pond which is shown on the Schematic and Design Development site plans.

The FEMA 100-year flood zone plus 6' SLR does not come near to this site. The nearest floodplain is at a stream along Parker street at flood elevation 10, 88NAVD. The elevation of the 59 Low Street lot is typically above 20, meaning there is no floodplain risk. There is currently no existing stormwater management on this site. Stormwater management is included with the current site design, which will mitigate any localized stormwater based flooding which generally would occur behind the existing fence away from the building.

Traffic and Pedestrian Safety

The current site plan shows 23 parking spaces, which satisfies the current zoning of 1 space per 500 sf of GFA. Two of the 23 spaces are designated as handicapped accessible, in close proximity and accessible to the front door, with a designated loading area.

Since most attendees of the Recreation Center are children, a decision was made during the Schematic Design phase to accommodate two curb cuts at the property, with a one-way vehicular circulation pattern that would allow parents to drop off children and exit back onto Low St. Morning programs are currently limited to 12 families, and would be easily accommodated by the 23 parking spaces. After school programs primarily consist of children walking or biking to the facility (no parking needed for these attendees), and parent pickup, which would be staggered, would be accommodated by the driveway loop. After hours events, if drawing more than 23 vehicles, could utilize shared parking with the Nock-Molin School parking lot across the street.

The current cost estimate for sidewalk and safe pedestrian crossing at 59 Low St is \$243,000. This includes design and construction of an accessible sidewalk to access the facility from the Nock-Molin School across the street, as well as some drainage work. The sidewalk would run across the frontage of 59 Low St to the front door of the facility. The estimate also includes installation of an overhead mast arm mounted Rapid Flashing Beacon (RFB) at a designated crosswalk across Low Street between the facility and the Nock-Molin School.

Energy Efficiency and Net Zero

In late 2021, the City of Newburyport adopted ODNC 00111_05_09_2022 to define its Net Zero Energy Goals as they relate to Municipal Facility Design. While the Ordinance does not explicitly require new or renovated facilities to meet an absolute net zero threshold on usage, it does require that any gap in on-site generation be pulled from the electric grid. It also requires generation of a report quantifying the gap between on-site generation and usage. The report must be submitted and reviewed by the Mayor and Council in relation to funding for, and construction of, the project. The ordinance also requires that the City's municipal facilities consume the minimum amount of energy and results in minimal emissions of greenhouse gasses associated with such energy usage.

As such, the following elements are included in the design of this project in order to reduce energy usage and reduce greenhouse gas emissions:

- Triple pane windows;
- Fixed windows to reduce air infiltration;
- Minimal exterior openings to reduce air infiltration;

- Spray foam insulation throughout to minimize air infiltration through walls and roof;
- Additional exterior insulation to exterior walls and roof at new addition and gym;
- Under slab insulation at new addition and gym;
- No natural gas;
- All electric mechanical systems including high efficiency electric heat pumps;
- Heat recovery ventilation system to recapture heat from ventilation air;
- Occupancy sensors on lighting;
- Heat pump domestic hot water heater;
- Insulated domestic water piping;
- Variable frequency drives on motors to reduce energy consumption;
- Building prepped for future installation of solar panels; and
- All LED lighting.

The City is currently working with MassSave, through its Commercial New Construction & Major Renovation Program, to take advantage of both technical assistance and financial incentives through its Path 3: High Performance Buildings category. The City has received technical assistance review of our Design Development documents in order to help identify energy and electrification opportunities, create an energy savings report and customize incentives. Their suggestions have been incorporated into the design. Custom incentives may include partial reimbursements on electricity usage as well as funding for heat pumps. Incentives will be pre-approved during the 100% Construction Documentation phase, when the City will be able to apply for commitment.

Program Needs

Newburyport Recreation and Youth Services currently provides recreation and enrichment programs for children and families; hosts community events; provides Youth Center memberships, programs, trips and clubs for middle school and high school students; and provides supports for positive youth development, social work and substance abuse prevention through community and regional partnerships. In order to provide these services, the Department requires space for children and families to congregate as well as for their administrative staff to operate. Since the closing of the Brown School in 2021, the Department has utilized multiple satellite spaces to continue to function, which has created adverse impacts on the services the Department has been able to provide.

During 2022, the Department accommodated 5,137 activity registrations, 207 membership registrations and ran 531 activities. These registrations were overwhelmingly from residents of Newburyport, which make up just under 90% of users. There are currently 145 active memberships to the Youth Center. In 2022, the Department generated \$655,750 in revenue from registration and activity fees.

During a typical day, the Department has a need for classroom space, gym space, and administrative office space. The needs are spread across morning hours (play groups, early literacy, art and music classes, open gym, movement, etc.) for toddlers; afternoon hours (clubs, Youth Council, enrichment classes, pickup sports, club sports, private rentals, etc.) for middle and high schoolers; and evening hours (certificate courses, community meetings, NBBA/NGBA rentals, men's basketball, parent speaker series, community events, etc.) for students and adults, during all times of the year.

Design

This project includes renovation of the existing former Emergency Management building at 59 Low Street, plus the addition of a 1-story lobby/toilet/reception area and modular gym. The total square

footage of the new facility is 11,166 sf broken into 5,920 sf existing building, 1,181 sf lobby addition, and 4,065 sf modular gym. In addition, the project will utilize existing attic space to create 1,440 sf of storage and mechanicals which will be accessed from a stairway near the administrative offices.

The structure will be fully sprinkled and contain a fire alarm system. There are 5 women’s toilets (1 ADA) and 4 men’s toilets (1 ADA and 1 urinal), plus one gender-neutral, family restroom with a changing station. There are sinks located in the restrooms, Early Ed space as well as the Art Room, which has separate sinks for food prep and art activities. The Art Room also contains a range and countertop space. There is a water bottle refill station in the Lobby. There are 5 offices to accommodate all staff, with flexibility to utilize the Quiet Study as a cross-over conference room. Storage will be provided at the Gym, Early Ed, Art Room and Teen Hangout, with additional storage available in the attic. In addition, there will be cubbies for student use in the corridor to the Teen Hangout and within the Early Ed space. The Teen Hangout will also contain a pull-down screen for presentations and movies, as well as a game area and ample, movable seating. All areas are fully accessible with appropriate fixtures and highly flexible to accommodate a variety of programs and uses. The occupancy of the facility is 532, including 252 within the gym.

The program spaces within the building consist of the following:

- Enclosed Entry Vestibule:..... 129 sf
- Lobby including snack area:..... 551 sf
- Reception/Concession desk:..... 72 sf
- Toilets including family/staff toilet:..... 599 sf
- Early Ed space:..... 688 sf
- Corridors and Stair to upper storage/mechanicals:..... 598 sf
- Offices:..... 487 sf
- Multi-purpose Room:..... 272 sf
- Art Room:..... 835 sf
- Quiet Study:..... 399 sf
- Teen Hangout:..... 1,702 sf
- Gym:..... 4,065 sf

The outdoor area will include a separate, fully fenced-in play space for the Early Ed users along the north of the property, with access from the Early Ed space. It will also include a half-sport court and patio, as well as an open lawn area.

Budget

Several design decisions were made with an eye to reducing costs for this project. These include the following:

- Maximizing the use of the existing building, including adding a partial second level for storage and mechanical systems;
- Minimizing modifications to the existing exterior façade and re-using as many existing window locations and door openings as possible;
- Minimizing trenching of the existing slab: this is why public toilets were installed in a new addition;
- Re-using existing CMU walls in the building to minimize demolition costs;
- Minimizing the footprint of new additions;
- Minimizing corridors to maximize available space;

- Designing spaces so they are flexible and can be used for multiple purposes;
- Using simple, geometric forms and gypsum wall board with paint;
- Installing electrical service and domestic hot water at the front of the building to minimize service piping and wiring; and
- Using modular construction for the gym to minimize on-site construction costs: this is a highly efficient system for spaces with large spans such as a gym.

Per their contract, EGA subcontracted PM&C cost estimators to provide pricing for their Design Development Set. The estimates came in at \$6.9M, which the Architects felt was conservatively high. EGA then asked for a second opinion from a contractor who had experience with these types of projects, in order to provide their client (the City) with additional information. The second estimate came in at \$6.2M. This was not issued as an IFB, meaning the project will still require a formal IFB once Construction Documents are completed. Design Development sets are a mid-set of a design, meaning there are still refinements that are made before the Construction Document phase begins.

The project's primary funding would come from a General Fund borrowing authorized by M.G.L. c. 44, §7(1), repaid annually with interest over a term not exceeding 30 years. Estimated annual debt service on a \$6.0 million bond would be \$345,000 per year based on a AAA rating and 4.0% interest rate. Debt service would be funded within the existing levy limit and incorporated into the annual budget for the City following the issuance of bonds and/or notes. Additionally, there is a remaining balance of \$393,500 from the 2016 sale of the former Kelley School, available for appropriation to the project, along with \$25,000 earmarked in the FY2024 state budget for furnishings and equipment at the proposed facility. Other potential funding sources include grants, private donations, facility fees, funds from the American Rescue Plan, adoption of new or increased local option taxes, and funds received from opioid settlement agreements.

Carrying Costs and Maintenance:

Based on the usage per square foot at the Senior/Community Center (\$1.68/sf per year for 15.5K sf), the proposed Rec Facility (+/-11K sf) would cost approximately \$18K/year for heating, cooling and electricity. The building size and parking area of this new project are roughly equivalent to the portions of the Brown School that were utilized for NYS. As such, it is reasonable to assume the current manpower at DPS could handle this new project under their current staffing capacities.

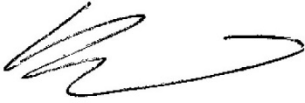
Moving Parks Division to Perry Way

The Parks Division will move to Perry Way, where an office space for the Parks Manager, a staff breakroom and locker room, and a heated workshop already exists. A new exterior work storage area will need to be constructed to protect existing parks equipment that is currently housed at 59 Low Street. The costs to create the additional storage space will be as follows:

1. 2 40' storage containers with easy access doors:	\$25,000
2. 1-40' standard storage container	\$ 9,000
3. Storage container roof	\$50,000
4. Electrical hookups	\$ 8,500
5. Site work	\$ 4,500
6. 10% contingency	\$ 9,700
TOTAL	\$ 106,700

We look forward to continuing this conversation with the Council and the Community at the next Community Services meeting on March 4. In the meantime, please do not hesitate to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kim Turner', with a stylized, cursive script.

Kim Turner, Manager of Special Projects

DESIGN DEVELOPMENT COST ESTIMATES

12/5/2023

PM&C

SOUTH COAST

Item	Amount	Amount
SITE WORK	\$ 774,118.00	\$ 666,488.00
Site prep and demolition	\$ 221,659.00	\$ 164,667.00
Site improvements	\$ 322,984.00	\$ 501,821.00
Civil mechanical utilities	\$ 97,075.00	\$ -
Electrical utilities	\$ 132,400.00	\$ -
REMOVE HAZARDOUS MATERIALS (Credere Assoc 2021 costs escalated)	\$ 127,920.00	\$ 144,517.00
BUILDING CONSTRUCTION: RENOVATION, NEW CONSTRUCTION, GYM	\$ 4,353,655.00	\$ 4,123,809.00
Foundations	\$ 257,522.00	\$ 276,109.00
Superstructure	\$ 75,999.00	\$ 359,197.00
Exterior closure	\$ 392,015.00	\$ 514,284.00
Roofing	\$ 118,684.00	\$ 115,317.00
Interior construction	\$ 612,266.00	\$ 932,604.00
Interior finishes	\$ 405,016.00	\$ 483,239.00
Plumbing	\$ 249,013.00	\$ 205,717.00
HVAC	\$ 762,485.00	\$ 593,717.00
Fire protection	\$ 109,301.00	\$ 101,217.00
Electrical	\$ 553,169.00	\$ 371,324.00
Equipment	\$ 59,000.00	\$ 19,073.00
Furnishings	\$ 171,935.00	\$ 57,517.00
Special construction	\$ 587,250.00	\$ 94,494.00
Hazmat removals	\$ -	\$ -
PROJECT COSTS	\$ 1,714,745.00	\$ 1,294,412.00
Design & pricing contingency	\$ 136,648.00	\$ 370,561.00
Escalation (July 2024 start)	\$ 131,392.00	\$ -
General conditions	\$ 788,354.00	\$ 425,628.00
Bonds	\$ 63,121.00	NIC
Insurance	\$ 78,901.00	\$ 110,224.00
Permit	NIC	\$ 50,713.00
Overhead & fee	\$ 516,329.00	\$ 337,286.00
OPM	\$ 348,521.90	\$ 311,461.30
SUBTOTAL	\$ 7,318,959.90	\$ 6,540,687.30
PEDESTRIAN SAFETY & INFRASTRUCTURE	\$ 243,000.00	\$ 243,000.00
Design & survey	\$ 48,000.00	\$ 48,000.00
Sidewalk construction	\$ 85,000.00	\$ 85,000.00
Drainage	\$ 25,000.00	\$ 25,000.00
RFB installation overhead arm	\$ 85,000.00	\$ 85,000.00
MOVE PARKS DIVISION TO PERRY WAY	\$ 106,700.00	\$ 106,700.00
TOTAL	\$ 7,668,659.90	\$ 6,890,387.30

DESIGN DEVELOPMENT COST ESTIMATES
12/5/2023

PM&C

Item	Amount
RENOVATION	\$ 2,255,568.00
Foundations	\$ 4,000.00
Superstructure	\$ 39,600.00
Exterior closure	\$ 241,125.00
Roofing	\$ 43,637.00
Interior construction	\$ 441,530.00
Staircases	\$ 21,500.00
Interior finishes	\$ 208,919.00
Plumbing	\$ 112,304.00
HVAC	\$ 423,876.00
Fire protection	\$ 70,400.00
Electrical	\$ 329,296.00
Equipment	\$ 15,000.00
Furnishings	\$ 168,117.00
Special construction	\$ -
Selective building demolition	\$ 136,264.00
SITE WORK	\$ 637,854.00
Site prep and demolition	\$ 85,395.00
Site improvements	\$ 322,984.00
Civil mechanical utilities	\$ 97,075.00
Electrical utilities	\$ 132,400.00
REMOVE HAZARDOUS MATERIALS (Credeire Assoc 2021 costs escalated)	\$ 127,920.00
NEW OFFICE AND MECHANICAL ADDITIONS	\$ 864,699.00
Foundations	\$ 66,261.00
Superstructure	\$ 36,399.00
Exterior closure	\$ 150,890.00
Roofing	\$ 75,047.00
Interior construction	\$ 126,000.00
Interior finishes	\$ 86,487.00
Plumbing	\$ 94,184.00
HVAC	\$ 105,334.00
Fire protection	\$ 13,588.00
Electrical	\$ 99,691.00
Equipment	\$ 7,000.00
Furnishings	\$ 3,818.00
Special construction	\$ -
Hazmat removals	\$ -
GYM	\$ 1,369,652.00
Foundations	\$ 187,261.00
Interior construction	\$ 23,236.00
Interior finishes	\$ 109,610.00
Plumbing	\$ 42,525.00
HVAC	\$ 233,275.00
Fire protection	\$ 25,313.00
Electrical	\$ 124,182.00
Equipment	\$ 37,000.00
Furnishings	\$ -
Special construction	\$ 587,250.00
Hazmat removals	\$ -
PROJECT COSTS	\$ 1,714,745.00
Design & pricing contingency	\$ 136,648.00
Escalation (July 2024 start)	\$ 131,392.00
General conditions	\$ 788,354.00
Bonds	\$ 63,121.00
Insurance	\$ 78,901.00
Permit	NIC
Overhead & fee	\$ 516,329.00
TOTAL	\$ 6,970,438.00

CONSENT AGENDA

CITY COUNCIL MEETING

MINUTES

February 12, 2024 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport

Zoom details for City Council Meeting:
<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

1. **MOMENT OF SILENCE** Remembering Deb Knight.
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER** 7:00pm the City Clerk called the roll; the following City Councillors answered present: Khan (remote), Lane (remote), McCauley, Preston, Shand, Wright, Zeid, Donahue, Granas, Harman, and Cameron. 11 present.
4. **LATE FILE**
 - APPT00478_02_12_2024 Edward 8 Lucey Dr. Historical 3/15/2027 P&D
Noymer Newburyport Commission
 - COMM00536_02_12_2024 Update Regarding ODNC164_10_30_2023
Zoning Amendment Global R3 Multi-Family
 - COMM00537_02_12_2024 Email from Stephanie Niketic re: ODN00164
 - ODNC00165_02_12_2024 A Zoning Ordinance to establish the State/High Overlay District (SHOD)Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.
5. **PUBLIC COMMENT**

David DeRosa 6 Arthur Welch Dr.
Stephanie Niketic 93 High St.
Novak Niketic 93 High St.
Jennifer Day 91 High St.
Rick Taintor 10 Dexter St.
6. **MAYOR'S COMMENT**

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

7. **APPROVAL OF MINUTES**

January 29, 2024 (Approve)
8. **COMMUNICATIONS**
 - COMM00534_02_12_2024 Administration Memo re: COMM00529_01_29_2024 (P&D)
(Jim McCarthy letter to request an update codified sign ordinances)
 - APPL00174_02_12_2024 Agave Parklet Application (L&P)
 - APPL00175_02_12_2024 Angies Parklet Application (L&P)
 - APPL00176_02_12_2024 Angry Donut Parklet Application (L&P)
 - APPL00177_02_12_2024 Bar 25 Parklet Application (L&P)
 - APPL00178_02_12_2024 Brine Parklet Application (L&P)
 - APPL00179_02_12_2024 Carmine Parklet Application (L&P)
 - APPL00180_02_12_2024 Loretta Parklet Application (L&P)

- APPL00181_02_12_2024 NU Kitchen Parklet Application (L&P)
- APPL00182_02_12_2024 Oregano Parklet Application (L&P)
- APPL00183_02_12_2024 Paddle Inn Parklet Application (L&P)
- APPL00184_02_12_2024 Port Tavern Parklet Application (L&P)
- APPL00185_02_12_2024 Anchor Pizza Parklet Application (L&P)

9. TRANSFERS

10. APPOINTMENTS

- APPT00463_02_12_2024 Andrea Weetman 183 High St. Newburyport Community Preservation Act Committee 3/15/2027 CS
- APPT00464_02_12_2024 Kristen Donahue 16 Olive St. Newburyport Library Board of Directors 3/15/2027 CS
- APPT00465_02_12_2024 Caroline McCarthy 4 Coombs Cir. Newburyport Library Board of Directors 3/15/2027 CS
- APPT00466_02_12_2024 Larry Giunta 139 Crow Lane Newburyport Associate Member Zoning Board of Appeals 7/31/2027 P&D
- APPT00467_02_12_2024 Kim Turner 27 High St. Newburyport Public Arts Committee 03/15/2025 CS
- APPT00468_02_12_2024 Nicole Whelan 12 Lafayette St. Newburyport Public Arts Committee 3/15/2025 CS
- APPT00469_02_12_2024 Shanna Sartori 2 Garden St. Newburyport Public Arts Committee 3/15/2025 CS
- APPT00470_02_12_2024 Katherine Moran 9 Garden St. Newburyport Public Arts Committee 3/15/2025 CS
- APPT00471_02_12_2024 Peter Carzasty 35 Temple St. Newburyport Public Arts Committee 3/15/2025 CS
- APPT00472_02_12_2024 Cynthia Schartman 12 Market St. Newburyport Cultural Council 3/1/2027
- APPT00473_02_12_2024 Paula Estey 3 Pine St. Newburyport Cultural Council Liaison on Public Arts Committee 3/1/2027 CS
- *Confirmatory* APPT00474_02_12_2024 Dennis Morel 83 Bow Ridge Rd. Lynn Building Inspector 2/15/2027 P&D
- *Re-Appointment* APPT00475_02_12_2024 Kevin Wallace 40 Oak St. Newburyport Fruit Street Local Historic District Commission 3/15/2027 P&D
- *Re-Appointment* APPT00476_02_12_2024 Robert Currier 3 Summit Pl. Newburyport Affordable Housing Trust 3/15/2026 P&D
- *Re-Appointment* APPT00477_02_12_2024 Andrew Port 61 Water St. Newburyport Director of Planning & Development 3/15/2026 P&D

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA

BUDGET & FINANCE

- COMM00531_01_29_2024 FY2024 Mid-Year Budget Report
- TRAN00177_01_29_2024 Mayor: General Fund Free Cash \$27,046 to Fire: Injured-on-Duty \$27,046 (COTW)
- TRAN00180_01_29_2024 Fire Dept.: CIP Radio Equipment \$13,000 to
Fire Maint-Buildings & Grounds \$13,000
- TRAN00178_01_29_2024 Parking: RRFA-Paid Parking Fund \$33,006 to PKG LPR System \$33,006
- TRAN00179_01_29_2024 DPS: General Fund Free Cash \$43,300 to
Roadway & Sidewalk Improvements \$43,300
- ORDR00532_01_29_2024 Gift Acceptance \$10,012 Newburyport Black History Initiative

GENERAL GOVERNMENT

- ORDR00528_01_08_2024 Local Acceptance of G.L. 41 s.110A
- APPT00462_01_29_2024 Murphy Hesse Toomey & Lehane City Solicitor 1/31/2025
50 Braintree Hill Office Park Suite 410
Braintree, MA 02184

LICENSES & PERMITS

- APPL00169_01_08_2024 5K & 13.1 YuKan Sports 6/9/24, 7/21/24, 9/29/24 Riverwalk Brewing
- APPL00173_01_29_2024 Plum Autoworks 2nd Hand Motor Vehicle License

PLANNING & DEVELOPMENT

- ODNC00164_10_30_2023 Zoning-Amendment-Global-R3-Multi-Family (COTW)

PUBLIC WORKS & WORKS

- COMM00532_01_29_2024 Email from Councillor Zeid re Phillips Dr.

END OF CONSENT AGENDA

APPT00466_02_12_2024 Removed from the Consent Agenda at the request of Councillor McCauley.
Motion to approve the Consent Agenda as amended and to receive and file the Mayor’s update by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

- APPT00466_02_12_2024 Larry Giunta 139 Crow Lane Associate Member 7/31/2027
Newburyport Zoning Board of Appeals

Councillor McCauley recused. Motion to refer to P&D by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 10 yes, 1 recused (McCauley), motion passes.

- APPT00478_02_12_2024 Edward 8 Lucey Dr. Historical 3/15/2027
Noymer Newburyport Commission

Motion to refer to P&D by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

11. COMMUNICATIONS

- COMM00533_02_12_2024 Middle Street Plummer Spring Bridge - Proposed next steps
Motion to refer to PW&S by Councillor Zeid, seconded by Councillor McCauley. Roll call vote, 11 yes, motion passes.
- COMM00535_02_12_2024 Development Agreements Documents re:
Zoning Amendment Global R3 Multi-Family

- COMM00536_02_12_2024 Update Regarding ODNC164_10_30_2023
Zoning Amendment Global R3 Multi-Family
- COMM00537_02_12_2024 Email from Stephanie Niketic re: ODN00164
Motion to collectively refer COMM00535, COMM00536, and COMM00537 to P&D by Councillor Zeid, seconded by Councillor Shand. Roll call vote, 11 yes, motion passes.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00536_02_12_2024 Early Voting 2024
Motion to refer to GG by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.
- ORDR00537_02_12_2024 Youth and Recreation Center Design Approval
Motion to refer to CS & COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.
- ORDR00538_02_12_2024 Grant Acceptance Firefighter Safety Equipment \$14,100.66
- ORDR00539_02_12_2024 Grant Acceptance EMPG \$4600.00
Motion to collectively refer ORDR00538 and ORDR00539 to B&F by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

15. ORDINANCES

- ODNC00165_02_12_2024 A Zoning Ordinance to establish the State/High Overlay District (SHOD)
Motion to refer to P&D and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- COMM00531 01 29 2024 **FY2024 Mid-Year Budget Report**
Motion to receive and file by Councillor Zeid, seconded by Councillor Wright. Roll call vote, 11 yes, motion passes.
- TRAN00177 01 29 2024 **Mayor: Gen Fund Free Cash \$27,046 to Fire: Injured-on-Duty \$27,046 COTW**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote, 9 yes, 2 no (McCauley, Donahue), motion passes.
- TRAN00180 01 29 2024 **Fire Dept.: CIP Radio Equipment \$13,000 to
Fire Maint-Buildings & Grounds \$13,000**
- TRAN00178 01 29 2024 **Parking: RRFA-Paid Parking Fund \$33,006 to PKG LPR System \$33,006**
- TRAN00179 01 29 2024 **DPS: General Fund Free Cash \$43,300 to
Roadway & Sidewalk Improvements \$43,300**
Motion to collectively approve TRAN00180, TRAN00178, and TRAN00179 by Councillor Zeid, seconded by Councillor Wright. Roll call vote, 11 yes, motion passes.
- ORDR00532 01 29 2024 **Gift Acceptance \$10,012 Newburyport Black History Initiative**
Motion to approve by Councillor Zeid, seconded by Councillor Wright. Roll call vote, 11 yes, motion passes.
- ORDR00533_01_29_2024 NHS Statement of Interest Vote
- ORDR00534_01_29_2024 Nock Statement of Interest Vote

Community Services

In Committee:

- COMM00525_01_08_2024 Letter from Joe Morgan re: Frog Pond Restoration Project
- ORDR00515_11_27_2023 Gift Acceptance Morrill Foundation \$110,000
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)

COMMUNICATIONS

MEMORANDUM

To: City Council President Ed Cameron, Public Works and Safety Chair Jim McCauley, and Councillors
From: Mayor Sean Reardon
Date: February 26, 2024
Re: Plummer Spring Bridge Updates

The Administration is providing an update to the City Council regarding the Plummer Spring Bridge in response to the memorandum received by West Newbury Town Manager Angus Jennings. The information provided by Town Manager Jennings is very helpful and the Administration wants to provide updates that have occurred since the submission of that communication.

Members of the Administration met with Town Manager Jennings and Select Board Member Rick Parker on February 14 to discuss the current situation and next steps. The City of Newburyport is actively applying for a new Small Bridge Grant from MassDOT, and has been informed that we would be a strong candidate for such funding. The City and Town also believe that we are eligible for additional Small Bridge Grants in the FY25 cycle and plan to apply, which would further reduce the unfunded portion of the bridge.

As Town Manager Jennings outlined, the City plans to work with the Town of West Newbury to enter a new Intermunicipal Agreement (IMA) that will resolve outstanding issues in this joint project. We will need to decide which entity will be responsible for procurement, contract and construction management, financial administration and grant reporting, and other items. An agreement will also need to be reached on cost allocations and processes for how to handle cost overruns. The memo from Town Manager Jennings suggested having a City Council member assist with the IMA process because of their eventual role in approval. The Administration is open to this or any other involvement from the Council that is logistically feasible and allowable under Open Meeting Law provisions. The City is waiting for a draft from the Town of its updates to the previous IMA and will review alongside the City Solicitor when these materials are received.

The Administration's approach to this project has been to work with West Newbury to support grant applications, and to pursue any available state, federal, and other funding possible. While this bridge does not receive substantial vehicle traffic, especially from Newburyport residents, the City has an obligation to maintain its infrastructure and has a share in the responsibility for replacing this bridge. It is a business decision for the Town and City to agree on the share of local funding each municipality will be responsible for after determining how much total funding is needed. The City and Town will plan to have this be one of the terms in the Intermunicipal Agreement.

The City and Town also discussed pursuing additional funding by asking for assistance through its state and federal representatives. We will continue to pursue all available funding sources and look for ways to control costs throughout this process.

MEMORANDUM

To: City Council President Ed Cameron and Members
From: Mayor Sean Reardon
Date: February 26, 2024
Re: Proposed Changes to MeVa Routes

The Administration is updating the City Council on proposed changes to the fare-free bus routes operated by the Merrimack Valley Regional Transit Authority (MeVa). MeVa last adjusted routes on April 3, 2023, which included new names and routes for the buses. The Route 19 bus route was adjusted to serve the MBTA Commuter Rail Station and added service to the Towle Office Building while continuing to make stops at Anna Jaques Hospital, the Newburyport Senior Center, and the Market Basket at Port Plaza. The Route 20 Bus was changed from the prior inefficient and underutilized Newburyport one-way shuttle loop and instead doubled service between the Commuter Rail Station and downtown Newburyport, while also directly serving Salisbury Beach.

Since initiating the new routes in April, Newburyport has worked with MeVa to respond to resident feedback and to better publicize the routes. Particular attention was paid to working with residents of Heritage House, who are frequent users of MeVa service. Six months into the new service, the City began to hear more frequently from residents on Oakland Street and Highland Avenue about issues with service and whether there would be better routes for these buses. The City and MeVa worked to collect more data and evaluate what may make sense for these routes.

In response to the community, MeVa proposed a new route for the Number 19 bus in early February 2024, that would remove service to the Towle Building and Merrimac Street west of Route 1, which would take the buses off of Oakland Street. The proposed new routing would also remove service from Highland Avenue and instead use Toppans Lane to connect from High to Low Street and would use State Street to connect from Merrimac to High Street. The route would only serve Anna Jaques Hospital from High Street, but we are working with the Hospital to make sure this would still work for their employees and others using transit to access AJH, including working with the community to develop attractive wayfinding to the hospital.

MeVa's data showed residents traveling to both the Towle Building and AJH use the door-to-door miniMeVa vans at a much greater rate than the fixed route buses. miniMeVa is also fare-free and provides specialized transit for seniors and those with disabilities through smaller vehicles to take them directly to the hospital and other locations—as such, they are much better able to use the narrower Highland Avenue or the parking lots adjacent to AJH's main entrance. We believe that between this service and transportation offered by the Newburyport Council on Aging and others, we will still be able to meet the needed level of assistance to those accessing the hospital. We are committed to working with MeVa to make sure that everyone who could benefit from the full family of transit services offered are aware of what is available.

Other benefits of the proposed new service include more direct service between Heritage House and the Newburyport Library, Market Basket and the CVS on Pond Street, which has all been requested by residents. In addition, there will be a timed transfer at the Costello Transportation Center in Amesbury in both directions for riders traveling to Haverhill.

The City is holding public meetings along with MeVa to review the new proposed Route 19, which is attached. Pending approval by the MeVa Advisory Board, the new routes would take effect Monday, April 8th. We believe these new routes will enhance service to the Newburyport community and best meet the needs of transit riders.

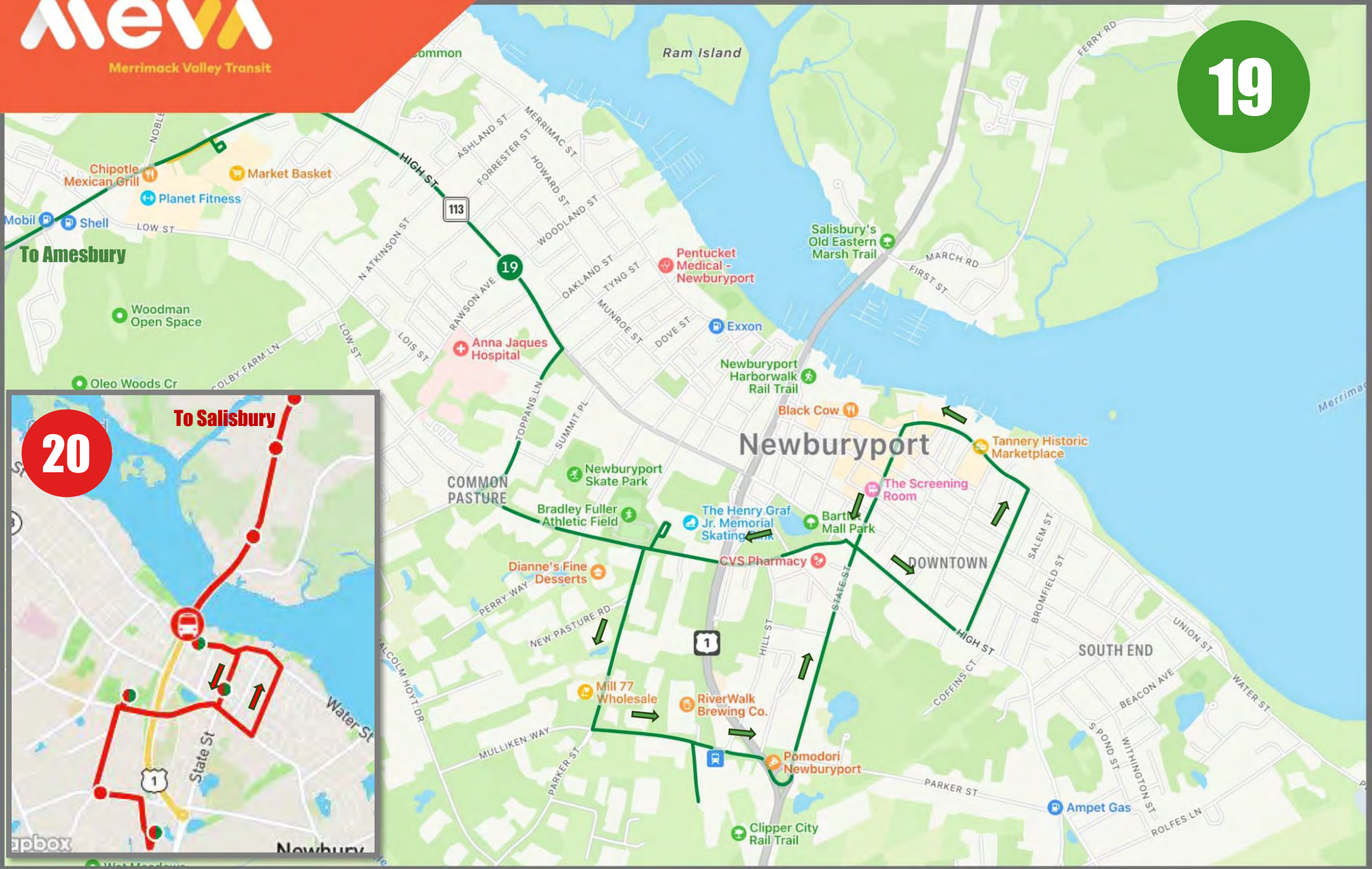
As a reminder, MeVa offers free transit throughout the Merrimack Valley. The system will also be transitioning from being a flag system, in which riders can hail the bus anywhere along its route, to instead having defined stops that will be marked by signage. The City looks forward to continuing to work with MeVa leadership to better serve residents and the greater Newburyport community.

New Routing for MeVa Route #19 in Newburyport (starts Monday, April 8th)

Note: Route #20 routing remains the same



19



City of Newburyport

MBTA Communities Zoning Requirements & Storey Ave Area Village Center Rezoning



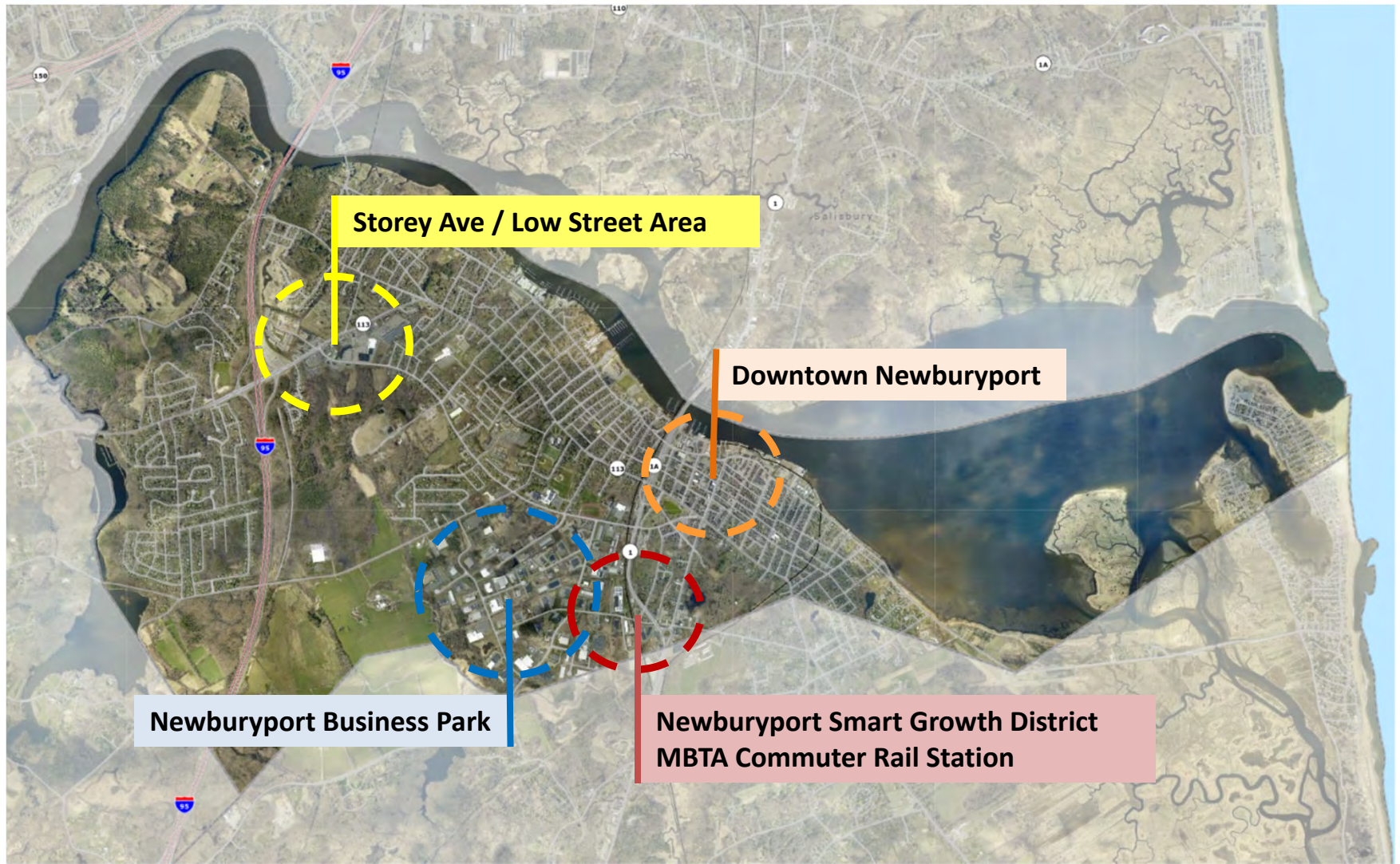
Andrew R. Port

Director of Planning & Development

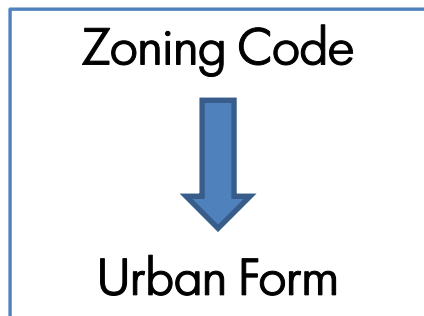
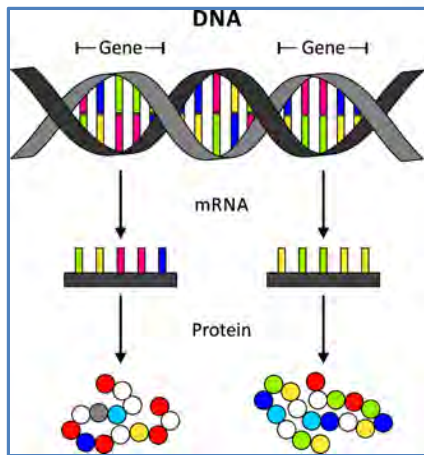
Purpose of Presentation

1. Background & Context for the new State Mandate
2. Overview of Relevant Geographic Areas in the City
3. Review Newburyport's Overall Approach
4. Review Key Factors & Options for Consideration
5. Review Timeframes/Resources/Process for Establishing New Zoning
6. Discuss Key Policy Considerations Like Affordable Housing Requirements
7. Identify Council Questions, Concerns & Overall Preferences

MBTA Communities & Storey Ave Study Area



What is Zoning for and what does it do?



1. Just as DNA Codes for Proteins, Zoning Codes for Land Use & Development Patterns
2. Zoning is Not Static & Evolves Over Time (informed by statutory framework, relevant case law, evolving policy goals and local preferences)
3. Euclidean Zoning & Separation of Uses (decades of sprawl, prohibits traditional land use patterns and mix of uses necessary for a village center – e.g. downtown)
4. Density & Mix of Uses (at appropriate locations supported by transit & infrastructure – e.g. village centers)
5. Site & Architectural Design Standards
6. Affordable Housing (baseline inclusionary requirements vs. density bonuses – carrot vs. stick approaches)

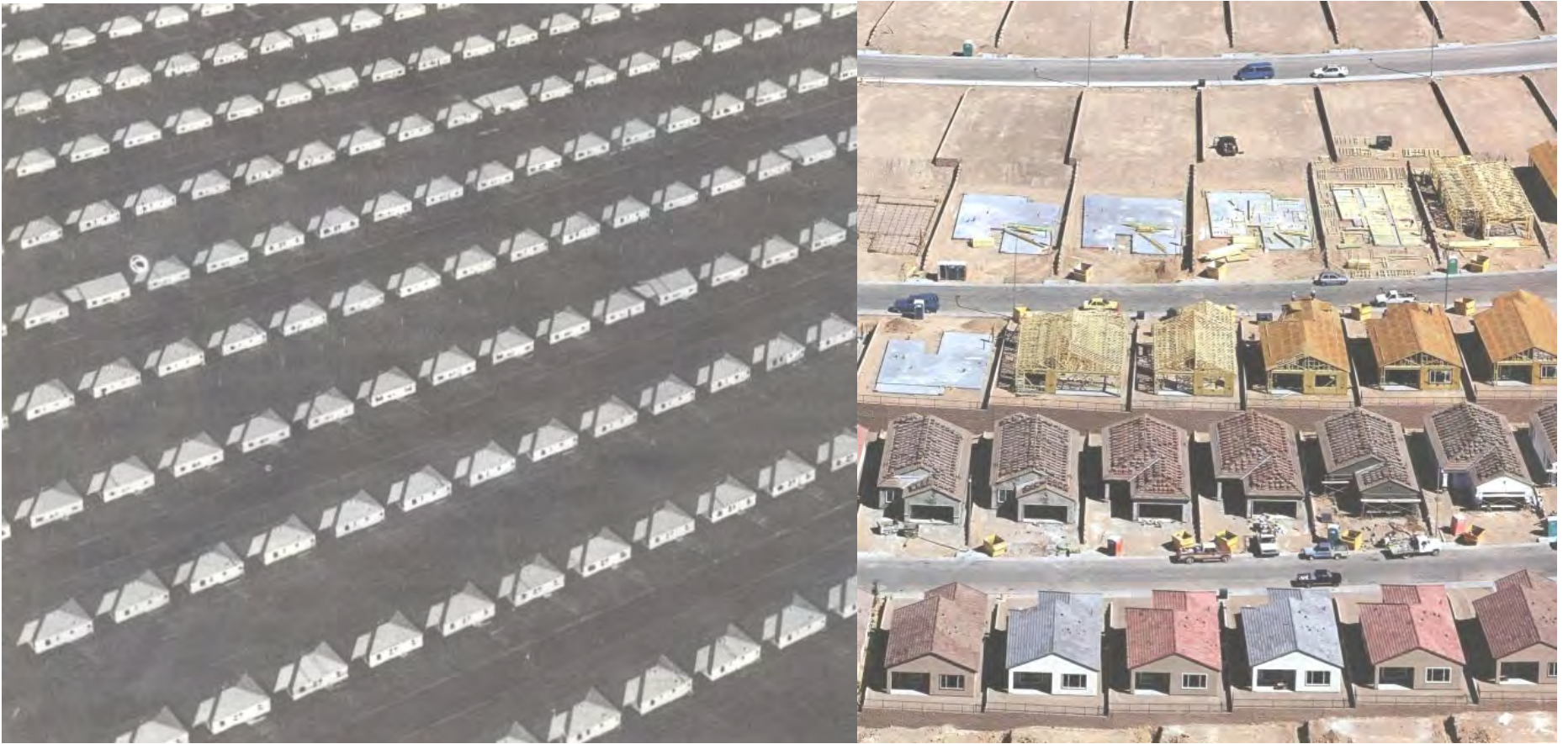
The Frequent Problem with Local Zoning



Primarily in the US: Presumption that All Density is Bad, Based on Poor Examples

Newburyport, MA – MBTA Communities & Storey Ave Area Rezoning February 20, 2024

The Frequent Problem with Local Zoning



Cookie Cutter (Copy-and-Paste) Euclidean Zoning (Separation of Uses)
Unwalkable Neighborhoods, Dependence on the Automobile, Traffic Congestion, High
Cost of Land/Housing, Loss of Pedestrian Scale, Social Cohesion & Sense of Place

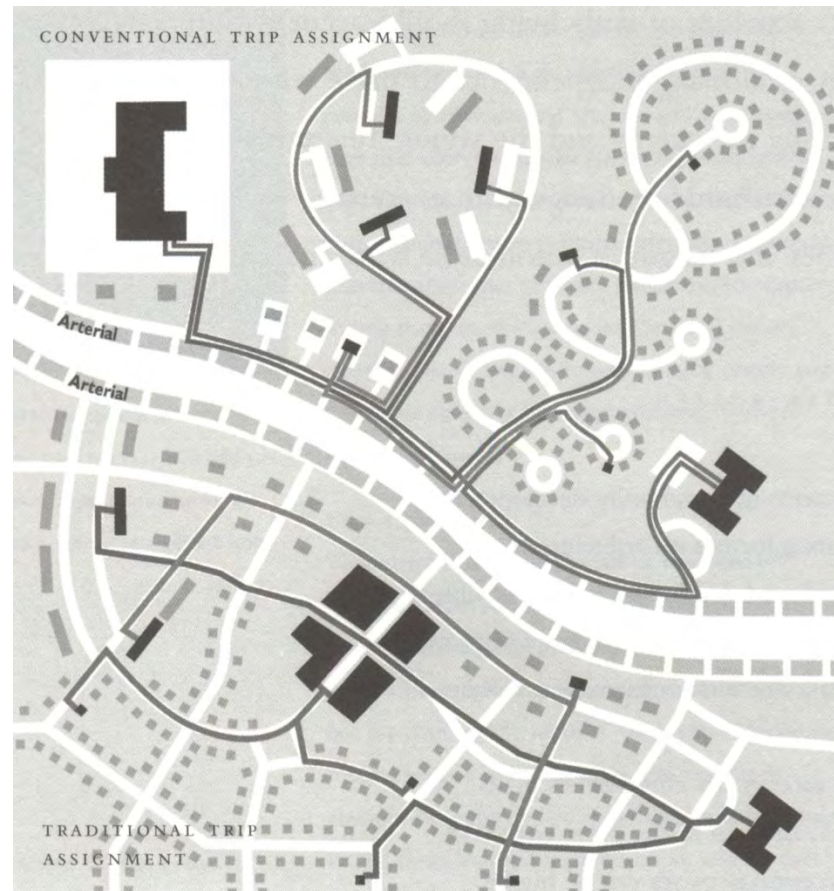
The Frequent Problem with Local Zoning



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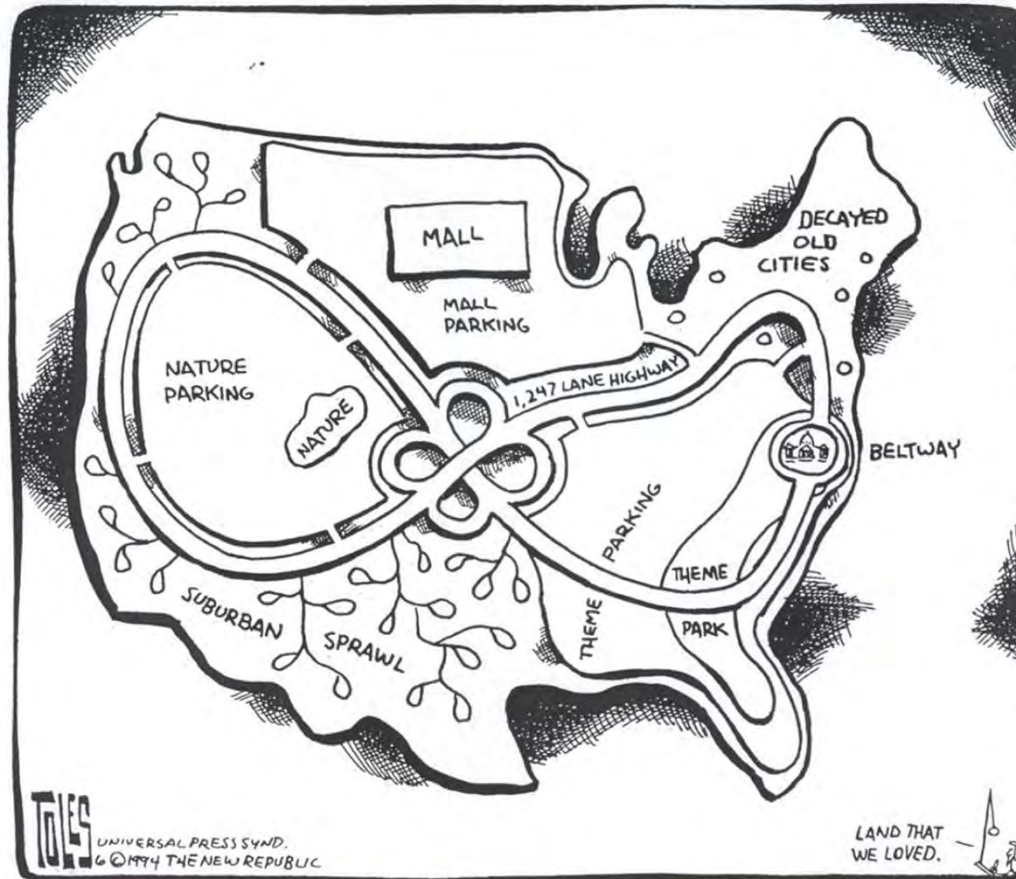
Newburyport, MA – MBTA Communities & Storey Ave Area Rezoning February 20, 2024

The Frequent Problem with Local Zoning



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The Frequent Problem with Local Zoning



Cookie Cutter (Copy-and-Paste) Euclidean Zoning (Separation of Uses)
Unwalkable Neighborhoods, Dependence on the Automobile, Traffic Congestion, High
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Larger Context for the New State Mandate

Home Rule & Rigid Adherence to Outdated Zoning Standards Have Resulted in Land Use Patterns Which: Do Not Support the Transit System, Prevent the Creation of Walkable Neighborhoods & Promote Excessive Dependence on the Automobile



Irony: Our Own Regulations Often Prevent What is Necessary & Preferred

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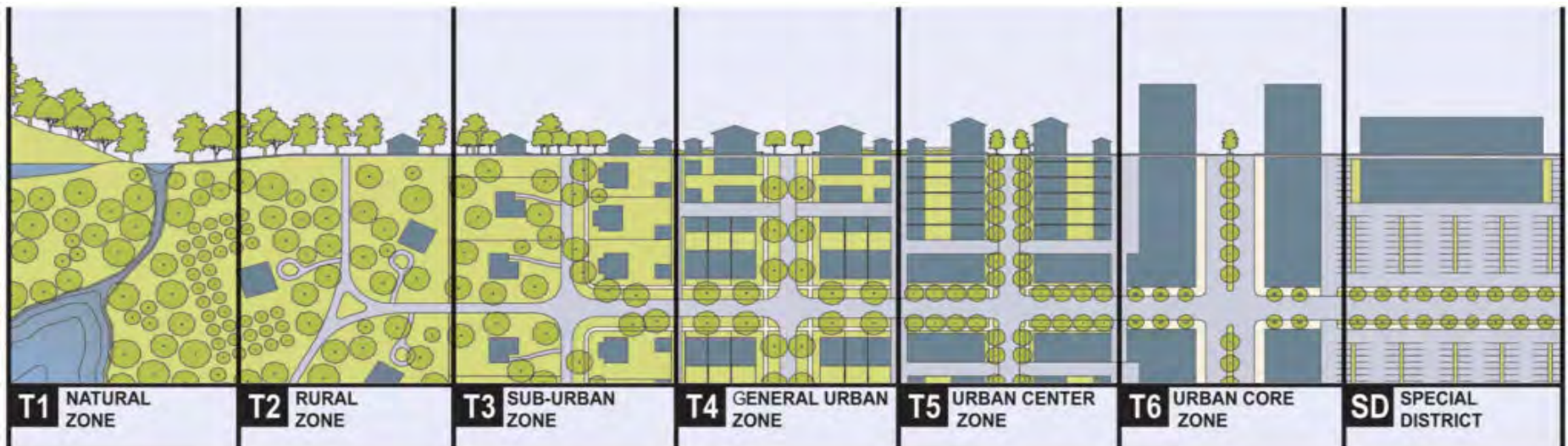
Downtown Newburyport as a Reference Point



Historic Mix of Uses, Pedestrian Scale and Walkable Urban Form

Larger Context for the New State Mandate

1. Housing Crisis (lack of housing)
2. Affordable Housing Crisis (lack of affordable housing)
3. Home Rule, Local Zoning Decisions, N.I.M.B.Y.-ism, Proportion of cookie cutter zoning for Large Lot Single Family “Sprawl”
4. Absence of a transect to our urban form, the “missing middle”



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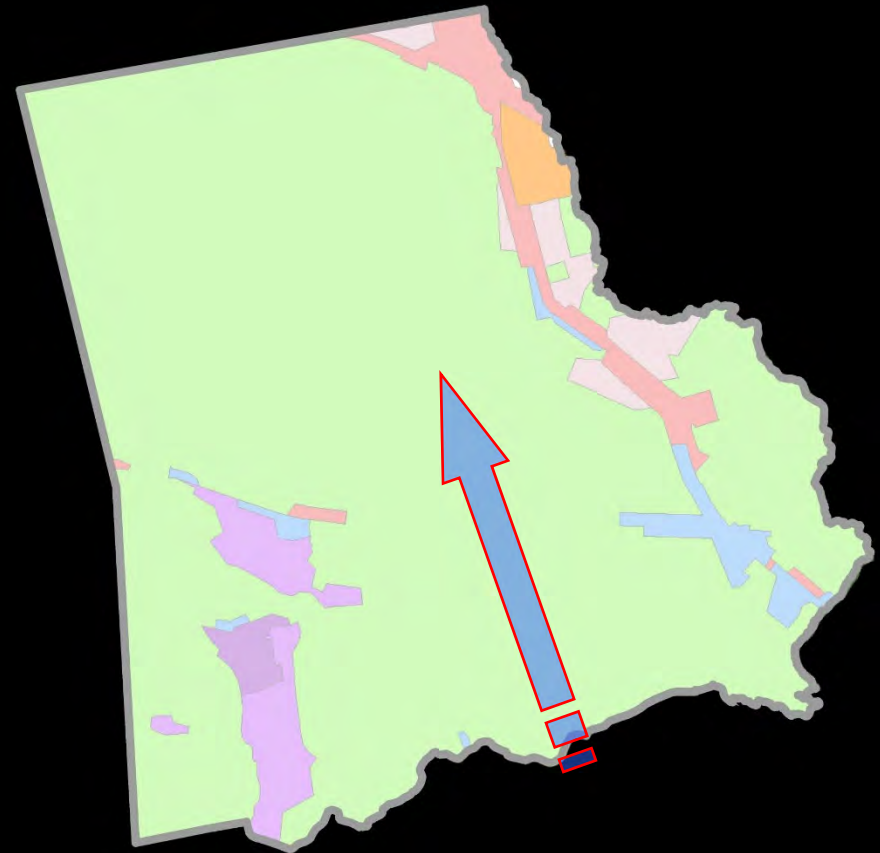


Larger Context for the New State Mandate

Widespread Prevalence of Large Lot Single Family “Sprawl”

Percent Land Area by Zoning	
District	Percent
Residential	86 %
Commercial	4 %
Industrial	3 %
Limited Industrial	2 %
Business	2 %
Shopping Center	2 %
Fireworks	1 %
TOTAL	100 %

Example: Hanover, MA (circa 2010)

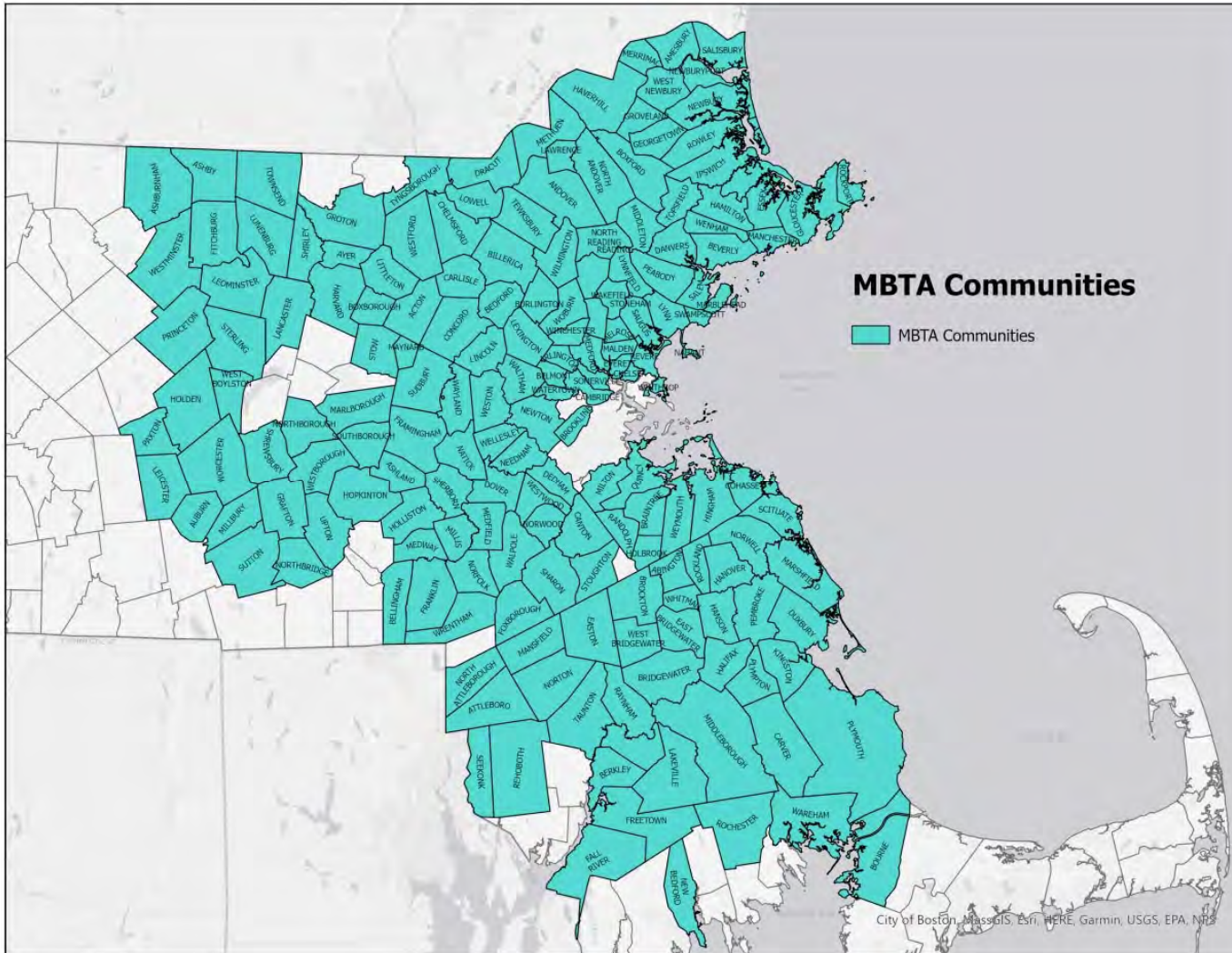


86% Large Lot Single Family Sprawl

Statutory Framework, Mandates & Local “Home Rule”

- **MGL 40A (Zoning ~~Enabling~~ Act)**
general police powers, home rule, otherwise limited by certain statutes/provisions, carrot/stick - usually as grant incentives
- **MGL 40B (Comprehensive Permits)**
override of local zoning for dense housing developments if at least 25% of units are “affordable”, “safe harbor” at 10% or with .5% yearly progress towards “Housing Production” (Housing Production Plan)
- **MGL 40R (Smart Growth Districts)** multifamily as-of-right, near transit
- **2021 Economic Development Bill** ← **MBTA Communities**
embedded within larger package – Section 3A added to MGL 40A, as-of-right multi-family housing for MBTA Communities, latitude for detailed regulations and parameters given to EOHLC (formerly DHCD)
- **2024 Affordable Homes Act / Housing Bond Bill** ← **In the Pipeline**
proposed by Healey Administration, pending review by state legislature
Accessory Dwelling Units (ADUs) as-of-right, funding for various programs

MBTA Communities & The Policy Objectives



Policy Objectives:

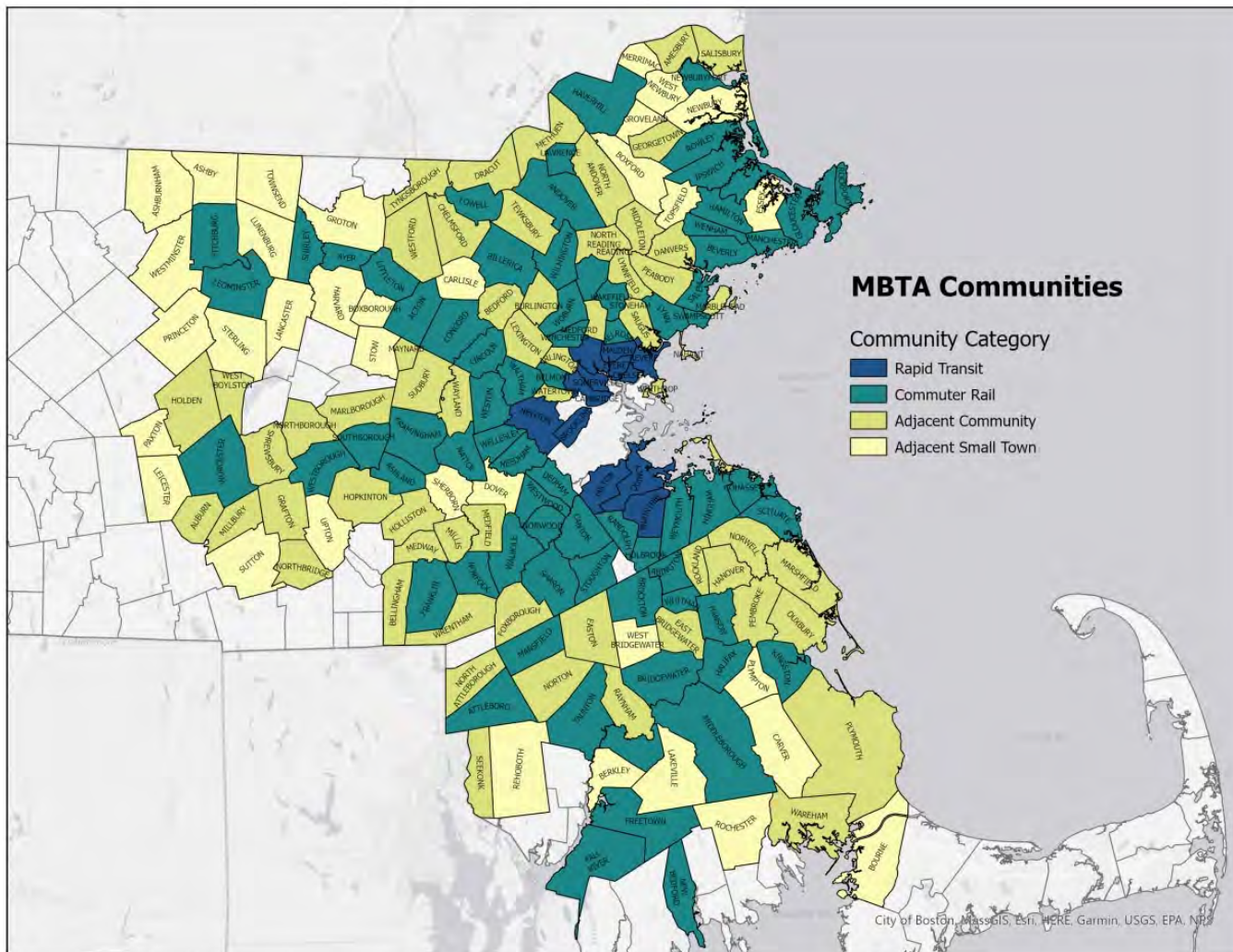
- Increase Statewide Housing Production

(Streamline Permitting for Missing Middle of Housing Stock)

(Market Saturation vs. "Affordable" Housing?)

- In the Right Locations *(transit/infrastructure)*
- At Densities Necessary to Bolster MBTA Ridership *(increase use of transit System)*

MBTA Communities, Timelines & Relative Densities



Deadline for New Zoning:

Rapid Transit Community
12/31/2023
 (Milton)

Commuter Rail Community
12/31/2024 ←
 (Newburyport)

Adjacent Community
12/31/2024
 (Amesbury/Salisbury)

Adjacent Small Town
12/31/2025
 (Newbury/West Newbury)

A Summary of Newburyport's Obligation

- Zoning Required for: **Multifamily Use Permitted “As-of-Right”**
- Minimum District Size: **35 acres** (*40R District is 49.40 acres*)
- Minimum Gross Density: **15 units/acre** (*40R District is mostly 40 units/acre, 30 units/acre for portion extending up State Street*)
- Minimum Multifamily Unit Capacity: **1,292 units** (*40R District projected at 540 new units, not including “substantially developed” land*)
- Minimum Percent of District within 0.5 Miles of MBTA Station: **20%**
- No Age Restrictions & Suitable for Families (*no limits on size of units, or caps on the number of bedrooms or occupants*)
- Affordable Housing: **10%**, and up to **20% maximum with a justified EFA**

Newburyport's new zoning should satisfy the state mandate while taking into account local context and preferences for appropriate development patterns, preservation of historic neighborhoods, etc.

Potential Consequences for Failure to Comply

1. State Fines/Litigation (*e.g. Milton, TBD*)
2. Loss of Eligibility for State Grants/Funding
3. Invalidation of Local Zoning Inconsistent with State Mandate

The impact of this MBTA Communities mandate on Newburyport should not be as drastic compared to other communities, and there are local benefits to adopting comparable/compliant zoning in certain areas of the City.

Recommended Approach for Newburyport

1. **Utilize Existing 40R Smart Growth Overlay District**
*(baseline buildout at station, grandfathered 25% affordable requirement)
(multifamily as-of-right with design review, 540 new units projected at buildout, not including “substantially developed” portions of the 49-acre district, 252 units permitted to date in 3 projects, at roughly 38 units/acre, all within ½ mile radius)*
2. **Extend 40R District/New MBTA Overlay District up Route One**
(credit for existing buildout, with limited potential for adverse impacts)
3. **Establish New Overlay District(s) at Storey Ave/Low Street**
(Near Term: Kmart/Hodgie’s sites) (cars & parking lots >> walkable village center)
 - *Create new housing, require/encourage affordability*
 - *Implement design guidelines to ensure high quality development*
 - *Use redevelopment process to improve character of Storey Ave area*
 - *Satisfy state requirements & implement 2017 Master Plan recommendation*
 - *Direct new housing growth into these village nodes, reducing pressure for infill in historic neighborhoods*

2017 Master Plan Recommendation for Storey Ave Area

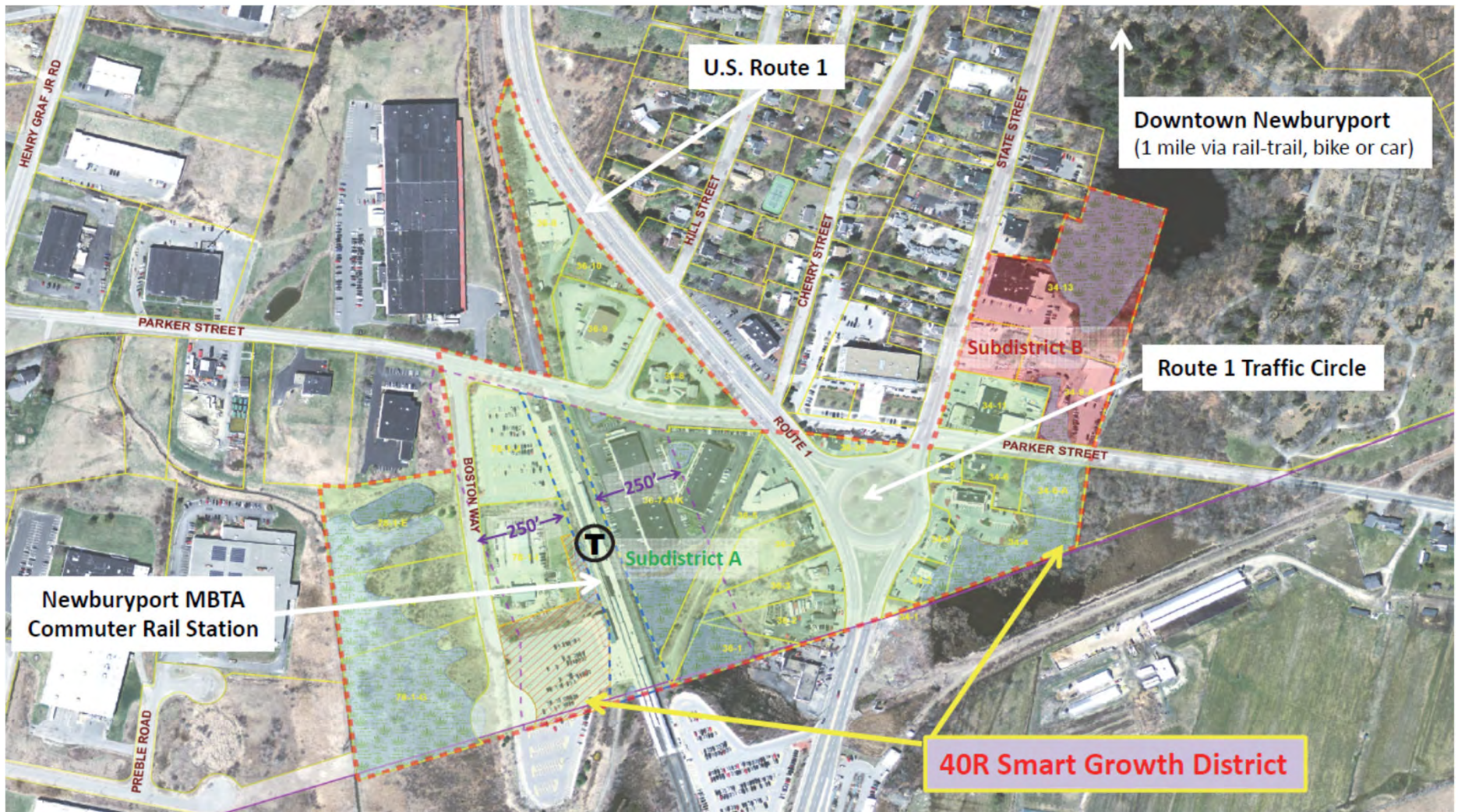
Goal 1: Preserve Newburyport's Sense of Place

Objective 2: Preserve the character of historic streets and enhance the quality of life within the City's neighborhoods.

Strategy 3: Transform the Storey Avenue area into a Gateway to the City

Action 1: Consider reviewing and revising the Zoning Ordinance to allow for the transformation of the Storey Avenue corridor into a walkable, bike-able, mixed-use neighborhood with the incorporation of the Commonwealth's "Complete Streets" initiative.

40R Smart Growth District at MBTA Station

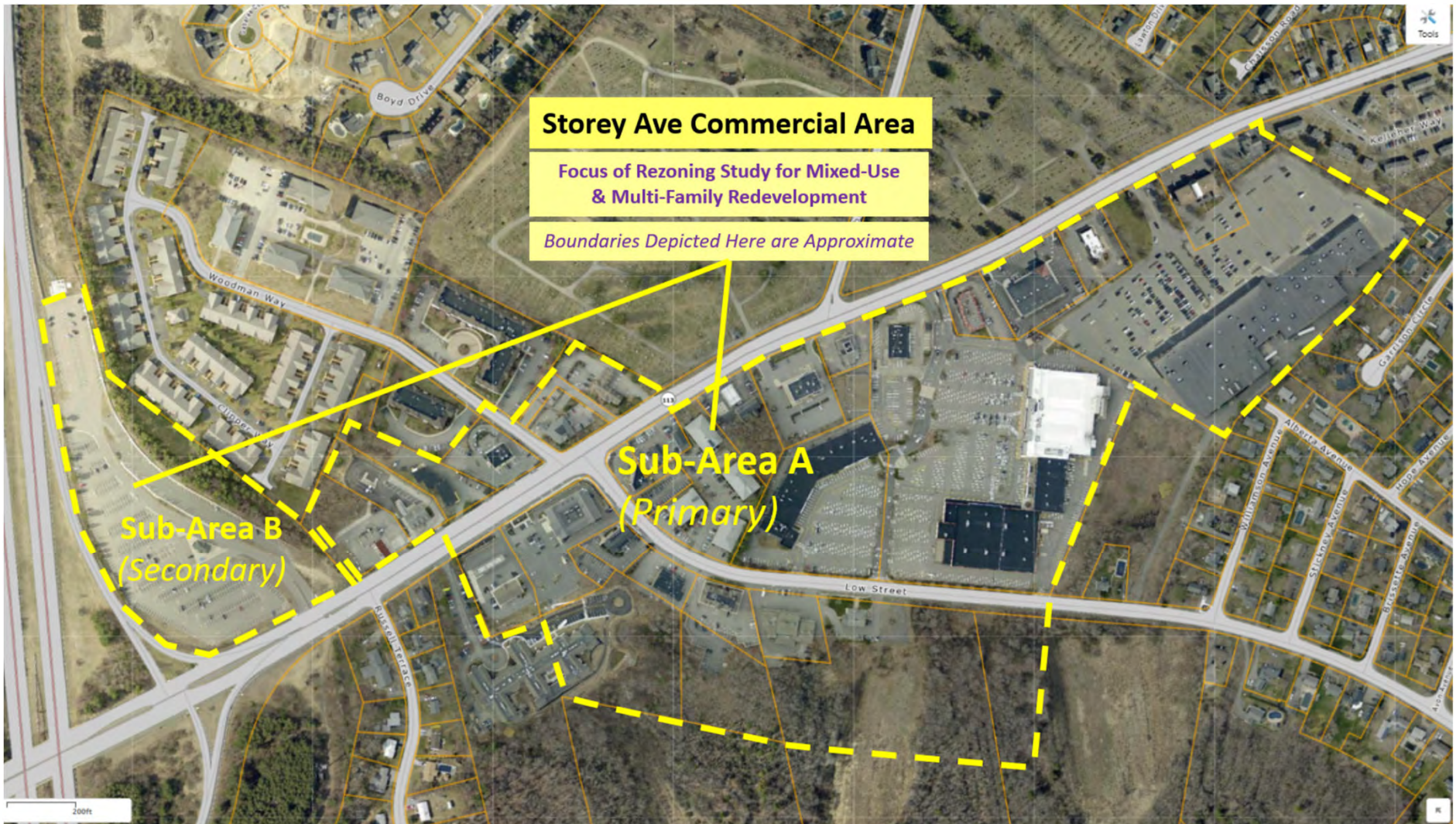


40R Smart Growth District at MBTA Station



At 40 units/acre (*30 units/acre along State Street*) the Existing 40R District density allowance (*e.g. 1 & 3 Boston Way, 166 Route One/Haley's Site*) is substantially higher than the minimum 15 units/acre required under MBTA Communities. However, decreased density may require larger overall district area(s) due to the minimum total unit capacity required.

Storey Ave/Low Street Study Area



Storey Ave/Low Street Study Area



Near Term Improvements (“Low Hanging Fruit”) vs. Longer Term Potential

Credit for Existing Developments

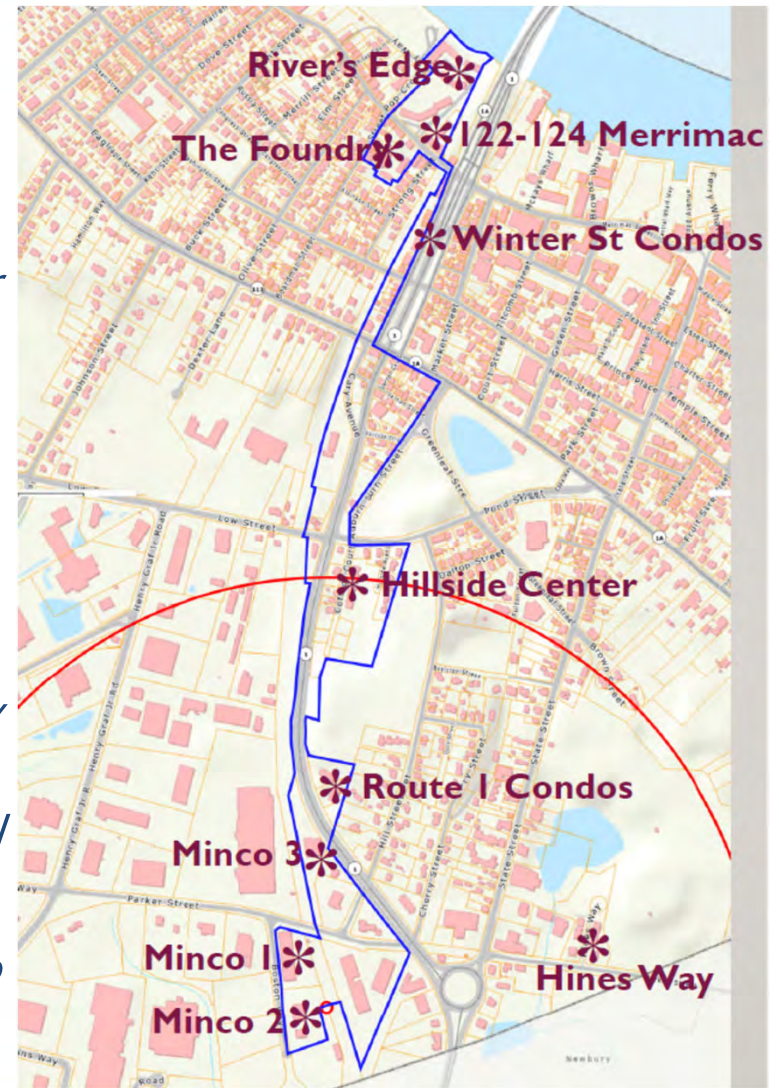
1. Create/Extend 40R/MBTA District(s) to Encompass Existing Multifamily Developments

Limited/No Impact to Newburyport for Practical Purposes

2. Use Rail Trail Corridor as Transit Station Connection

3. This Conceptual District:

- *Is About 49 Acres in area, mostly within ½ mile of station*
- *Contains approx. 450 existing and approved multi-family dwellings*
- *Remaining Capacity Needed to Comply: $1,292 - 450 = 842$ units*



Relative Housing Densities – Local Examples



15-29 Munroe Street (Historic Row Houses): 8 units on .4 acres = 20 units/acre

Relative Housing Densities – Local Examples



126 Merrimac St. (River's Edge Condos): 65 units on 4.2 acres = 15.5 units/acre

Relative Housing Densities – Local Examples



129 Merrimac Street (Foundry Square): 20 units on 1.26 acres = 15.8 units/acre

Timeline, Tools & Resources

1. **Planning Assistance Grant deadline (6/30/2024)**
draft zoning, map, related deliverables to state/Council
 2. **MBTA Communities Compliant Zoning (12/31/2024)**
allow 3 months for review by EOHLC (*formerly DHCD*)
-
- A. **Zoning Advisory Group** (informal stakeholder working group)
 - B. **Technical Assistance** (Consultants/MVPC/MHP)
draft zoning, district map(s), buildout analysis, economic feasibility analysis (EFA), visualization (renderings/3D massing model), review of water/sewer capacity
 - C. **Harvard Kennedy School** (Applied Field Lab)
visualization, fiscal impact analysis (*unit types/bedroom counts, school age children, tax revenue/new growth*), economic feasibility analysis

Realistic Timeline For Newburyport Process

- Complete Draft for Submission to EOHLC: **6/30** *(or earlier)*
- Planning Board Meeting to Review Draft: **7/3**
- EOHLC review: **7/15 - 10/15** *(90 days)*
- Formal Submission to Council: **10/28**
- Joint Public Hearing *(City Council/Planning Board)*: **11/6**
- 2nd P&D Meeting *(if needed)*: **11/19**
- 2nd Planning Board Meeting *(if needed)*: **11/20**
- First reading: **11/25**
- Second reading: **12/16** *(only December meeting)*

Before & After Visual Comparisons



Sprawl Repair Manual (Converting Commercial Strip Malls to New Urbanist Ideals)

Newburyport, MA – MBTA Communities & Storey Ave Area Rezoning February 20, 2024

Before & After Visual Comparisons



Sprawl Repair Manual (Converting Commercial Strip Malls to New Urbanist Ideals)

Newburyport, MA – MBTA Communities & Storey Ave Area Rezoning February 20, 2024

Before & After Visual Comparisons



San Jose California (Urban Advantage)

Before & After Visual Comparisons



San Jose California (Urban Advantage)

Before & After Visual Comparisons



San Jose California (Urban Advantage)

Before & After Visual Comparisons



San Jose California (Urban Advantage)

Affordable Housing – A Counterintuitive Approach?

- **Market Saturation of Housing Units**
Streamlined as-of-right zoning for multi-family housing, support for transit
- **Market Competition vs. Affordable Housing Requirements**
10% (40B), 20-25% (40R), 10% potentially 20% max (MBTA Communities)
- **What Percentage of Newburyport’s Population Qualifies?**
According to MVPC, 45% of Newburyport residents make 80% of the Area Median Income (AMI) or below, based both off of the 2023 HUD income limits for the Boston metro area (\$94,800 for a two person household) and a general calculation of what the 80% threshold would be for Newburyport specifically if using the 2020 median income of \$110,740. **This is almost 50% of our residents.**
- 10% has been deemed “economically feasible.”
- Communities must justify any higher thresholds with an Economic Feasibility Analysis (EFA) subject to EOHLC approval (permissible density matters for the EFA and can impact the affordable housing ratio)

What is 80% Area Median Income (AMI)

Unit Size	Household Size	80% AMI	Monthly Income	Maximum Rent *
Studio	1	\$82,950	\$6,912	\$2,073
1 Bedroom	2	\$94,800	\$7,900	\$2,370
2 Bedroom	3	\$106,650	\$8,887	\$2,666
3 Bedroom	4	\$118,450	\$9,870	\$2,961

Notes:

* 30% of monthly earnings towards rent is considered “affordable”

100% AMI for a Family of Four is \$149,300

Sources: 2023 HUD Income Limits, MCO Housing Services

Newburyport is in the Greater Boston Area

Rent Comparisons – Affordable vs. Market Rate

Unit Size	Market Rate (1 Boston Way)	Affordable (1 Boston Way)	Market Rate (3 Boston Way)	Affordable (3 Boston Way)
Studio	\$2,185	\$1,877	\$2,329	\$2,073 **
1 Bedroom	\$2,558	\$2,124	\$2,683	\$2,370 **
2 Bedroom	\$3,275	\$2,351	\$3,509	\$2,666 **
3 Bedroom	\$3,885	\$2,571	\$4,044	\$2,961 **

Notes:

** Maximum Rent Permissible at 80% AMI

1 Boston Way market rents do not include utilities.

3 Boston Way market rents include heat and air-conditioning.

3 Boston Way affordable rents include utilities.

“Affordable” = for those qualifying at 80% AMI

Request for Council Input – Overall Preferences?

- Review Existing 40R Smart Growth Overlay District (Section XXIX)
“As-of-Right” multi-family housing, with design standards, map with height allowances (3, 4 & 5 stories), 25% affordability requirement
- **Typical Zoning Parameters**
 - District Size/Area? *(proportion subject to state review/control? ranking of three mapping options to secure overall compliance?)*
 - Permitted Uses?
 - Dimensional Requirements/Allowances?
 - Parking Requirements *(base ratios, shared parking, vehicles/bicycles, EV charging spaces, placement/footprint consolidation)*
- **Increased Density or Height in Subdistricts?**
 - Kmart/Low Street sites? *(likely first redevelopment potentials)*
 - Park & Ride Lot at I-95? *(TBD w/by Healey Administration/MassDOT)*
- **Site & Architectural Design Standards?** *(use “as-of-right” w/consistency)*
- **Permitting Procedure/Plan Review Process?** *(Planning Board)*
- **Proportion of Multi-Family vs. Mixed-Use?** *(utilize incentives?)*
- **Affordability Requirement(s)?** *10%,12%,15%,20%,25%? Subdistrict Variation?*

TRANSFERS



CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

Department: Mayor's Office
Submitted by: Sean R. Reardon, Mayor **Date Submitted:** 2/26/2024

Transfer From:

Account Name:	<u>MYR DEI Coordinator</u>	Balance:	<u>\$ 25,000.00</u>
Account Number:	<u>01121001-51162</u>	Category:	<u>\$ 147,436</u>
Amount:	<u>\$25,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Available:



Personnel funds are no longer needed for the DEI Coordinator position as the consulting engagement with YW Boston will fulfill much of the project management work and strategic planning originally assigned to the coordinator role.

Transfer To:

Account Name:	<u>MYR DEI Initiatives</u>	Balance:	<u>\$ 23,414.74</u>
Account Number:	<u>01121002-53801</u>	Category:	<u>\$ 39,655.99</u>
Amount:	<u>\$25,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

Funds are needed to support the consulting engagement with YW Boston for DEI-related trainings, assessments, and action plan development. This transfer reallocates resources originally intended for a DEI Coordinator position towards the comprehensive services provided by the consultant, aligning with an evolving strategic approach to Diversity, Equity, and Inclusion work within the City. See attached explanatory memo.

Sean R. Reardon, Mayor: 
 Ethan R. Manning, Auditor: 
 City Council Action:

Date: _____
 Date: 2/16/2024

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 2024 FEB 16 A 10:50



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

To: President and Members of the City Council
From: Mayor Sean R. Reardon
Date: February 20, 2024
Subject: DEI Initiatives Transfer Request

The Administration is requesting a transfer of \$25,000 within the DEI budget from Personnel to DEI Initiatives. In FY24, we listed a separate budget line for personnel to show greater transparency on how DEI funds were being spent. Between the creation of the budget and the beginning of the fiscal year, we decided to take a different approach to this year's Diversity, Equity, and Inclusion work.

At the time of the budget presentation, the City's plan was to post for a 19-hour a week position as DEI Coordinator. As the Administration explained in the spring of 2023, the role would no longer be filled by Tina Los, whose full-time responsibilities as Associate Director of Services and Supports in the Youth Services Department would not allow enough time to also serve as coordinator. The City planned to hire a stand-alone coordinator position, but then decided to change course in June 2023 when we began contracting with a consultant to work on the City's DEI strategic plan.

In June 2023, the Administration selected the YW Boston as a consultant to assist with trainings, DEI assessments, and the creation of an action plan for the City on DEI goals. The Mayor, working alongside Tina Los and other DEI stakeholders, decided that the work of the YW would preclude the need for a DEI Coordinator, at least at the start of their engagement, because they would be able to complete much of the engagement and project management work that would otherwise be done by a coordinator. At the same time, because we did not know what actions would be recommended by the YW, it would be best to wait to hire staff until there was a plan to carry out.

So far this fiscal year, the YW has completed a discovery process and initial trainings with selected City staff. They have also worked with senior staff on managing this project and have completed an initial internal report on DEI baselines with recommendations for next steps. They have created a proposal for the City that would broaden their training work, provide professional development for a cohort of City staff, and complete the creation of an action plan for the City on DEI Initiatives that could then be carried out over the coming years.

This request is to transfer funds that would have been spent on the DEI Coordinator to instead complete this consulting engagement with the YW Boston. We believe they will provide the project coordination and organizing support through this work that otherwise would have been

filled by a part-time staff member, and that this work is foundational for moving forward on next steps in DEI initiatives.

This request still preserves funding for event sponsorship, programming, and for an HR Department-led initiative to update job descriptions and postings according to best practices in the DEI space. The only change will be to move the DEI coordinator pay of \$25,000 to the consulting services for the YW Boston project.

Thank you for your consideration.



CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

Department: Department of Public Services

Submitted by: Wayne Amaral, Director

Date Submitted: 2/26/2024

Transfer From:

Account Name:	<u>Water Retained Earnings</u>	Balance:	<u>\$ 1,140,926.83</u>
Account Number:	<u>60-35920</u>	Category:	<u>\$ -</u>
Amount:	<u>\$42,000.00</u>	Trans I/O:	<u>\$ (149,242.17)</u>

Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2024 at \$1,290,169. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

Transfer To:

Account Name:	<u>Water OPM Services</u>	Balance:	<u>\$ -</u>
Account Number:	<u>New Account</u>	Category:	<u>\$ 643,990.49</u>
Amount:	<u>\$42,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

To hire an owner's project manager (OPM) consultant who will assist the department with planning, oversight and management of capital projects. See attached explanatory memo.

Sean R. Reardon, Mayor:



Date: 2/21/2024

Ethan R. Manning, Auditor:



Date: 2/20/2024

City Council Action:



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB 21 A 9:03

To: President and Members of the City Council
From: Mayor Sean R. Reardon
Date: February 20, 2024
Subject: Water/Sewer OPM Funding Request

At its December 6, 2023 meeting, the Water and Sewer Commission recommended an appropriation to hire an Owners Project Manager (OPM) consultant. The OPM would play a critical role in providing independent oversight for both divisions and supporting DPS staff in managing current and future small, medium, and capital projects. While we have worked with many firms over the years and believe we have contracted some of the best in the industry for technical support, the complexity and cost of our current and future investments necessitate an OPM solely focused on the city's interests.

The proposed OPM will closely collaborate with DPS on short-term and long-term capital projects, including setting goals, developing plans, finding potential funding sources, assisting with consultant oversight, reviewing cost estimates, and managing community outreach and communications.

Potential projects the OPM will assist with include:

Water Division Projects

- Downtown Infrastructure Evaluation Survey Program
- Amesbury Interconnect Project
- Water Treatment Plant Upgrade Project (PFAS Improvements)
- Indian Hill Raw Water Transmission Line Project
- Watershed Quality Improvement Program
- Lower Dam Project
- Dredging of the Upper and Lower Artichoke

Sewer Division Projects

- Downtown Infrastructure Evaluation Survey Program
- WWTF Flood Protection Sidewalk Project
- WWTF Clarifier Upgrade Project
- Ocean Avenue Lift Station Relocation Project
- Graf Road Lift Station Upgrades
- Storey Avenue Pump Station Replacement Project



CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

Department: Department of Public Services

Submitted by: Wayne Amaral, Director

Date Submitted: 2/26/2024

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Account Name:	<u>Water Retained Earnings</u>	Balance:	<u>\$ 1,140,926.83</u>
Account Number:	<u>60-35920</u>	Category:	<u>\$ -</u>
Amount:	<u>\$42,000.00</u>	Trans I/O:	<u>\$ (149,242.17)</u>

Why Funds Are Available:

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Transfer To:

Account Name:	<u>Water OPM Services</u>	Balance:	<u>\$ -</u>
Account Number:	<u>New Account</u>	Category:	<u>\$ 643,990.49</u>
Amount:	<u>\$42,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:


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Sean R. Reardon, Mayor:



Date: 2/21/2024

Ethan R. Manning, Auditor:



Date: 2/20/2024

City Council Action:



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB 21 A 9:03

To: President and Members of the City Council
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- Storey Avenue Pump Station Replacement Project



CITY OF NEWBURYPORT FY 2024 TRANSFER/APPROPRIATION REQUEST

Department: Department of Public Services

Submitted by: Wayne Amaral, Director

Date Submitted: 2/26/2024

Transfer From:

Account Name:	<u>Sewer Retained Earnings</u>	Balance:	<u>\$ 1,718,972.92</u>
Account Number:	<u>61-35920</u>	Category:	<u>\$ -</u>
Amount:	<u>\$18,000.00</u>	Trans I/O:	<u>\$ (54,588.08)</u>

Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2024 at \$1,773,561. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

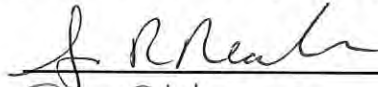
Transfer To:

Account Name:	<u>Sewer OPM Services</u>	Balance:	<u>\$ -</u>
Account Number:	<u>New Account</u>	Category:	<u>\$ 664,501.97</u>
Amount:	<u>\$18,000.00</u>	Trans I/O:	<u>\$ -</u>

Why Funds Are Needed:

To hire an owner's project manager (OPM) consultant who will assist the department with planning, oversight and management of capital projects. See attached explanatory memo.

Sean R. Reardon, Mayor:



Date: 2/21/2024

Ethan R. Manning, Auditor:



Date: 2/20/2024

City Council Action:



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB 21 A 9:03

To: President and Members of the City Council
From: Mayor Sean R. Reardon
Date: February 20, 2024
Subject: Water/Sewer OPM Funding Request

At its December 6, 2023 meeting, the Water and Sewer Commission recommended an appropriation to hire an Owners Project Manager (OPM) consultant. The OPM would play a critical role in providing independent oversight for both divisions and supporting DPS staff in managing current and future small, medium, and capital projects. While we have worked with many firms over the years and believe we have contracted some of the best in the industry for technical support, the complexity and cost of our current and future investments necessitate an OPM solely focused on the city's interests.

The proposed OPM will closely collaborate with DPS on short-term and long-term capital projects, including setting goals, developing plans, finding potential funding sources, assisting with consultant oversight, reviewing cost estimates, and managing community outreach and communications.

Potential projects the OPM will assist with include:

Water Division Projects

- Downtown Infrastructure Evaluation Survey Program
- Amesbury Interconnect Project
- Water Treatment Plant Upgrade Project (PFAS Improvements)
- Indian Hill Raw Water Transmission Line Project
- Watershed Quality Improvement Program
- Lower Dam Project
- Dredging of the Upper and Lower Artichoke

Sewer Division Projects

- Downtown Infrastructure Evaluation Survey Program
- WWTF Flood Protection Sidewalk Project
- WWTF Clarifier Upgrade Project
- Ocean Avenue Lift Station Relocation Project
- Graf Road Lift Station Upgrades
- Storey Avenue Pump Station Replacement Project

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
SEAN R. REARDON, MAYOR

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Sean R. Reardon, Mayor
Date: February 12, 2024
Subject: Appointment

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2024 FEB - 6 P 4: 00

I hereby appoint, subject to your approval, the following named individual as the Cultural Council liaison to the Public Art Committee. This term will expire on March 1, 2027.

Cynthia Schartman
12 Market Street
Newburyport, MA 01950

Cynthia Schartman
12 Market Street
Newburyport, MA 01950

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

January 25, 2024

To Whom It May Concern:

Respectfully I submit my resume for your consideration for a position on the Newburyport Public Art Committee. It is through my volunteer work with the Newburyport Cultural Council that I am aware of this committee. I would like to represent the interests of the Cultural Council as well as offer experience and insight from my professional work and my various other Newburyport involvements.

Prior to my awareness of this committee, I had enrolled in the New England Foundation for the Arts Making It Public (MIP) workshop. I did so because it is my belief that public art may be among the most potent yet nonconfrontational ways to both reflect and engage community. Given the opportunity, I would enjoy sharing content from MIP with the NBPT Public Art Committee.

Thank you for your consideration,

A handwritten signature in black ink that reads "Cindy Schartman". The signature is written in a cursive, flowing style.

Cindy Schartman

Cynthia Schartman

12 Market Street, Newburyport, MA 01950

ARCHITECTURE

Andrew Sidford Architects, Senior Associate

Newburyport, MA (2004 – Present)

- Design Development, Project Management, Sourcing and Detailing
- Design Direction and Mentoring of Junior Staff
- Marketing and Business Development

Past: **Woodman Associates Architects, Designer** Newburyport, MA (2002– 2004),
Benjamin Nutter Associates Architects, Designer Topsfield, MA (2000 – 2003)
Stopfel, Inc. Architects, Designer Boston, MA (May 2000 – October 2000)
O’Neil & Manion Architects, Designer Bethesda, MD (January 1999 - May 2000)

CULTURAL INSTITUTIONS

Museum of New Art / Portsmouth

Curatorial Committee (2020 to present)

Exhibit Development and Design

National Museum of American History, Howard Revis Design, National Museum of Health and Medicine, AIA Headquarters Gallery, New England Folklife Center, Very Special Arts Gallery, Cremona Foundation Collection of Nonconformist Art (1991-1999)

Architectural Preservation

Historic Port Tobacco, MD & L’Abbaye Moncel, Pontpoint, France (1992-1993)

EDUCATION

The George Washington University, Washington, DC, M.A. Museum Studies
Interdisciplinary program: Design, Anthropology and Architecture. Spring 1997
Graduate Fellowship. Spring 1997

St. Mary’s College of Maryland, BA History, Studio Art Minor, 1991
Archaeology Field School, Historic St. Mary’s City, MD. Summer 1990
Centre for Medieval and Renaissance Studies, Oxford, England, 1989

Massachusetts Cultural Council Professional Development Grant

New England Foundation for the Arts Conference, Fall 1999

EXTRA CURRICULAR

Local Cultural Council, Newburyport, MA, Member (2021 to present)
Outdoor Sculpture at Maudslay, Newburyport, MA, Participant (2018 to present)
Tinkerhaus, Newburyport, MA, Board Member (2018-2022)
2 Rivers Pottery Studio, Byfield, MA, Student (2022 to present)
Newburyport Holiday House Tour, Newburyport, MA, Volunteer (2016 to present)

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

ORDERS



CITY OF NEWBURYPORT GRANT ACCEPTANCE FORM

Ordered, that, the City of Newburyport accepts the following grant in accordance with M.G.L. Chapter 44, Section 53A:

Date of Award:	2/12/2024	
City Department:	Fire Department	
Staff Contact:	Chief Stephen Bradbury	
<i>Grant Overview</i>		
Grant Type:	State Grant	
Funding Agency:	MA Executive Office of Public Safety and Security https://www.mass.gov/orgs/executive-office-of-public-safety-and-security	
Program Name:	AED Equipment Program https://www.mass.gov/info-details/aed-equipment-program	
Project Name:	AED Purchase	
Project Description:	<p>With the goal of maintaining emergency response services, the Office of Grants and Research (OGR) will make available approximately \$330,000 in state funds for municipalities, public colleges and universities, and nonprofit organizations to purchase automated external defibrillators (AED) for public safety and first responder vehicles. All Massachusetts cities and towns, public colleges and universities and nonprofit organizations with first responder vehicles are eligible to apply for up to \$2,500 under the AED program to fund the purchase of one AED for public safety and first responder vehicles.</p>	
Award Amount:	\$2,100.00	
Payment Method:	Cost Reimbursement	
Length of Grant:	6 months	
Start Date:	Upon execution of grant agreement	
End Date:	6/30/2024	
Award Acceptance Deadline:	2/26/2024	<input type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	NA	
Local Match (In-Kind):	NA	
Resources Required When Grant Program Ends:	None	
<i>For Office Use Only</i>		
City Council Packet Date:	2/26/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



CITY OF NEWBURYPORT
GIFT ACCEPTANCE FORM

Ordered, that, the City of Newburyport accepts the following gift in accordance with M.G.L. Chapter 44, Section 53A:

Date of Gift:	1/31/2024	
City Department:	Rec and Youth Services	
Staff Contact:	Andrea Egmont/ Trish Boateng	
<i>Gift Overview</i>		
Gift Type:	Monetary	
Donor:	Exchange Club of Greater Newburyport https://exchangeclubofgreaternewburyport.org/	
Purpose:	Scholarships for Newburyport recreational summer programs. Donation made in honor of Bob McGrail.	
Gift Amount:	\$600.00	
<i>For Office Use Only</i>		
City Council Packet Date:	2/26/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 26, 2024

THAT the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends the existing list of crosswalks as identified by the Department of Public Services and marked throughout the City of Newburyport by adding the following:

1. A crosswalk at a preexisting curb cut on Turkey Hill Road approximately 55.5 feet north of Hale Street.

AND that the City Clerk and Department of Public Services shall maintain this list and make the same available to the public.

AND furthermore the City Clerk shall post this list on the appropriate City website.

Councillor James J. McCauley

500

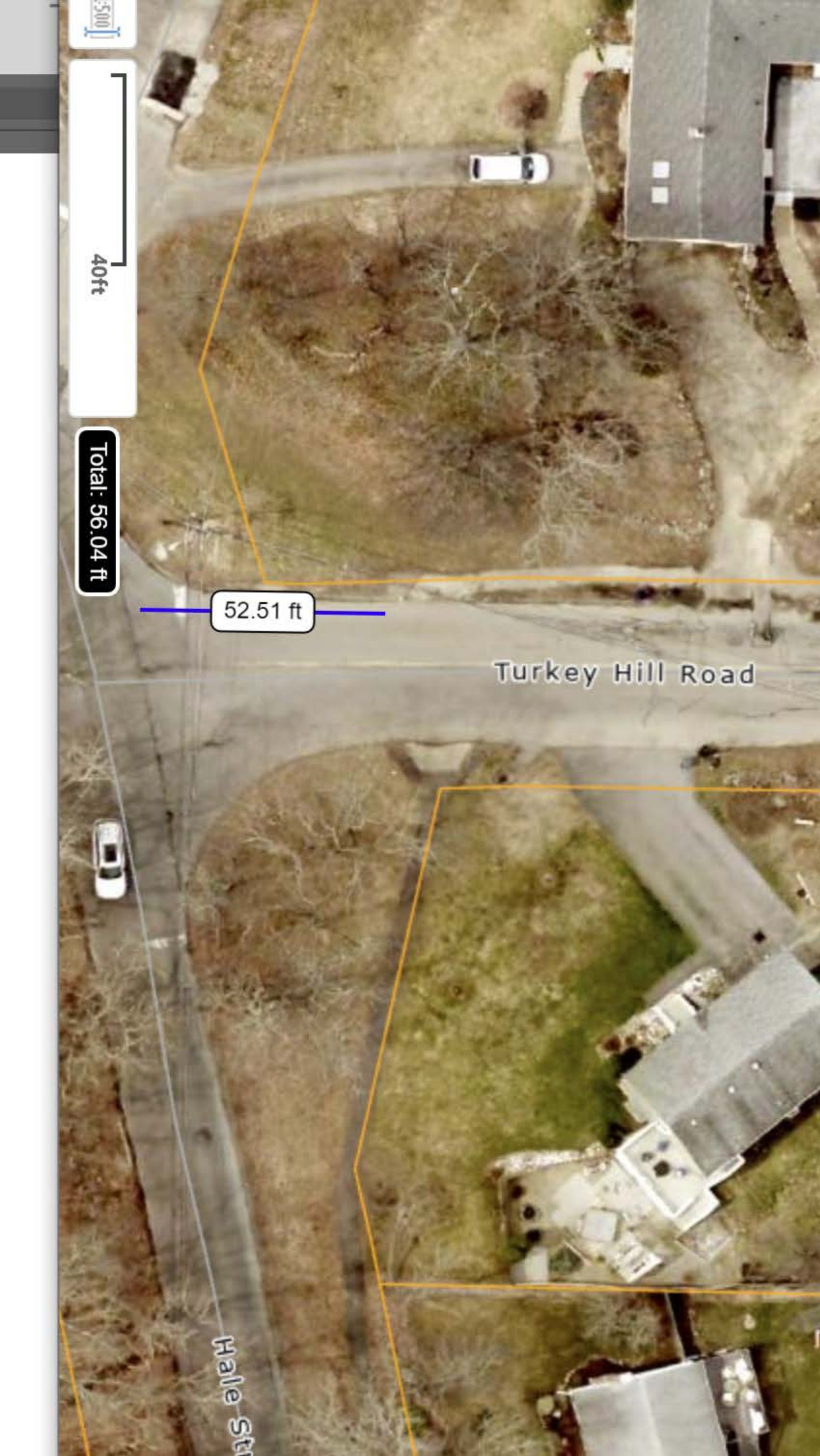
40ft

Total: 56.04 ft

52.51 ft

Turkey Hill Road

Hale Str



COMMITTEE ITEMS

Committee Items – February 26, 2024

Budget & Finance

In Committee:

- ORDR00533_01_29_2024 NHS Statement of Interest Vote (COTW)
- ORDR00534_01_29_2024 Nock Statement of Interest Vote (COTW)
- ORDR00538_02_12_2024 Grant Acceptance Firefighter Safety Equipment \$14,100.66
- ORDR00539_02_12_2024 Grant Acceptance EMPG \$4600.00

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 29, 2024

Resolved: Having convened in an open meeting on _____, prior to the SOI submission closing date, the City Council of the City of Newburyport, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 23, 2024 for the Newburyport High School located at 241 High Street, Newburyport, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future, specifically the replacement, renovation or modernization of school facility systems, including the roof; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

Councillor Edward C. Cameron Jr.

In City Council January 29, 2024:

Motion to refer collectively ORDR00532_01_29_2024 to Budget & Finance, ORDR00533_01_29_2024 and ORDR00534_01_29_2024 to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor McCauley. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 29, 2024

Resolved: Having convened in an open meeting on _____, prior to the SOI submission closing date, the City Council of the City of Newburyport, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 23, 2024 for the Rupert A Nock Middle School located at 70 Low Street, Newburyport, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future, specifically the replacement, renovation or modernization of school facility systems, including the roofs; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

Councillor Edward C. Cameron Jr.

In City Council January 29, 2024:

Motion to refer collectively ORDR00532_01_29_2024 to Budget & Finance, ORDR00533_01_29_2024 and ORDR00534_01_29_2024 to Budget & Finance and COTW by Councillor Zeid, seconded by Councillor McCauley. So voted.



CITY OF NEWBURYPORT
GRANT ACCEPTANCE FORM

Ordered, that, the City of Newburyport accepts the following grant in accordance with M.G.L. Chapter 44, Section 53A:

Date of Award:	2/6/2024	
City Department:	Fire Department	
Staff Contact:	Chief Stephen Bradbury	
<i>Grant Overview</i>		
Grant Type:	State Grant	
Funding Agency:	Department of Fire Services https://www.mass.gov/orgs/departement-of-fire-services	
Program Name:	Firefighter Safety Equipment Grant Program https://www.mass.gov/info-details/grants-for-fire-departments	
Project Name:	Firefighter Safety Equipment Grant	
Project Description:	<p>The application period for the FY24 Firefighter Safety Equipment Grant ended on December 1, 2023. The award list for FY24 applicants can be found here: FY24 Firefighter Safety Equipment Grant Awards. This program is offered annually to fire departments of every city, town, fire district, and authority of the Commonwealth. \$5 million of funding is available through this program to provide fire departments with equipment that makes the dangerous job of firefighter safer.</p> <p>Newburyport funds will be used to purchase: leather boots, complete set of gear and helmet.</p>	
Award Amount:	\$14,100.66	
Payment Method:	Cost Reimbursement	
Length of Grant:	1 year	
Start Date:	Upon execution of grant agreement	
End Date:	6/30/2024	
Award Acceptance Deadline:	Award acceptance deadline	<input checked="" type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	NA	
Local Match (In-Kind):	NA	
Resources Required When Grant Program Ends:	None	
<i>For Office Use Only</i>		
City Council Packet Date:	2/12/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Councillor Sharif I. Zeid

In City Council February 12, 2024:

Motion to collectively refer ORDR00538 and ORDR00539 to B&F by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.



**CITY OF NEWBURYPORT
GRANT ACCEPTANCE FORM**

Ordered, that, the City of Newburyport accepts the following grant in accordance with M.G.L. Chapter 44, Section 53A:

Date of Award:	1/26/2024	
City Department:	Fire Department	
Staff Contact:	Chief Stephen Bradbury	
<i>Grant Overview</i>		
Grant Type:	Federal Grant (State Pass-Through)	
Funding Agency:	Massachusetts Emergency Management Agency (MEMA) https://www.mass.gov/orgs/massachusetts-emergency-management-agency	
Program Name:	Emergency Management Performance Grants https://www.mass.gov/info-details/emergency-management-performance-grant-empg	
Project Name:	Annual EMPG Grant	
Project Description:	<p>Funding for up to four wet suits (survival suits). The Department of Homeland Security, Federal Emergency Management Agency’s Emergency Management Performance Grant (EMPG) program provides state, local, tribal and territorial emergency management agencies with the resources required for implementation of the National Preparedness System and works toward the National Preparedness Goal of a secure and resilient nation. The EMPG’s allowable costs support efforts to build and sustain core capabilities across the prevention, protection, mitigation, response and recovery mission areas. Funds may be used to support local and/or regional emergency management activities in the following cost categories: Planning, Organizational, Equipment, Training, and Exercises. Annual funding is based on the size of the community [Population 15,000-19,999 = \$4,600.00].</p>	
Award Amount:	\$4,600.00	
Payment Method:	Cost Reimbursement	
Length of Grant:	1 year	
Start Date:	Upon execution of grant agreement	
End Date:	6/30/2024	
Award Acceptance Deadline:	3/11/2024	<input type="checkbox"/> N/A
<i>Local Match/Required Resources</i>		
Local Match (City Funds):	None	
Local Match (In-Kind):	The EMPG program has a dollar-for-dollar cost-share requirement. The contribution can be cash (hard match) or in-kind (soft match). Newburyport’s match reflects staff time dedicated to emergency preparedness training and exercises.	
Resources Required When Grant Program Ends:	None	
<i>For Office Use Only</i>		

City Council Packet Date:	2/12/2024	
Emergency Measure?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Councillor Sharif I. Zeid

In City Council February 12, 2024:

Motion to collectively refer ORDR00538 and ORDR00539 to B&F by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes

Committee Items – February 26, 2024

General Government

In Committee:

- ORDR00536_02_12_2024 Early Voting 2024

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 12, 2024

Pursuant to the Votes Act of 2022 the City Council of the City of Newburyport hereby approves early voting in person at the Senior/Community Center, 331 High Street, Newburyport for the Presidential Primary, State Primary, and Final Election according to the following schedule:

For the Presidential Primary March 5, 2024:

Saturday February 24, 2024: 8 am to 2 pm
Monday February 26, 2024: 8:30 am to 3:30 pm
Tuesday February 27, 2024: 8:30 am to 3:30 pm
Wednesday February 28, 2024: 8:30 am to 3:30 pm
Thursday February 29, 2024: 8:30 am to 6:30 pm
Friday March 1, 2024: 8:30 am to 11:30 am

For the State Primary September 3, 2024:

Saturday August 24, 2024: 8 am to 2 pm
Monday August 26, 2024: 8:30 am to 3:30 pm
Tuesday August 27, 2024: 8:30 am to 3:30 pm
Wednesday Aug 28, 2024: 8:30 am to 3:30 pm
Thursday August 29, 2024: 8:30 am to 6:30 pm
Friday August 30, 2024: 8:30 am to 11:30 am

For the Final Election November 5, 2024:

Saturday October 19, 2024: 8 am to 2 pm
Monday October 21, 2024: 8:30 am to 12:30 pm
Tuesday October 22, 2024: 8:30 am to 12:30 pm
Wednesday October 23, 2024: 8:30 am to 12:30 pm
Thursday October 24, 2024: 8:30 am to 2 pm
Friday October 25, 2024: 8:30 am to 10:30 am

Saturday October 26, 2024: 8 am to 2 pm
Monday October 28, 2024: 8:30 am to 3:30 pm
Tuesday October 29, 2024: 8:30 am to 3:30 pm
Wednesday October 30, 2024: 8:30 am to 3:30 pm
Thursday October 31, 2024: 8:30 am to 6:30 pm
Friday November 1, 2024: 8:30 am to 11:30 am

And further, the City Clerk is hereby authorized to hire by and through the Police Marshal the requisite police details for the above-mentioned Primary and Final Elections.

And further, the poll workers on the attached list entitled 'Poll Workers' are hereby appointed in accordance with the Voters Act of 2024.

The City Clerk is hereby instructed to send a notice of this order to the Elections Division of the Secretary of State and to publish these days and hours on the internet.

Poll Workers

Ronald Booth
Paula Burke
Anne Margaret Bushnell
Veronica Carleo
Susan Carnduff
Gail Clark
Joanne Deorocki
Mary Dissette
Michael Dissette
Raymond Domingo
Karen Eaton
Candace Erickson
Joanne Foley
Gary Gorski
Claudia Gorski
Nancy Harrington
Amber Hewett
Irene Hoover
Susan Keslof
Susan LaBay
Maryann Lawler
Betty Leary
Alastair Lee
Karen Murphy
Mike Murphy
Sue Olsen
Sandra Pilt

Scott Purdie
Glenn Richards
Soren Richelsen
Julie Rocco
Kathleen Schoonmaker
Rose Simpson
Phil Stern
Jesslyn Sullivan
Katrina Sullivan
Sheila Taintor
Joseph Teixeira
Anne Wilt
Ann Wilt
Marguerite Wood
Ghlee Woodworth
Dianne Yurkavich

Councillor Edward C. Cameron, Jr.

In City Council February 12, 2024:

Motion to refer to GG by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

Committee Items – February 26, 2024

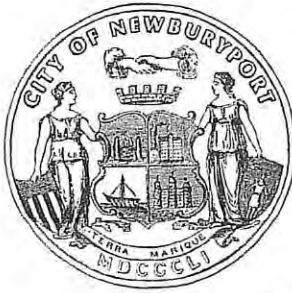
Licenses & Permits

In Committee:

- APPL00174_02_12_2024 Agave Parklet Application
- APPL00175_02_12_2024 Angies Parklet Application
- APPL00176_02_12_2024 Angry Donut Parklet Application
- APPL00177_02_12_2024 Bar 25 Parklet Application
- APPL00178_02_12_2024 Brine Parklet Application
- APPL00179_02_12_2024 Carmine Parklet Application
- APPL00180_02_12_2024 Loretta Parklet Application
- APPL00181_02_12_2024 NU Kitchen Parklet Application
- APPL00182_02_12_2024 Oregano Parklet Application
- APPL00183_02_12_2024 Paddle Inn Parklet Application
- APPL00184_02_12_2024 Port Tavern Parklet Application
- APPL00185_02_12_2024 Anchor Pizza Parklet Application

paid \$100 ✓

2024 Application – License to Occupy Outdoor City Property



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -5 P 3:40

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/4/2024

Business Name: AGAVE MEXICAN BISTRO

Business Contact: _____

Business Address: 50 STATE ST., NEWBURYPORT

Phone: 978-499-0428 Email: AGAVE@AGAVE MEXICAN BISTRO.COM

Property Owner: DAWN McCANDLESS

Outdoor Tables Quantity: 4 Dimensions: 72 x 61 Material: RESIN PLASTIC PICNIC
Quantity: 5 Dimensions: 4 FT ROUND Material: IRON

Outdoor Chairs Quantity: 24 Dimensions: 33" HEIGHT Material: IRON
Quantity: 20 Dimensions: 33" HEIGHT Material: IRON

Proposed Days/Hours of Operation: 7 DAY WEEK / 11:30 AM - 11 PM

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

NOTE: PICNIC TABLE DIMENSIONS INCLUDE THE ATTACHED SEATS

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

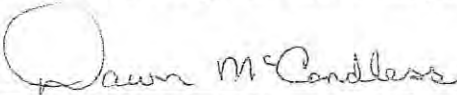
- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburyport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

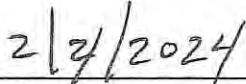
- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner



DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

AGAVE MEXICAN BISTRO
50 STATE STREET
NEWBURYPORT MA 01950

2/5/2024

ESSEK

*** ADA Compliance Notes:**

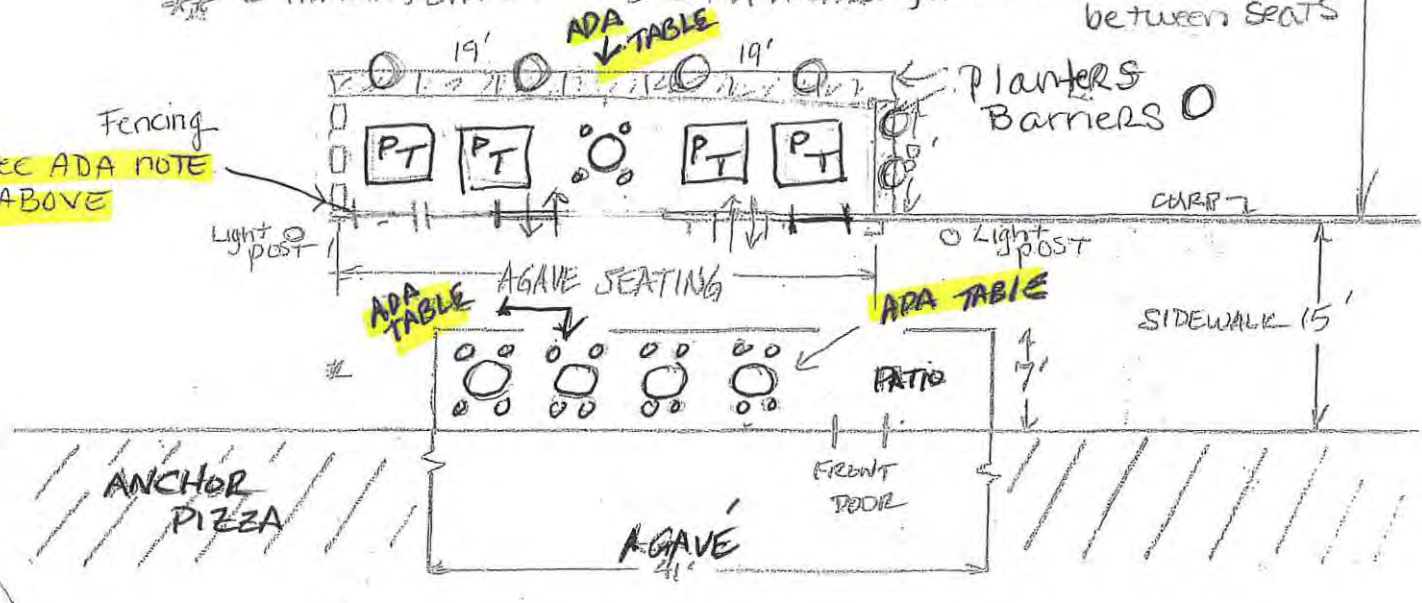
Fencing on sidewalk at parklet will be staggered to allow for Wheelchair access to parklet and round table on parklet. Round tables on sidewalk as in previous years have always allowed two tables to be ADA compliant. The fencing we implemented last year was moveable to allow access yet still designate the space as a dining area.

PICNIC TABLES (PT) 5'x6'

- * 4 TABLES 5' WIDE
- * 1 Round IRON TABLE (4' round)
- * 4 CHAIRS - IRON (2 each side)
- * 2 PARKING SPACES = 38' AVAILABLE, allows for 2'12 feet between SEATS

STATE ST ~40'

* SEE ADA NOTE ABOVE



* NO CHANGES FROM 2023

License Alcoholic Beverages

2024

The Licensing Board of City of Newburyport, MA

**HEREBY GRANTS A
COMMON VICTUALLER & ENTERTAINMENT**

License to Expose, Keep for Sale, and to Sell-ALL KINDS OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES

DBA:

Agave Mexican Bistro

License Number:

License Name:

License Class:

00053-RS-0796

Agave Restaurant Inc

Annual

Permit # LIC-23-63

License Category:

License Type:

Restaurant-Full Alcohol - 50 seats or more

Restaurant

On the following described premises:

Premises is located at both 46 and 50 State St. 46 State St has one floor of dining (734 Sq. Ft.), 50 State has 3 floors of dining. First floor (477 Sq. Ft.), Second floor (1000 Sq. Ft.), Outside seating sidewalk (287 Sq. Ft.), Outside seating parklet on street (304 Sq. Ft.). Seating capacity 188. Occupancy number is 229

Issued to:

Agave Restaurant Inc

Manager:

Dawn McCandless

Day and Hours Alcoholic Beverages to be served from:

Monday-Friday 11AM-12AM. Sat 9AM-12AM. Sun. 10AM-12AM

Location: 48-50 STATE ST , NEWBURYPORT

This license is granted and accepted upon the express condition that the license shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31st, 2024, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this December 21, 2023

Expires: December 31, 2024



Buzz Aldy *Tommy* *Ed Walden*

paid \$100 ✓

2024 Application - License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -5 A 10:28



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/5/24

Business Name: Angres Food and Dine Inc.

Business Contact: Stephen Lu

Business Address: 7 Pleasant St

BU 978-462-7959
Cell Phone: 978-479-8913 Email: Angresfood@comcast.net

Property Owner: Seangas Realty LLC

Outdoor Tables Quantity: 10 Dimensions: 3'1" x 3'1" Material: Metal/Composite

Outdoor Chairs Quantity: 30 Dimensions: 2'w x 1 1/2 D Material: Plastic

Proposed Days/Hours of Operation: 7 days 6am - 3pm

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

PAID

Amt: \$100.00 App Fee CK# 156

Date: 2/5/2024

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

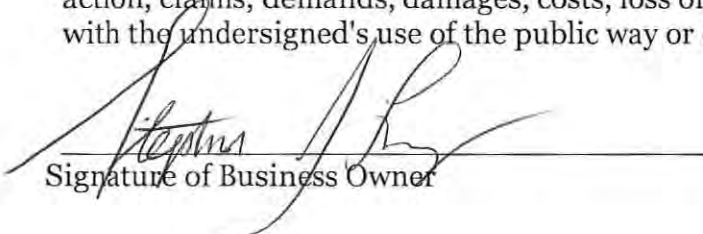
- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.


Signature of Business Owner


DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

To whom it may concern,

Angie's Food and Diner Inc has our permission to use the sidewalk in front of our store for upto approximately 15 ft.

To be used for outdoor tables .

Sincerely,

Mue .

62 State St INC

2-5-24

Scangas Realty

330 Lynnway, Suite 105
Lynn, MA 01901
781.842.8767

February 7, 2024

To Whom it May Concern

Please accept this letter as written consent from Scangas Realty for applicant, Angies Food, to use public way along frontage beyond its storefront, in front of all Scangas Realty owned frontage (1-11) on Pleasant street in Newburyport for outdoor restaurant seating and related restaurant use. If you need any further communication or clarification please contact me by email at edward@scangas.com or by phone at 978.979.1660

Warm regards,



Edward P. Schatz
President

Scangas Realty

330 Lynnway, Suite 105
Lynn, MA 01901
781.842.8767

February 7, 2024

To Whom it May Concern

Please accept this letter as written consent from Scangas Realty for applicant, Loretta, to use street frontage beyond its storefront, in front of the Cuckoo's Nest's unit of our building located on Pleasant street in Newburyport for outdoor restaurant seating and related restaurant use. If you need any further communication or clarification please contact me by email at eschat@scangas.com or by phone at 978.979.1660

Warm regards,



Edward P. Schatz
President



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/07/24

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 Cocca Insurance Associates Inc. dba Water Street Insurance Agency 27 Water Street Wakefield, MA 01880	CONTACT NAME: Carmen Cocca PHONE (A/C, No, Ext): 781-245-0888 E-MAIL ADDRESS: carmen@getinsurancehere.com	FAX (A/C, No): 781-246-3926
	INSURER(S) AFFORDING COVERAGE	
INSURED Angie's Food & Diner Inc. 8 Elm St Wilmington, MA 01887	INSURER A : Arbella Protection	
	INSURER B : Mass Retail Merchants Group Inc.	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS			
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			7520071944	05/16/23	05/16/24	EACH OCCURRENCE \$ 2,000,000			
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000			
	<input checked="" type="checkbox"/> Incl Liquor Liability						MED EXP (Any one person) \$ 10,000			
	GEN'L AGGREGATE LIMIT APPLIES PER:									PERSONAL & ADV INJURY \$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC									GENERAL AGGREGATE \$ 4,000,000
	OTHER:									PRODUCTS - COMP/OP AGG \$ 4,000,000
										Liquor Aggregate \$ 2,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$			
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$			
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$			
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$			
	<input type="checkbox"/> AUTOS ONLY						\$			
	<input type="checkbox"/> AUTOS ONLY						\$			
	UMBRELLA LIAB						EACH OCCURRENCE \$			
	EXCESS LIAB						AGGREGATE \$			
	DED	RETENTION \$					\$			
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			014005033043124	01/01/23	01/01/24	PER STATUTE			
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N						E.L. EACH ACCIDENT \$ 500,000		
	If yes, describe under DESCRIPTION OF OPERATIONS below	n	N/A					E.L. DISEASE - EA EMPLOYEE \$ 500,000		
								E.L. DISEASE - POLICY LIMIT \$ 500,000		

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

Restaurant located at: 7 Pleasant St., Newburyport, MA 01950

THE CERTIFICATE HOLDER HAS BEEN NAMED AS ADDITIONAL INSURED ON THE ABOVE NUMBERED LIABILITY POLICY

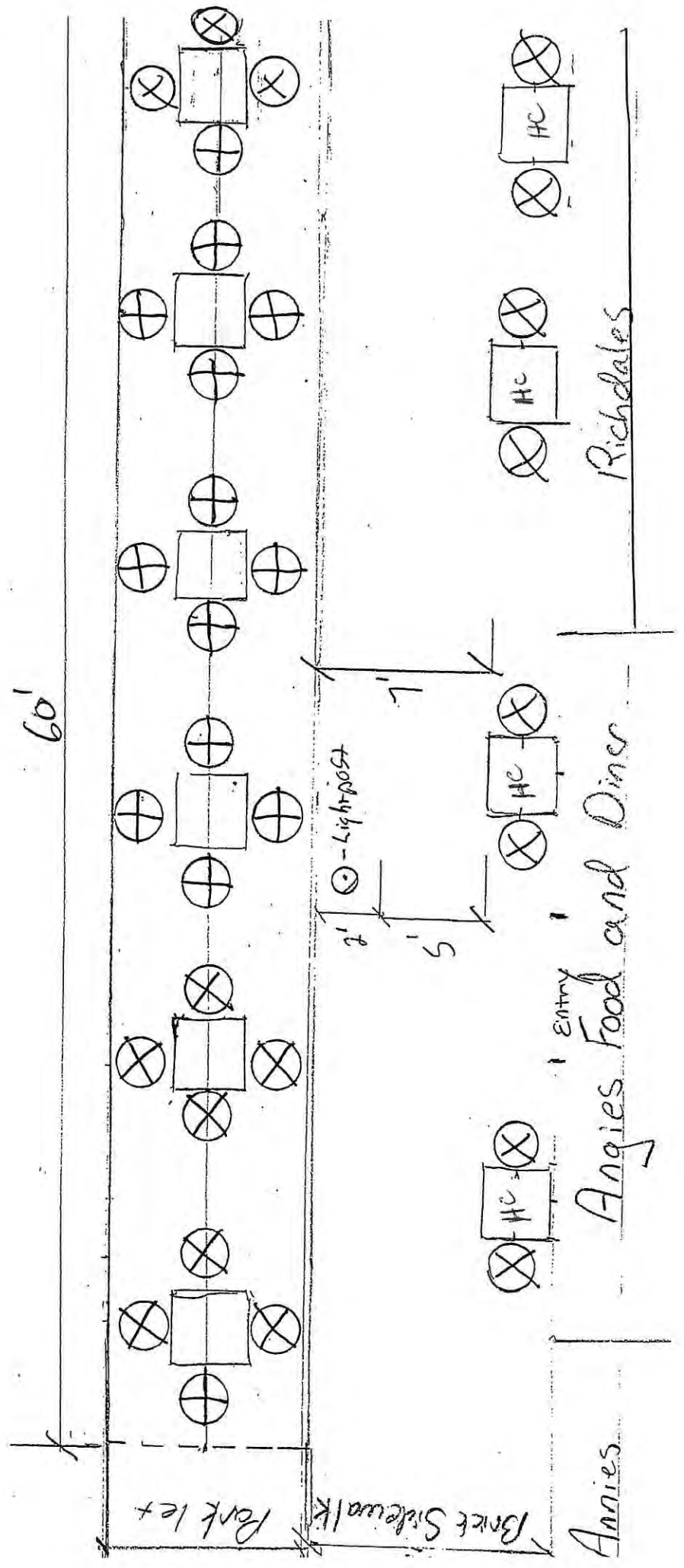
CERTIFICATE HOLDER**CANCELLATION**

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 <i>Carmen Cocca</i>
--	--

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Outdoor Dining
 Angies Food and Dining In
 7 Pleasant St.
 Newburyport Ma.
32 seats

Pleasant St.



paid \$100 ✓

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 Application – License to Occupy Outdoor City Property

2024 FEB -8 A 8:47



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/17/24

Business Name: TQJP ENTERPRISES, INC. DBA: THE ANGRY DOG

Business Contact: TOM QUILL

Business Address: 42 INN STREET

Phone: 978-729-6359 Email: tom@theangrydog.com

Property Owner: NED

Outdoor Tables Quantity: 10 Dimensions: 28x28 Material: WROUGHT IRON

Outdoor Chairs Quantity: 24 Dimensions: _____ Material: _____

Proposed Days/Hours of Operation: TUES - FRI 3PM - 2PM

SAT - SUN 3PM - 4PM

Check all that apply:

Applicant requests approval for food consumption.

Applicant requests approval for alcohol consumption.

Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

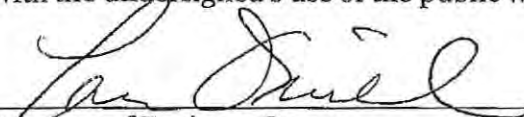
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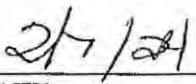
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RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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Signature of Business Owner



DATE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/07/2024

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PRODUCER G & A INSURANCE, INC 34 Dover Point Road Dover NH 03820		CONTACT NAME: Stan Cataldo PHONE (A/C, No, Ext): (603) 742-2644 E-MAIL ADDRESS: scataldo@gandainsurance.com FAX (A/C, No): (603) 742-2406	
INSURED TQJP Enterprises, Inc., DBA: Angry Donut 42-44 Inn Street Newburyport MA 01950		INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Insurance Co INSURER B: Ohio Casualty Insurance Co INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** Master 2024-25 GL Only**REVISION NUMBER:**

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

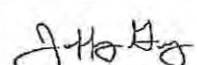
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			BZS(25)62596156	01/15/2024	01/15/2025	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Employment Practices \$ 100,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0 <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE			USO(25)62596156	01/15/2024	01/15/2025	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000 \$ PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				

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

 RE: 42 Inn Street
 Newburyport, MA 01950

City of Newburyport Listed As Additional Insred Per Written Agreement.

CERTIFICATE HOLDER**CANCELLATION**

Newburyport City Hall 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 
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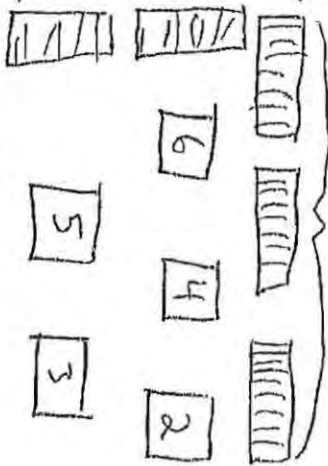
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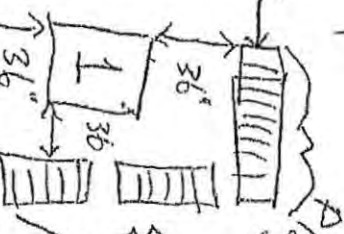
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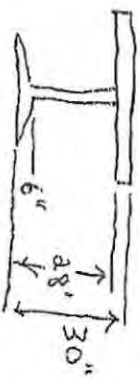
planters



Planters



1. Accessible table



sidewalk

the ANGRY Donut
Kitchen

Mandavava

FAN ST
Barbershop



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/07/2024

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PRODUCER G & A INSURANCE, INC 34 Dover Point Road Dover NH 03820		CONTACT NAME: Stan Cataldo PHONE (A/C, No, Ext): (603) 742-2644 E-MAIL ADDRESS: scataldo@gandainsurance.com FAX (A/C, No): (603) 742-2406	
INSURED TQJP Enterprises, Inc., DBA: Angry Donut 42-44 Inn Street Newburyport MA 01950		INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Insurance Co INSURER B: Ohio Casualty Insurance Co INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** Master 2024-25 GL Only **REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BZS(25)62596156	01/15/2024	01/15/2025	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Employment Practices \$ 100,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						@COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			USO(25)62596156	01/15/2024	01/15/2025	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

RE: 42 Inn Street
Newburyport, MA 01950
City of Newburyport Listed As Additional Insred Per Written Agreement.

CERTIFICATE HOLDER		CANCELLATION	
Newburyport City Hall 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 	

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NEWBURYPORT --- DEVELOPMENT

A NEW ENGLAND DEVELOPMENT *Company*

54 Inn Street
Newburyport, MA 01950
Phone (978) 465-8571
Fax (978) 465-6653

March 30, 2022

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

RE: The Angry Donut

To Whom it May Concern,

As Landlord representative for 44 Inn Street, Jill Passen and Tom Quill, the owners of the Angry Donut, have our permission to expand The Angry Donut's outdoor seating onto the sidewalk and walkway in the area of the storefront.

Thank You.

Sincerely,



Ginny Roberts
Leasing Director

paid \$100 ✓

APPL00177_02_12_2024

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

2024 FEB -8 A 11:59

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/7/24

Business Name: Bar 2.5

Business Contact: Reza Bahmani

Business Address: 38 State St.

Phone: 978 255 3322 Email: Bar25ayer@gmail.com

Property Owner: State St. Fishmonger

Outdoor Tables Quantity: 10 Dimensions: 47.2x27.2x30.5 Material: wicker

Outdoor Chairs Quantity: 40 Dimensions: 21.7x21.7x Material: wicker

Proposed Days/Hours of Operation: Tues-Sat 3pm-11pm, Sun 10am-3pm

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).



R&RCONC-01

CDANDY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/9/2023

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 AXiA Insurance Services 84 Myron Street Suite A West Springfield, MA 01089	CONTACT NAME: PHONE (A/C, No, Ext): (413) 788-9000 E-MAIL ADDRESS: info@axiagroup.net	FAX (A/C, No): (413) 886-0190
	INSURER(S) AFFORDING COVERAGE	
INSURED Bar25 LLC 38 State St Newburyport, MA 01950	INSURER A: The Hartford Insurance Company	NAIC # 19682
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Legal Liability \$1,0 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			08SBAAJ4HMG	12/6/2023	12/6/2024	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 NON OWNED AUTO \$ 1,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Newburyport is named as an Additional Insured.

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

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner

2/7/24
DATE

STATE STREET FISHMONGER LLC
38 State Street
Newburyport, MA 01950

February 8, 2024

Bar 25
Attn: Reza Rahmani
38 Street Street
Newburyport, MA 01950

Dear Reza:

This letter confirms State Street Fishmonger will allow Bar 25, located at 38 State Street, Newburyport, MA, permission for outdoor dining.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey Caswell', with a long horizontal flourish extending to the right.

Jeffrey Caswell
President

PAID \$100 ✓

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

2024 FEB -6 P 3:25

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2-2-2024

Business Name: BRINE OYSTER BAR

Business Contact: NANCY BATISTA-CASWELL

Business Address: 17 STATE STREET, NBPT, MA 01950

Phone: 978-358-8479 Email: nancy@caswellrestaurants.com

Property Owner: NEW ENGLAND DEVELOPMENT

Outdoor Tables Quantity: _____ Dimensions: _____ Material: _____
SEE FLOOR PLAN

Outdoor Chairs Quantity: _____ Dimensions: _____ Material: _____
SEE FLOOR PLAN

Proposed Days/Hours of Operation: MONDAY - SATURDAY 12-10pm
SUNDAY 12-9pm

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

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Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
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Occupancy fee: **\$8/sq. ft.**
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- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

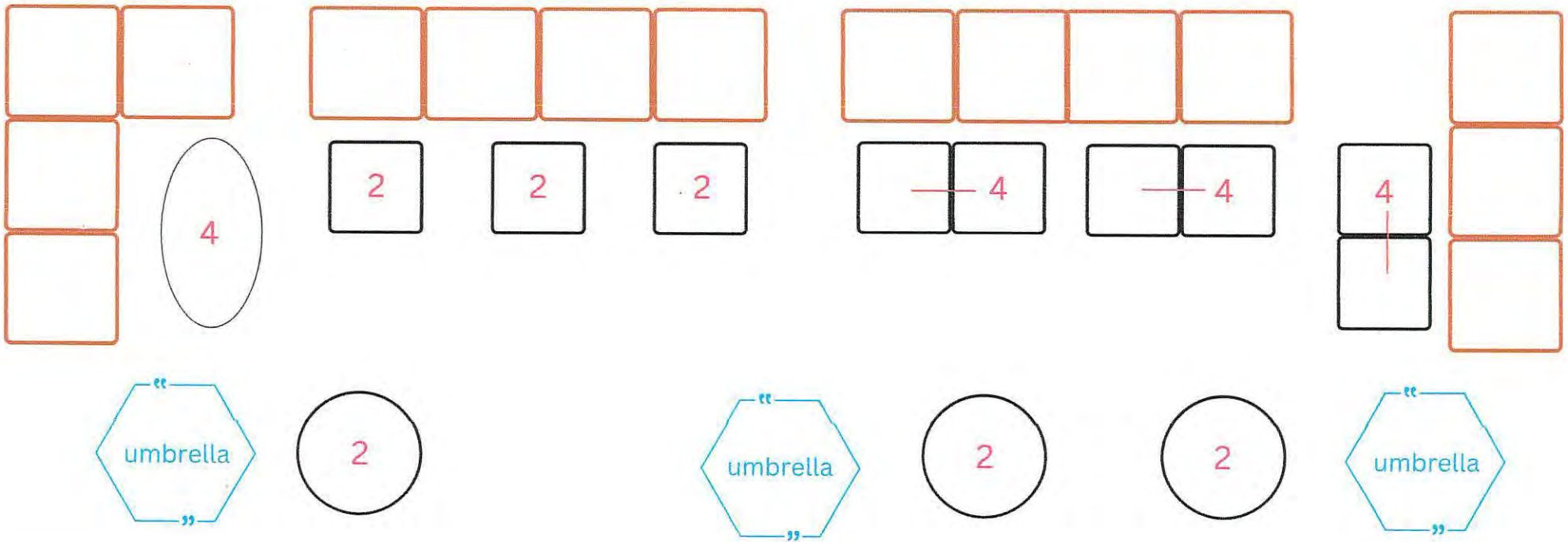
I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner

2-2-2024

DATE



3.5 foot
walkway

Chairs:
15 - 28" x 28" Whicker Squares
(Creates Couched area = 11 seats)

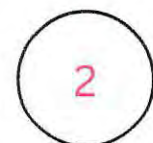
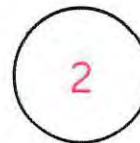
21 - 16" Whicker Chairs

Total Seating = 32 Seats

Tables:
1 - 28" x 68" Metal Oval
7 - 24" x 24" Metal Squares
3 - 24" Metal Rounds
2 - 20" Metal Rounds
2 - 22" Wooden Squares

SERVICE
STATION

ENTRANCE



NEWBURYPORT --- DEVELOPMENT


A NEW ENGLAND DEVELOPMENT *Company*

City of Newburyport
60 Pleasant Street
Newburyport, Ma 01950

To Whom it May Concern:

Nancy Caswell operates Brine Oyster Bar at our property located at 17 State Street, Newburyport. Nancy has our permission to expand Brine's outdoor seating onto the sidewalk and parking area in front of the storefront.

Sincerely,



Chris Skiba,
General Manager



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/22/2023

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 Eastern Insurance Group LLC 233 West Central St Natick MA 01760	CONTACT NAME: SELECT DEPARTMENT PHONE (A/C, No, Ext): 800-333-7234 E-MAIL ADDRESS: selectwork@easterninsurance.com	FAX (A/C, No): 781-586-8244	
	INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED Caswell Restaurant Group, Inc. dba Brine 24 Graf Road Newburyport MA 01950 CEIAKIT-01	INSURER A: Allmerica Financial Benefits		41840
	INSURER B: Hartford Ins Co of Midwest		37478
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES **CERTIFICATE NUMBER:** 2054435588 **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	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Z2NH875897	12/13/2023	12/13/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
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		Z2NH875897	12/13/2023	12/13/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		Z2NH875897	12/13/2023	12/13/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
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	08WECLI5514	12/14/2023	12/14/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Liquor Liability		Z2NH875897	12/13/2023	12/13/2024	OCCURRENCE 1,000,000 AGGREGATE 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 RE: Brine Restaurant located at 17 State St., Newburyport, MA 01950
 City of Newburyport is included as an Additional Insured for General Liability as required by written contract.

CERTIFICATE HOLDER **CANCELLATION**

City of Newburyport 60 State 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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 Application - License to Occupy Outdoor City Property

2024 FEB -7 P 3:30



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/7/2024

Business Name: CARMINE

Business Contact: LUCA ONOFRI

Business Address: 25 STATE STREET ^{Newburyport} 01950

Phone: 9788314852 Email: G.LUCA1411@OUTLOOK.COM

Property Owner: LUCA ONOFRI

Outdoor Tables Quantity: 8 ^{6-48x24} Dimensions: 2-24x24 Material: METAL

Outdoor Chairs Quantity: 28 Dimensions: 20x20 Material: METAL

Proposed Days/Hours of Operation: 11-9:30 Mon - SUNDAY

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

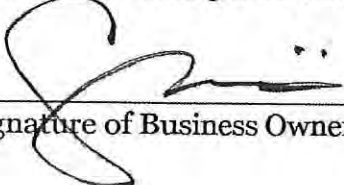
- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

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- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
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RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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Signature of Business Owner

2/7/24
DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

STATE STREET

Paddle Tables are all 28X28 inch squares
28 seats in total.

Total Width of Parklet: 318 inches

Carmine have four 24x48 inch and
two 24x24 inch tables

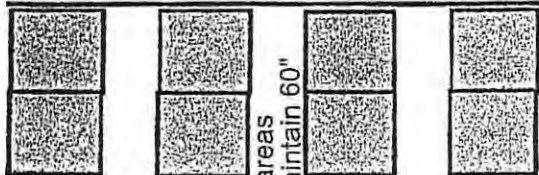
28 seats in total.

Total Width: 288 inches

Brine have three 24x48 inch,
four 24x24 inch, and three, 20 inch rounds.

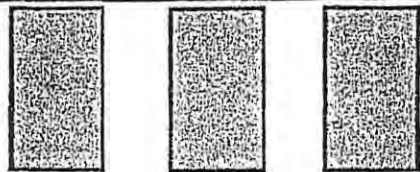
30 seats in total.

Total Width: 288 inches

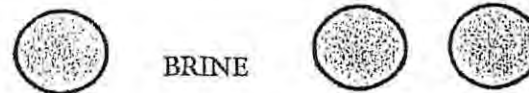
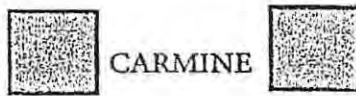
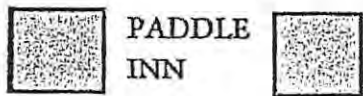


36" must be maintained around all areas
Middle Isle between tables must maintain 60"
for wheelchair turning radius

Tables must be ADA Accessible
Dennis Morel AAB



↓
SIDEWALK
5' WIDE





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/08/2024

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PRODUCER DUFFY INSURANCE AGENCY INC 317 BROADWAY LYNN MA 01904		CONTACT NAME: LYNNE GLYNN PHONE (A/C, No., Ext): (781) 593-1200 E-MAIL ADDRESS: lynne@duffyins.com FAX (A/C, No):	
		INSURER(S) AFFORDING COVERAGE INSURER A: LIBERTY MUTUAL FIRE INS CO INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 23035

COVERAGES

CERTIFICATE NUMBER: 976128

REVISION NUMBER:

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

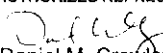
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			N/A			EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/PO/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			N/A			COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			N/A			EACH OCCURRENCE \$ AGGREGATE \$ \$
A	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	N/A	WC233SB20P65013	07/09/2023 07/09/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
				N/A			

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

Workers' Compensation benefits will be paid to Massachusetts employees only. Pursuant to Endorsement WC 20 03 06 B, no authorization is given to pay claims for benefits to employees in states other than Massachusetts if the insured hires, or has hired those employees outside of Massachusetts.

This certificate of insurance shows the policy in force on the date that this certificate was issued (unless the expiration date on the above policy precedes the issue date of this certificate of insurance). The status of this coverage can be monitored daily by accessing the Proof of Coverage - Coverage Verification Search tool at www.mass.gov/lwd/workers-compensation/investigations/.

CERTIFICATE HOLDER**CANCELLATION**

Town 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  Daniel M. Crowley, CPCU, Vice President - Residual Market - WCRIBMA
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© 1988-2015 ACORD CORPORATION. All rights reserved.

\$100 Paid ✓

APPL00180_02_12_2024

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -7 P 3:08



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 02-07-2024

Business Name: Shelly, LLC dba Loretta

Business Contact: Ted Epstein

Business Address: 15 Pleasant St

Phone: 978-463-0000 **Email:** tepstein@aol.com

Property Owner: Stavros Fountis

Outdoor Tables Quantity: 9 Dimensions: 34"x34" / 26"x26" Material: Metal

Outdoor Chairs Quantity: 26 Dimensions: 17" x 24" Material: Metal & Plastic

Proposed Days/Hours of Operation: 11am - 3pm, 5pm - 10pm - 7 days/week

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner

2/7/24

DATE

Scangas Realty

330 Lynnway, Suite 105
Lynn, MA 01901
781.842.8767

February 7, 2024

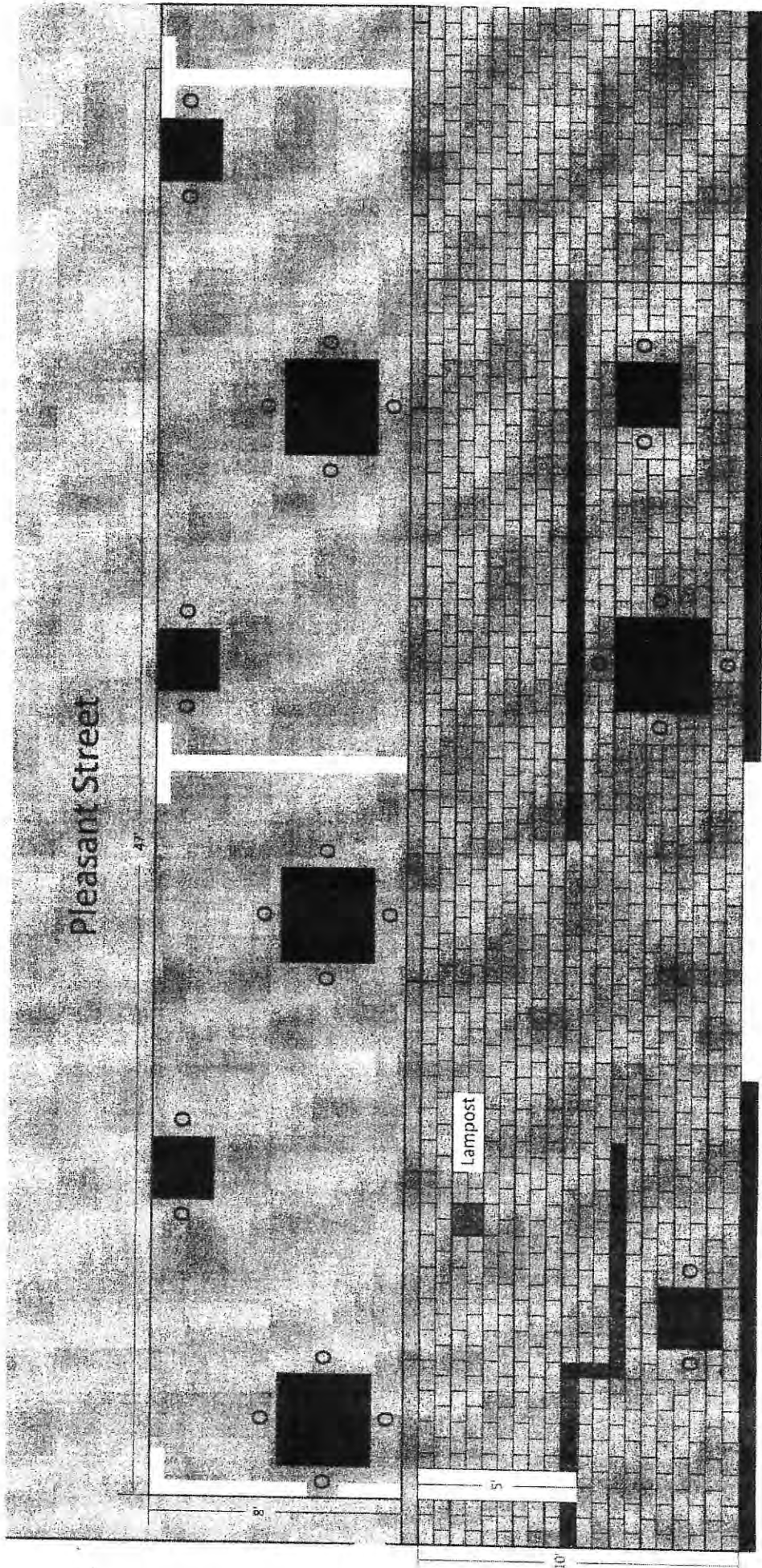
To Whom it May Concern

Please accept this letter as written consent from Scangas Realty for applicant, Loretta, to use street frontage beyond its storefront, in front of the Cuckoo's Nest's unit of our building located on Pleasant street in Newburyport for outdoor restaurant seating and related restaurant use. If you need any further communication or clarification please contact me by email at eschatz@scangas.com or by phone at 978.979.1660

Warm regards,



Edward P. Schatz
President



Pleasant Street

47'

8'

Lampost

5'

10'

Loretta



SHELL-2

OP ID: WC

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/07/2024

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).

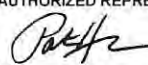
PRODUCER Segreve & Hall Insur.Assoc.Inc One Tech Drive, Suite 135 Andover, MA 01810		978-975-1300	CONTACT NAME: PHONE (A/C, No, Ext): 978-975-1300 FAX (A/C, No): 978-975-7596 E-MAIL ADDRESS:
INSURED Shelly LLC dba Loretta's 15 Pleasant St. Newburyport, MA 01950-2608		INSURER(S) AFFORDING COVERAGE INSURER A : Hartford Ins Co. NAIC # 19682 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		X	08 SBA BA1T9F	10/09/2023	10/09/2024	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			08 SBA BA1T9F	10/09/2023	10/09/2024	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"/> EXCESS LIAB OCCUR <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 <input type="checkbox"/> N/A				PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	Liquor Liability			08 SBA BA1T9F	10/09/2023	10/09/2024	EachCause	1,000,000
							Aggregate	2,000,000

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

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

Paid \$100 ✓

APPL00181_02_12_2024

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -8 P 2:55



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: _____

Business Name: NV Kitchen Newburyport, LLC

Business Contact: Jared Laferrriere

Business Address: 19-23 Pleasant St

Phone: 978 954 3271 **Email:** Jared@thenvkitchen.com

Property Owner: Josh Van Dyke

Outdoor Tables Quantity: 5 Dimensions: 30x30 Material: Composite

Outdoor Chairs Quantity: 16 Dimensions: 17x17 Material: Composite

Proposed Days/Hours of Operation: 7:30am - 8pm 7 days

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
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- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.

Signature of Business Owner

2/8/24

DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

NU KITCHEN

All table must be ADA

27"-34" height

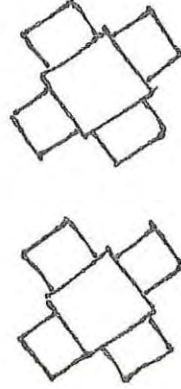
18" clear under table

Tables must be 60" clear for wheel chair turning



SIDEWALK

2 Parklets



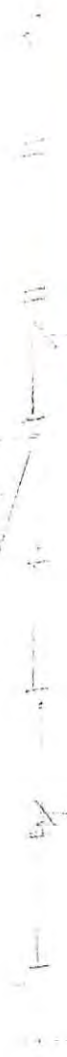
18'

1/8" = APPROX 1'

PLEASANT ST. →

19 PLEASANT

21 PLEASANT



8' TREE LAND

DELIVER ZONE

18'

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

2/7/24

To whom it may concern,

Van Dyke Newburyport Realty, owner of the commercial condo at 19 Pleasant Street in Newburyport, MA, approves of NU Kitchen Newburyport, LLC (NU Kitchen), having outdoor seating and serving alcohol at said outdoor seating.

Please feel free to contact me with any questions.

Joshua Van Dyke
Van Dyke Newburyport, Realty
josh@thenukitchen.com
Cell: 401-474-0380

A handwritten signature in black ink, appearing to read 'JV' with a stylized flourish.

Paid \$1000

2024 Application - License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -7 P 1:58



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/6/24

Business Name: Oregano Pizzeria + Ristorante

Business Contact: Claude Elias

Business Address: 16 Pleasant St. Newburyport, MA

Phone: 603-475-1262 Email: celias@medlasertech.com

Property Owner: Newburyport Development

Outdoor Tables Quantity: 14 Dimensions: see below Material: Metal

Outdoor Chairs Quantity: 48 Dimensions: 14 x 16 Material: Metal

Proposed Days/Hours of Operation: 11:30 am - 11:00 pm

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Tables

4 @ 30 x 30

3 @ 30 x 60

3 @ 36 x 36

4 @ 32 x 32

14

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburyport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
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- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

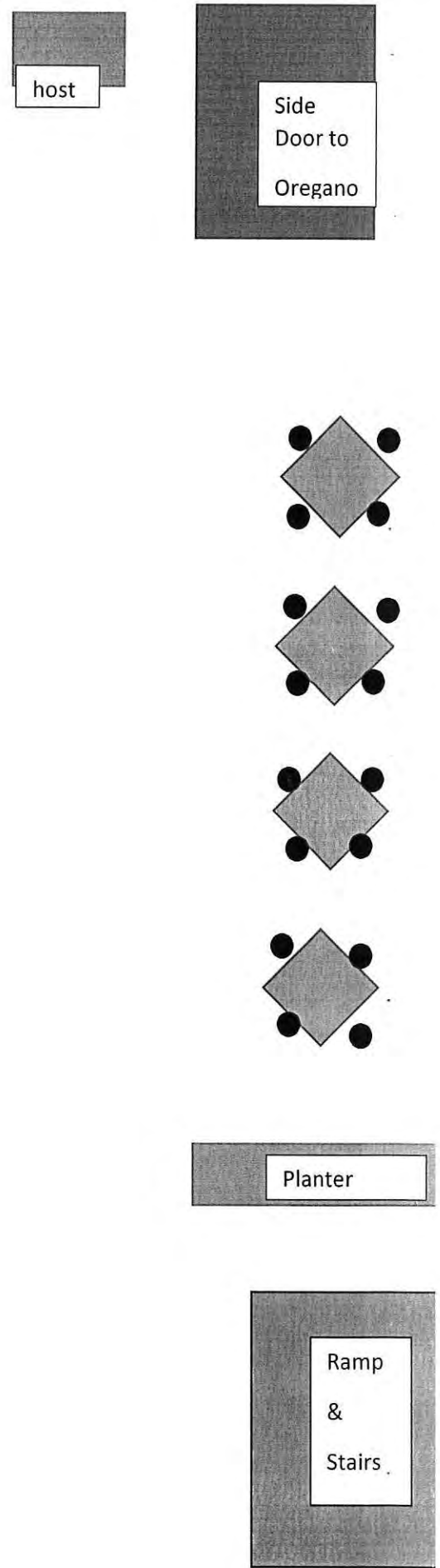
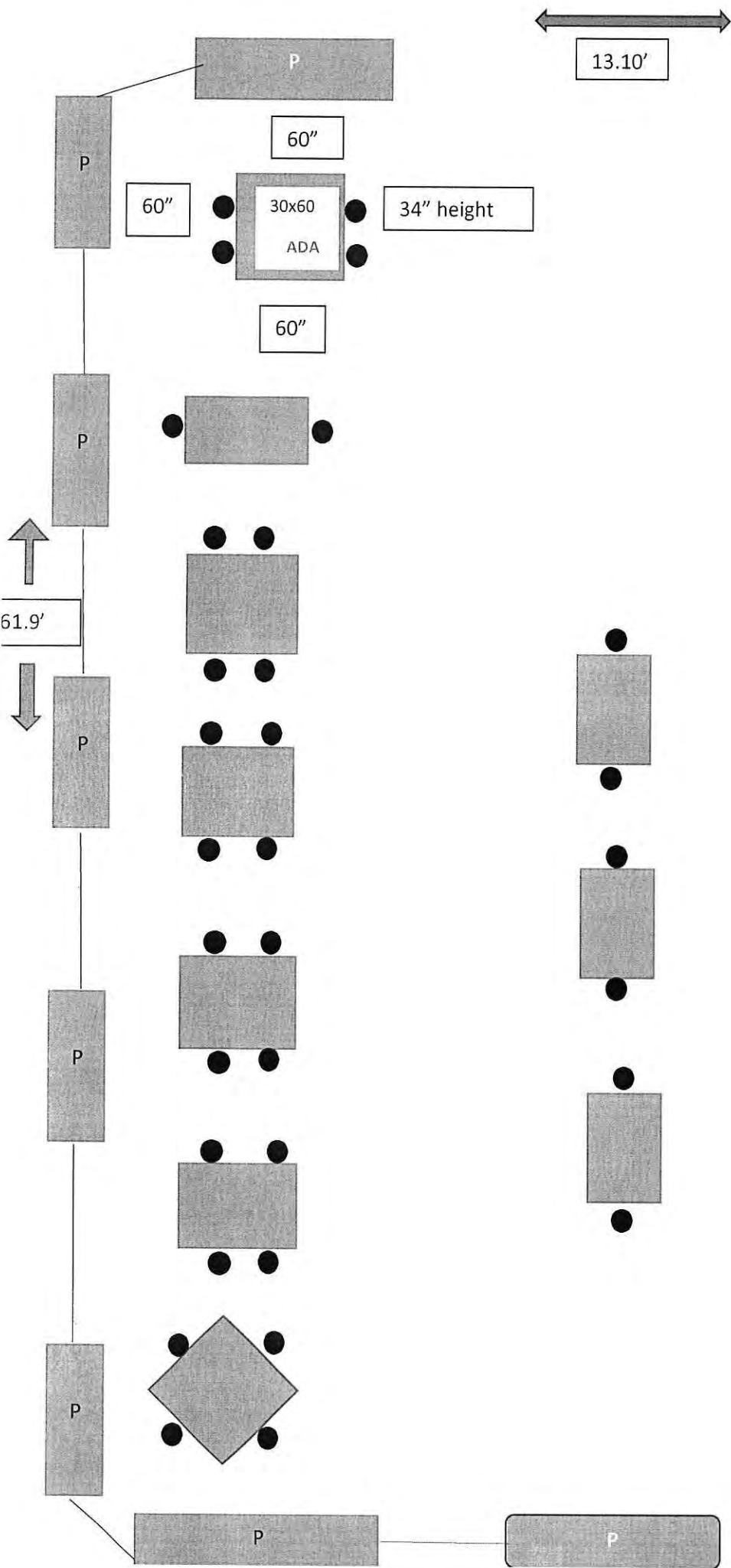
I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner

2/6/24
DATE

Oregano Patio



NEWBURYPORT DEVELOPMENT


A NEW ENGLAND DEVELOPMENT Company

City of Newburyport
60 Pleasant Street
Newburyport, Ma 01950

To Whom it May Concern:

Claude Elias operates Oregano's at our property located at 16 Pleasant Street, Newburyport. Claude Elias has our permission to expand Oregano's outdoor seating onto the land surrounding Oregano's restaurant at 16 Pleasant Street.

Sincerely,



Chris Skiba, General Manager

paid ✓ \$100

2024 Application – License to Occupy Outdoor City Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2024 FEB -8 P 1:51



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: Feb. 8, 2024

Business Name: The Paddle Inn Restaurant

Business Contact: Beau Sturm

Business Address: 27 State Street

Phone: 978-572-1242 Email: paddleinnnewburyport@gmail.com

Property Owner: Antoinette Biugliano

Outdoor Tables Quantity: 14 Dimensions: 27" x 27" Material: white composite

Outdoor Chairs Quantity: 28 Dimensions: _____ Material: wood benches/plastic chairs

Proposed Days/Hours of Operation: 11:30 am - 10pm (M-SA) 10am - 10pm (Sunday)

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:

- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburyport.com
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Signature of Business Owner

2/8/2024

DATE

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.



ADDITIONAL REMARKS SCHEDULE

AGENCY MacDonald & Pangione Insurance Agency		NAMED INSURED Paddle Inn Restaurant LLC	
POLICY NUMBER N/A		EFFECTIVE DATE:	
CARRIER Multiple Carriers	NAIC CODE	(Empty)	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Certificate holder is listed as an additional insured

February 8, 2024

Beau Sturm
Paddle Inn Restaurant
27 State St
Newburyport, MA 01950

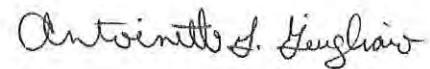
Re: Outside area use

Dear Beau:

You have our approval for use of the outside area of 27 State Street for patio dining.

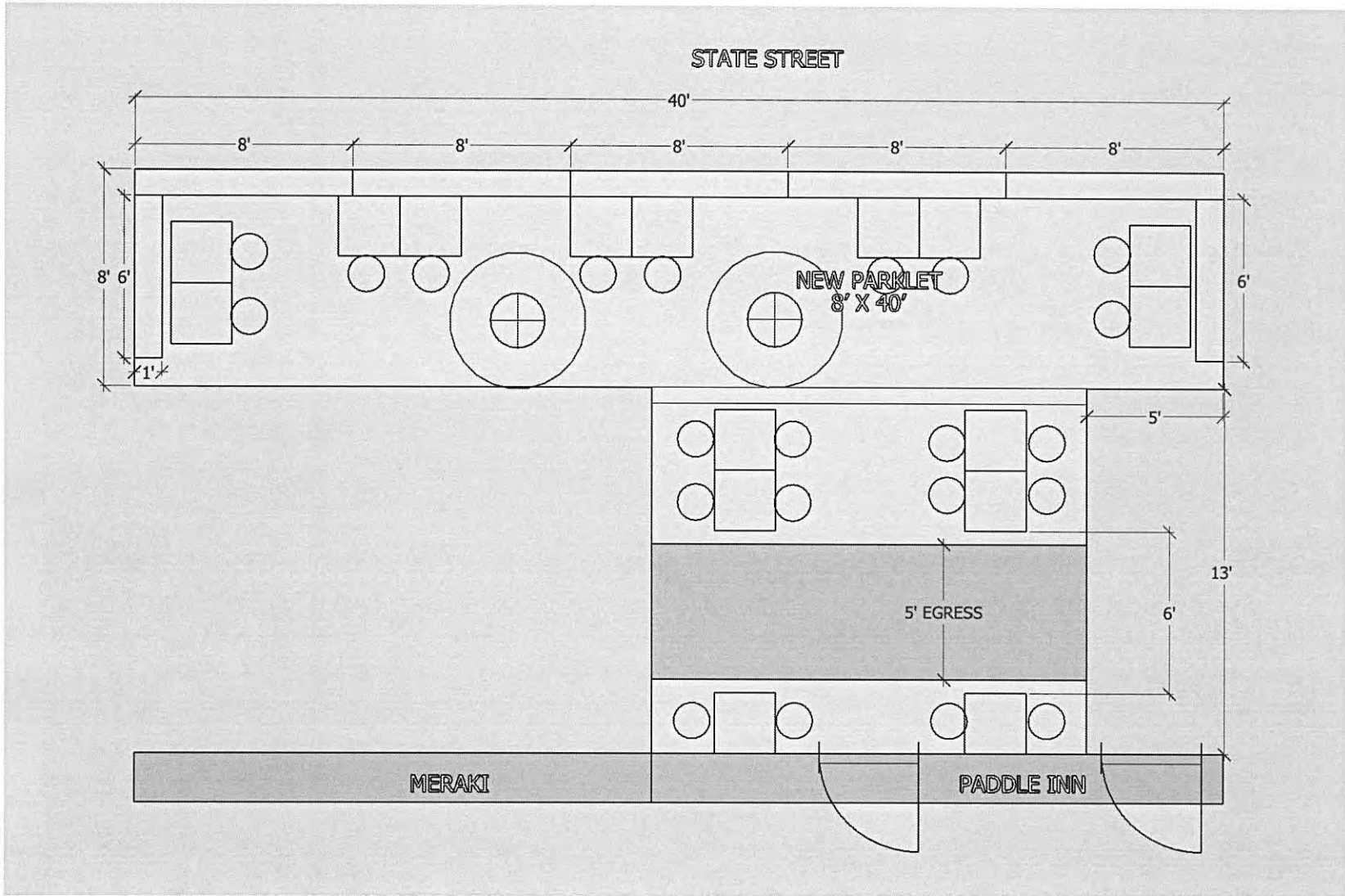
Please do not hesitate to contact me with any questions.

Very truly yours,



By _____
Antoinette G. Giugliano
Principal
Istanbul-Giugliano LLC

C:\AGGSERVER\Office Documents\corporate_Docs\Antoinette's corporate\client\0023 Istanbul\0023.0005-000 27 state Newburyport\tenant correspondence and rent\letter re approval to use outside area for patio dining.docx



132 BOSTON ST DORCHESTER, MA 02125
WWW.BLACKBIRCHCREATIVE.COM

1 PATIO
PADDLE INN, 27 STATE ST
NEWBURYPORT, MA

paid \$100 ✓

2024 Application – License to Occupy Outdoor City Property

2024 FEB -8 A 10:40



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: 2/1/24

Business Name: Bolwyn Corp. DBA The Port Tavern

Business Contact: Abigail Hannan

Business Address: 84 State St.

Phone: 978.465.1006 Email: apierce@theporttavern.com

Property Owner: Philip Wynne

Outdoor Tables Quantity: 10 Dimensions: Various - largest is 48" x 30" Material: metal + plastic

Outdoor Chairs Quantity: 38 Dimensions: 17 1/8" x 15 3/4" Material: metal + plastic

Proposed Days/Hours of Operation: M-Sun 11:30 AM - 11:00 PM

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Applications shall be delivered to the Office of the City Clerk by hand, mail, or email:


- 1) Office of the City Clerk
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4407
clerk@cityofnewburyport.com
- 2) **The deadline for applications is 4:00pm Thursday, February 8th 2024 to be included in the February 12th City Council Meeting. Please note it will take at least 2 City Council Meetings to process your application.**

Processing:

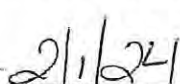
- 1) Application fee: **\$100.00**
Occupancy fee: **\$8/sq. ft.**
- 2) Applications will be reviewed by the City Council and forwarded to the Licensing Board. For applications to occupy a city park or playground, the City Council shall not consider or act upon such application until the earlier of (i) having received a recommendation by the Parks Commission regarding such application, or (ii) 30 days from the City Clerk's receipt of such complete application.
- 3) The **Licensing Board will then conduct a public hearing** on each application and determine whether to approve, approve conditionally, or deny it. The Licensing Board may not approve an application without a favorable recommendation by the City Council.
- 4) The City has no obligation whatsoever to approve any individual application, each of which shall be processed, reviewed, and a determination thereon made by the relevant City officers, boards, and commissions in their reasonable discretion.
- 5) Any condition of approval and submitted plan shall be in force for the entire duration of any validly issued license.
- 6) Any license issued may be revoked at any time by super-majority vote of the City Council, after a public hearing, for any reason, or no reason.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way or other city property as described herein.



Signature of Business Owner



DATE

City of Newburyport

Outdoor Tables & Chairs

- 1) A minimum of five-feet of pedestrian clearance must be maintained for public pedestrian access. Tables, chairs, and/or all enclosure materials used to create a demarcated area for serving alcohol may not impede this required pedestrian clearance.
- 2) Tables, chairs, and/or enclosure materials to create a demarcated area for serving alcohol must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 3) Tables, chairs, and/or personal property used to demarcate an area cannot interfere with curb ramps, driveways, fire escapes and/or doorways.
- 4) All tables and chairs that are chained, roped, or otherwise tethered together after business hours must be untethered during business hours.
- 5) Placement of tables and chairs on city property must conform in all respects to all applicable federal, state, and local laws and regulations, including, without limitation workplace safety rules and other public health regulations. Please contact the Newburyport Health Department for workplace safety rules specific to your business sector.
- 6) Like any license, permission to place tables and chairs outdoors on city property is revocable at the discretion of the City of Newburyport.
- 7) Initial licenses, unless revoked, shall remain effective until on or about October 31st and commencing on or about May 1st.

Attach the following materials:

- 1) Evidence of liability insurance with minimum coverage in the amount of one million dollars (\$1,000,000) per occurrence, naming the City of Newburyport as co-insured, and in force for the entire approved period of occupancy.
- 2) A clear and legible 8½-inch x 11-inch diagram of the proposed area of occupancy, detailing which shall be in addition to any other requirements of law, regulation or ordinance, including state alcohol law. **Such diagram shall demonstrate compliance with MAAB CMR 521 and all other Americans with Disabilities Act (“ADA”) requirements:**
 - a) Perimeter of proposed areas of occupancy, with relevant linear dimensions;
 - b) If such area includes portions of a public street traveled by vehicles, then the public, vehicular path of travel, no less than eleven (11) feet in width, or wider as may be required by the City Engineer;
 - c) All relevant obstacles such as streetlights, signs, trees, etc.; and
 - d) All tables, chairs, seats, total seating count and total occupancy; and
 - e) The area of occupancy must be enclosed by a fence, rope or other means to control access and demarcate the area proposed for the service of food and alcohol; and
 - f) Public, pedestrian path of travel no less than five feet in width.
- 3) Written authorization signed by the Applicant’s landlord acknowledging and agreeing to the use of the adjacent portion of any public way.

2/6/2024

The Port Tavern has been granted permission by the business owner to set up their expanded patio space in front of The Screening Room, 82 State Street, Newburyport, MA. The patio space will come down approximately halfway across the Screening Room's storefront to allow access for the business's trash disposal. The Port Tavern agrees to maintain a reasonable noise level as determined by the operators of The Screening Room on our patio during their hours of operation. In addition, The Port Tavern understands that the Screening Room may need extra sidewalk clearance for projects or expanded accessibility to front door throughout the season and will be more than happy to work out details with the owners as needed.

Rebecca Fundis

2.6.24

Business Owner Name

Date

[Signature]

Signature



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/08/2024

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 Malcolm & Parsons Insurance Agency 713 Washington Street P.O. Box 527 Stoughton MA 02072		CONTACT NAME: Jaime Gonsalves PHONE (A/C, No, Ext): (781) 344-3200 FAX (A/C, No): (781) 344-1425 E-MAIL ADDRESS: jll@malcolmandparsons.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A : Trisura Specialty Insurance Company	
		INSURER B : MA Retail Merchants WC Group	
		INSURER C :	
		INSURER D :	
		INSURER E :	
		INSURER F :	
INSURED Bolwyn Corp. & Prince Place LLC DBA: The Port Tavern 84-86 State Street & 7 Prince Place Units 101 & 201 Newburyport MA 01950			

COVERAGES

CERTIFICATE NUMBER: Master 2/8/24

REVISION NUMBER:

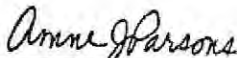
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE 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	ADDITIONAL INSURED	SUBROGATION WAIVED	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 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	Y		OSCPP-1000136-03	02/10/2024	02/10/2025	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ Excluded
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
							Hired Non Owned Auto	\$ 1,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED: RETENTION \$			OSUXL 1000168-03	02/10/2024	02/10/2025	EACH OCCURRENCE	\$ 1,000,000
							AGGREGATE	\$ 1,000,000
								\$
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		014005035060124	01/01/2024	01/01/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	
		N/A					E.L. EACH ACCIDENT	\$ 500,000
							E.L. DISEASE - EA EMPLOYEE	\$ 500,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000
A	Liquor Liability			OSCPP-1000136-03	02/10/2024	02/10/2025	Each Occurrence	\$1,000,000
							Aggregate	\$2,000,000

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

Neighborhood Tavern
 Liability policies provide coverage for outdoor patio seating.
 The City of Newburyport is Additional Insured with respect to General Liability.

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 
---	--

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2024 Application – License to Occupy Outdoor City Property



City of Newburyport
Application Form 2024
Restaurant License
Occupy Outdoor City Property

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

2024 FEB -8 P 3:55

****DO NOT USE THIS APPLICATION FORM FOR EVENTS****

Date Submitted: _____

Business Name: _____ Anchor Stone Deck Pizza

Business Contact: _____ Ashlyn Calcagni

Business Address: _____ 44 State Street

Phone: 978-463-3313 **Email:** Ash@AnchorPizzeria.com

Property Owner: _____ 42-44 State Street Nominal Trust

Outdoor Tables Quantity: 7 Dimensions: 4 30-inch Rounds
3 72"x31" Material: Steel & Composite

Outdoor Chairs Quantity: 34 Dimensions: 15inx15in Material: Steel

Proposed Days/Hours of Operation: 11am - 9pm Sunday - Saturday

Check all that apply:

- Applicant requests approval for food consumption.
- Applicant requests approval for alcohol consumption.
- Applicant requests approval for occupancy of public parking space(s).

Attach the following materials:

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clerk@cityofnewburport.com
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Signature of Business Owner

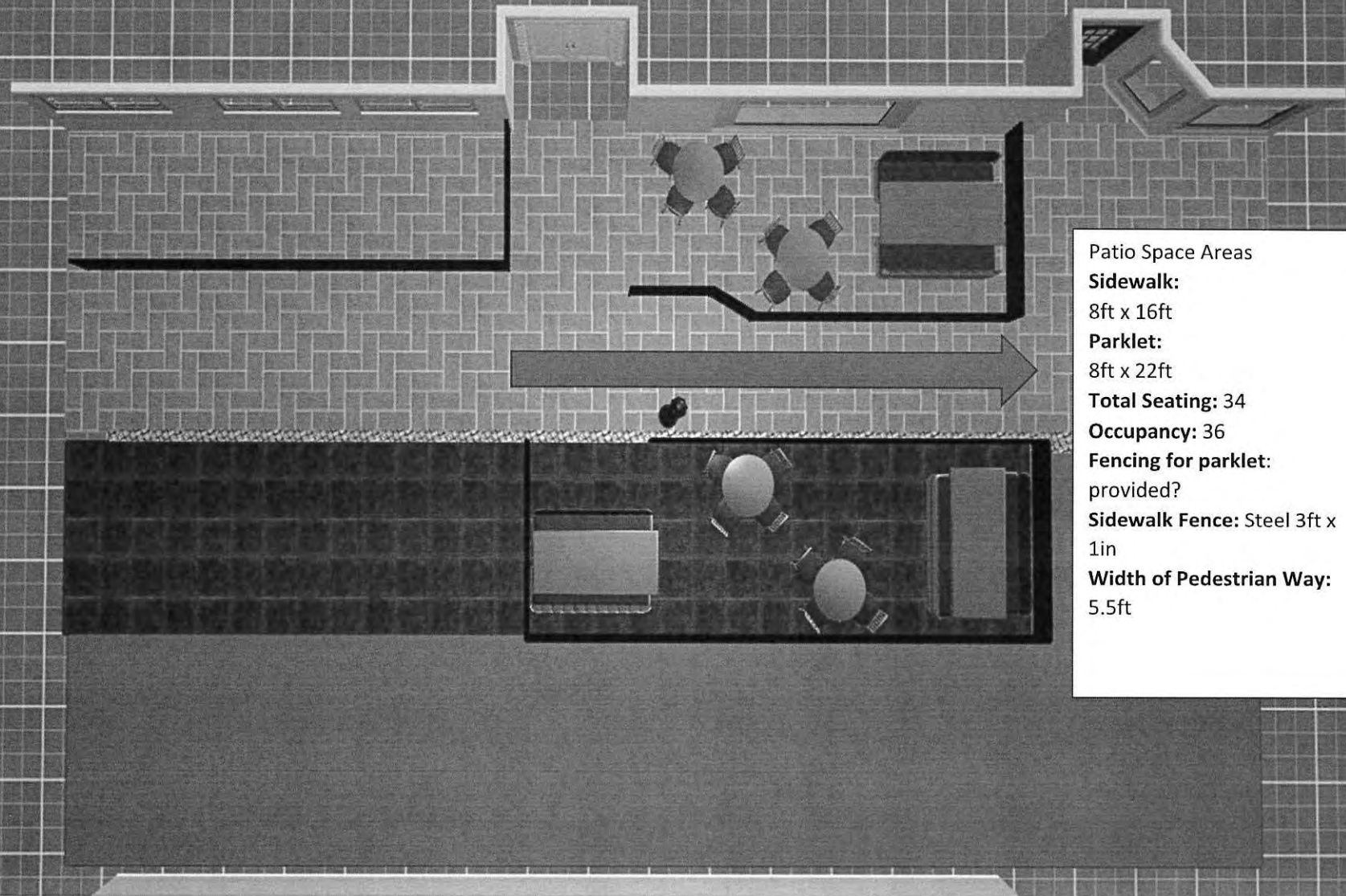
2-8-24

DATE

City of Newburyport

Outdoor Tables & Chairs

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Patio Space Areas
Sidewalk:
8ft x 16ft
Parklet:
8ft x 22ft
Total Seating: 34
Occupancy: 36
Fencing for parklet:
provided?
Sidewalk Fence: Steel 3ft x
1in
Width of Pedestrian Way:
5.5ft

42-44 State Street Nominee Trust
42-44 State Street
Newburyport, Massachusetts 01950
617-719-3003

June 13, 2023

City of Newburyport
Licensing Commission
60 Pleasant Street
Newburyport, Massachusetts 01950

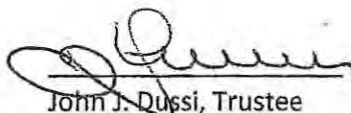
RE: Anchor Pizza
42-44 State Street, Newburyport, MA
Letter from Landlord approving outdoor seating

Dear Sir or Madam:

This letter is being written to you at the request of our tenant, Anchor Pizza, located at 42-44 State Street, Newburyport, MA to provide them with permission to have outdoor seating for their customers subject to the provisions of the Amendment to Commercial Lease dated June 11, 2023, a copy of which is attached hereto.

If you have further questions please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,



John J. Dussi, Trustee
42-44 State Street Nominee Trust

COMMERCIAL LEASE AMENDMENT

(Outdoor Seating)

42-44 State Street

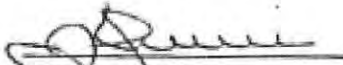
Newburyport, MA

Outdoor Seating Area: Effective from and after the date of this Amendment, the Lessee and Occupant of the building located at 42-44 State Street, Newburyport, Massachusetts (the "Property") shall have the non-exclusive right to use the seating area adjacent to the Property. The Lessee and Occupant acknowledge that they have provided the seating and other outdoor furniture located or to be located in the seating area and shall be solely responsible for its care and maintenance including any cost and/or expense associated therewith. The Lessee and Occupant shall, at its own cost and expense: (i) be responsible for promptly cleaning any spills or waste in the outside seating area; (ii) clean and wash daily all tables, chairs, dividers, fixtures, floor mats and furnishings in the outdoor seating area; (iii) cause trash containers in the outdoor seating area to be emptied on a regular basis to their overflowing and emptied prior to the daily closing of the business; and (iv) to comply with all state, city and local rules, regulations and ordinances which govern outdoor seating in this location. The Lessee and Occupant further acknowledge that they have exclusive management, supervision, custody and control over the outdoor seating area and that they are responsible for any injury (including death) and/or damages which occur in the outdoor seating area. As such, the Lessee/Occupant hereby indemnifies and holds harmless the Lessor/Landlord from any and all damages and/or injuries (including death) which occur in the outdoor seating area.


The Lessor reserves the exclusive right to revoke outdoor seating privileges in its sole discretion without prior notification during the full term of the lease.

All other provisions of the Commercial Lease Agreement and Personal Guaranty dated April 3, 2018 shall remain in full force and affect.

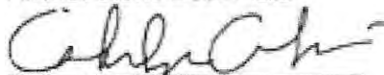
Lessor/Landlord
42-44 State Street Nominee Trust
By its Trustee


John J. Dugli, Trustee
Dated: JUNE 11, 2023

Lessee
Marty & Mark, Inc.


Mark Tramontana
Dated: July 2, 2023

Occupant
Anchor Stone Deck Pizza


Ashlyn Calcagni
Dated: June 11, 2023

Committee Items – February 26, 2024

Planning & Development

In Committee:

- COMM00530_01_29_2024 Update Regarding Zoning Studies & Amendments (COTW)
Related to Storey Ave & “MBTA Communities”(COTW)
- COMM00536_02_12_2024 Update Regarding ODNC164_10_30_2023
Zoning Amendment Global R3 Multi-Family
- COMM00537_02_12_2024 Email from Stephanie Niketic re: ODN00164
- ODNC00165_02_12_2024 Zoning Ordinance to establish the State/High Overlay District (SHOD) (COTW)



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

MEMORANDUM

TO: Newburyport City Council

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

**CC: Sean R. Reardon, Mayor
Newburyport Planning Board**

RE: Update Regarding Zoning Studies & Amendments Related to Storey Ave & “MBTA Communities”

DATE: January 23, 2024

With this communication, I respectfully request that the Council schedule a meeting as P&D/COTW (*Planning & Development Committee, posted as Committee of the Whole*) wherein I can present an overview of the above two – somewhat interrelated – zoning update efforts now underway. I defer to the Council’s preference on how to handle this communication, but recommend this format since it would be assigned to the typical committee with subject matter jurisdiction (P&D), and COTW would allow all Councilors to participate in the meeting and discussion. Recognizing the importance of Council consensus for any zoning changes to be adopted for these two areas (*Storey Ave, and in/around our 40R Smart Growth District*), I request this forum as an opportunity to obtain early input from the Council on a conceptual level, in advance of submitting any formal draft zoning or map amendments in relation thereto. My presentation will cover these areas in more depth, with various illustrative maps and graphics, and will allow for discussion about the pros and cons of various options available to us. This input will allow us to better address these questions or concerns as part of any package of zoning changes ultimately brought forward. Following is a brief summary of key parameters we should keep in mind, for each study area:

Zoning Updates Necessary to Comply with “MBTA Communities” Guidelines Issued by the State

Newburyport is obligated, like many other communities around the Boston area, to adopt new zoning which will comply with mandates adopted by the state legislature and codified into the state Zoning Act, which effectively delegated authority to the Executive Office of Housing and Livable Communities (*EOHLC, formerly DHCD*) to determine “*reasonable size, density and overall buildout*” required by the subject local zoning. This is a notable departure from “home rule” authority, which is the typical basis for local zoning throughout the Commonwealth. In this case the key parameters for local zoning must address the following:

An MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:

- *Minimum gross density of 15 units per acre*
- *Located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable*

- Minimum Multifamily Unit Capacity of zoning district(s) used to satisfy the new guidelines: **1,292 units** (*Note: For comparison purposes, our existing 40R District, which was developed under a slightly different set of state parameters, projected newly enabled residential buildout at 540 units.*)
- Minimum Land Area: **35 acres** (*Note: For comparison purposes, our existing 40R District is about 49 acres.*)
- Minimum Percentage of District(s) within 0.5 Mile Station Area: **20%**
- District Density: **15 units per acre minimum** (*Note: For comparison purposes, our existing 40R District – e.g. the 1 and 3 Boston Way developments – permits up to 40 units/acre. A minimally sized district/area at 35 acres (per the above requirement) would require a higher overall district density to achieve the minimum overall buildout/unit capacity of 1,292 – roughly 36.9 units per acre.*)

- No age restrictions and suitable for families with children (the zoning district cannot have limits on the size of units or caps on the number of bedrooms or occupants)
- Existing multifamily units count toward the zoned capacity (zoning map/provisions must allow compliant density/permitting/development, even though the subject properties may already be developed and near-term redevelopment seems unlikely to occur)
- Deadline for Council adoption of “compliant” new zoning: 12/31/2024

As of this time, and for starters, we are proposing to qualify (*and update as may be necessary*) the City’s existing 40R Smart Growth District around the MBTA Commuter Rail Station, where credit for this existing zoning around the MBTA Station can be obtained under the new guidelines. We have benefited substantially in recent years from the 25% affordability requirement within this District, and would like to maintain this moving forward.

It should be noted that the new MBTA Communities Guidelines would preclude a 25% affordability requirement moving forward, for any areas used to satisfy the new state guidelines. The regulations set a baseline allowance as high as 10%, and the ability to submit an “Economic Feasibility Analysis” to the EOHLC in an effort to raise that percentage higher, but in no case higher than 20%. This seems counterintuitive to be sure, and would have adverse impact on our ability to reach and maintain a 10% Citywide affordable housing stock for purposes of “safe harbor” under MGL Chapter 40B. Nevertheless, the state has in essence: (a) accepted arguments from developers that a 25% threshold is “uneconomical” or “financially infeasible” (*notwithstanding the success of recent projects like 1 and 3 Boston Way*); and (b) decided to focus on a “saturation” of market-rate housing units for the Commonwealth, and in close proximity to transit facilities, with the presumption that free market competition will indirectly result in lower overall housing prices for the region/commonwealth. Notwithstanding any objections we may have to these assumptions, we are now statutorily obligated to adopt complaint zoning changes before the end of 2024, and the percentage of affordable units required must be determined absent clear guidance from the Commonwealth (*at this time at least*) as to what will make for an “economically feasible” development proforma (*something communities are paying consultants to analyze in order to go higher than 10%*).

Our goal is to fulfill state requirements, while achieving local objectives for overall development patterns, forms, densities and community character within the City. It is likely that we will use both: (a) a combination of updates to qualify/utilize the existing 40R District; and (b) new zoning for the Storey Ave area (*see below*), to satisfy the applicable “MBTA Communities” Guidelines.

Storey Ave Village Center (Re)Zoning – Planning Assistance Grant

Like other communities, we will be making changes to local zoning before the end of 2024 to provide further *as-of-right* permitting of multi-family housing development surrounding the MBTA Station, and other eligible locations, in accordance with new state requirements. Newburyport has another so-called “village node” along Storey Ave (*where Route 113 intersects with I-95*) which is presently comprised primarily of isolated land uses and auto-dependent commercial establishments. In recent years there has been growing interest about the prospect of *re-envisioning* and redeveloping this area as a proper walkable mixed-use district, integrating multi-family housing with commercial uses. To leverage these changes in the coming years (*of benefit to both the City and State*) we must first develop new zoning for this area which would better accommodate multi-family housing and the proper mixture of uses that a village center provides. Concentrating future growth and redevelopment in this manner could replace large swaths of parking with multi-story buildings bearing closer resemblance to downtown Newburyport or new multi-family development within our 40R Smart Growth District. This more efficient use of previously developed land will concentrate a mix of uses, expand housing opportunities, and provide for economic development and “new growth.” Permitting multi-family and mixed-use housing in this area, along with the 40R/MBTA area, can also help to alleviate the pressure for further infill within our densely developed areas like the National Register Historic District.

We applied for a so-called “Planning Assistance Grant” from the Commonwealth last year to assist in this zoning work, given the limited staff hours and resources available in-house. A \$50K grant was awarded for the purpose of engaging three types of consultant assistance:

1. Drafting new zoning provisions (text) for the Storey Ave area, accompanied by new zoning districts/overlays (map boundaries), consistent with City objectives.
2. Generating renderings and/or a 3D “massing” model to illustrate the urban design improvements (e.g. the spatial relationship between architecture and site layout) we would expect to see over time, based on phased redevelopment of this area in accordance with the new zoning.
3. An assessment of the City’s overall capacity to support the newly anticipated residential and mixed-use “buildout” corresponding to the above, with a particular focus on our Water and Sewer Treatment Plant infrastructure, and with full consideration for potential new growth expected elsewhere in the City (*e.g. 40R/MBTA and Waterfront West*) as well as outside the City (e.g. Intermunicipal Agreements with Newbury and West Newbury for water and sewer service to these adjacent communities).

As noted above, our decisions relative to Storey Ave rezoning must contemplate potential [partial] satisfaction of MBTA Community Guidelines for the City.

Suggestions & Requests for Council Input Moving Forward

Generally speaking, it is fair to assume that Newburyport's approach to MBTA Communities Compliance, and the Storey Ave Rezoning will be based on regulations and permitting procedures parallel to our existing 40R District. In particular, this is because the District allows multi-family uses "as-of-right" as required by the Commonwealth, but also imposes reasonable site and architectural design standards through Planning Board review of development plans thereunder.

In the coming days I will be pulling together an informal advisory group to discuss the above in further detail, and to assist this Department (*and consultants engaged*) in the review of draft zoning text, maps and visualization materials that will ultimately be returned to the Council as formal zoning changes recommended for your consideration and adoption. This group, comprised of a few key staff and members of the Council and Planning Board, will allow us to vet the full range of considerations and some finer grain details before the Council is expected to spend time in formal public hearings to address sponsored zoning amendments. Aside from this working group, we and our selected consultants would appreciate your thoughts and preferences for these specific zoning changes, and potentially others like "housekeeping" updates and improvements to our existing Business Park zoning. I request, and strongly encourage, all members of the Council to reach out to convey any thoughts, concerns or preferences regarding zoning and development patterns at a time of your convenience. These may be conveyed verbally, with an emailed bullet list, or in the form of specific "markup" to existing zoning ordinances.

To frame the related question(s) better, I would encourage Councilors to review our existing 40R Smart Growth District zoning, and those uses presently permitted within the Storey Ave B-1 District, in order to provide your input on desired changes or improvements to same, for purposes of the above. For example:

1. What should we allow for Permitted Uses?
2. What dimensional requirements/allowances should apply?
3. What parking ratios/requirements should apply?
4. What Architectural & Site Design Standards should apply?

Thank you in advance, and I look forward to discussing these zoning updates further with you in the weeks and months ahead.



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
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MEMORANDUM

TO: Members of the City Council (P&D/COTW)

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

CC: Sean R. Reardon, MAYOR

**RE: Update Regarding ODNC164_10_30_2023
 Zoning Amendment Global R3 Multi-Family (COTW)**

DATE: February 8, 2024

The purpose of this memorandum is to provide a brief response to several questions or concerns that have been raised regarding the above referenced matter, either at or since the Planning and Development (P&D) Committee meeting held this week. That meeting concluded with a unanimous committee recommendation to bring this zoning amendment out of committee for a Council vote Monday night. I will be in attendance and also understand that our City Solicitor, Karis North from MHTL, will be available on Zoom should there be any questions for her in relation to this matter. Please note that the following responses are informed by my exchange with Karis regarding a few particulars. Primarily in the interest of time, I am summarizing the salient points here, but she can elaborate or speak to these areas further if desired/requested Monday night.

Deadline for Council Action

Pursuant to the Zoning Act the Council has until Tuesday (2/13/2024) to vote on the proposed zoning amendment (*i.e.* 90 days since the closed joint public hearing). We are approaching this deadline primarily because it took longer than anticipated to secure the Global agreement relative to a deed restriction for residential use only. After speaking with Karis, we both agree and recommend that if the Council wishes to adopt the proposed zoning amendment, it should do so at Monday night's meeting (2/12/2024) using a waiver of rules to address the Council's now conflicting requirement that the same matter also be voted a second time ("*second reading*") at the subsequent Council meeting on 2/26/2024. While an argument could be made that the Council acted on first reading at the 2/12 meeting, within the 90-day statutory timeframe (*thus still reasonably "informed" by the Planning Board's advisory report, as intended by the statute*) we recommend that the entire Council adoption process be completed within the 90-day timeframe.

Process for Review and Approval of Development Agreements

While a Development Agreement (DA) was executed between the Mayor and local developer in advance of Council review of the proposed zoning change(s), this was in no way intended to diminish the role and authority of the Council to adopt or reject proposed zoning amendments. The City Council still ultimately determines whether or not to adopt proposed zoning ordinances or amendments. Rather, all parties are looking to ensure the best

possible outcome for residential development at the so-called “Global” gas station site at the intersection of State Street and High Street. The terms of the DA, and the more recent Agreement with Global, are merely intended to memorialize minimum standards for the nature and scope of development at this site as a *first* “layer of protection” for the City and abutters.

There is an “order of magnitude” difference between the scope of a DA appropriate for this project and site (*smaller and less complicated*) as compared to “Waterfront West.” I would anticipate significantly more Council involvement to reach a mutually agreeable arrangement on the terms for overall development there. Having said that, Karis herself reviewed the form of the DA and confirmed that the Mayor has sufficient authority to execute such an agreement. While these agreements may have commitments or contingencies identified on the City or developer side, this does not override the Council’s definitive authority to either adopt or reject the zoning amendment contemplated therein. Accordingly, Section 6 of the DA specifically acknowledges this.

The DA with Grossi, and the related agreement with Global, both function as contracts with various terms and limited scope, rather than a real estate conveyance per se. As such, while a Council vote is required to accept a property Deed, Easement, Preservation Restriction (PR) or Conservation Restriction (CR), and the Global agreement includes *reference* to a pending deed restriction (*to allow only residential uses*), the City is not holding the subject restriction. The developer is simply agreeing to place the restriction on record, as requested by some of the abutters, if the Council also adopts the zoning amendment both Grossi and Global believe are necessary to facilitate the desired residential redevelopment of this site.

While the Mayor could consider approving changes to the DA or agreement with Global, again, this latitude does not and cannot unilaterally limit the authority retained by the City Council relative to the adoption of zoning ordinances or otherwise. The Executive and Legislative Branches are still “staying within their lanes” as it were. Contingent agreements are just that. In this instance, while the related agreements point to the same draft zoning change, with “*if this then that*” commitments, the zoning amendment itself is still squarely in front of the City Council. If the Council wishes to reject the arrangement presented, an alternative path can be proposed. However, it is not clear if an alternative approach to zoning changes, or an extended timeframe for all parties involved, would produce any better outcome. At the P&D meeting earlier this week, there did not appear to be any substantive objections to the underlying development plan represented within the DA, and which is the basis for terms agreed to by the parties to this point.

I defer any remaining debate over the process for future Development Agreements to the Executive and Legislative branches, respectively. We will continue to assist as necessary, irrespective of the preferred process.

Multiple Constraints & Layers of Protection

Added to terms outlined in the DA are other layers of protection in the City’s favor, including: (a) the recently obtained Agreement from Global to impose a deed restriction for residential use, pending Council adoption of the zoning change which contains two elements necessary to facilitate a viable residential development for this site; and (b) subsequent review of detailed project plans by the Zoning Board of Appeals (ZBA).

Discretionary Special Permit Approval Required for Multifamily Use

Please note that the use in question (*four units is considered “multifamily”*) is only permitted via a *discretionary* Special Permit. Neither the use, nor allowance of multiple structures (*in lieu of a single larger massing*) would be permitted “as of right.” Aside from any parameters defined within the DA, the ZBA will have adequate time and opportunity to address any concerns, whether as expressed by abutters or board members themselves, through the review of more detailed building elevations and plans for the site. The Board is also able to require consultant

“peer review” if it feels that additional resources are required to evaluate what is submitted by the developer. The cost associated with any such review would be paid for by the applicant.

Alternative Approaches to Rezoning Suggested this Week

Suggested Alternative One – Creating a Small Overlay District

Generally speaking, a small zoning or overlay district could be justified, without running afoul of “spot zoning” (even one covering just two parcels, like the Brown School Overlay District) where there is a reasonable basis for distinguishing the subject property from surrounding area. While an overlay district for the subject property could be considered in the alternative, as suggested Tuesday night, and need not be considered “spot zoning,” it is not clear that this level of complexity, or an entirely new approach, and longer process for all parties involved, is necessary to ensure the desired outcome for redevelopment of this site. In either event, changing the Council’s desired approach to an overlay district which is unique to this lot would undoubtedly necessitate a new joint public hearing with the Planning Board, given the substantive change in scope.

Suggested Alternative Two – Using Two Definitions for Multifamily Use

At the P&D meeting this week, it was also suggested that the Council may wish to address the notion of “unintended consequences” by limiting the scope of the change to our “multifamily” definition such that it applies only within the R3 District. Both the Director of Planning and Zoning Administrator recommend against this unusual suggestion. This would likely cause confusion for anyone looking for clarity in our already long and complicated ordinances. Having different definitions here, with finer grain details for one or more districts, would seem to bring unnecessary complexity into our baseline “Table of Uses,” and without sufficient rationale for having different requirements between those districts. After further discussion, neither Karis nor I consider such a “floor amendment” (i.e. *facilitating the use of two definitions, one applying to the R3 District only*) to trigger the threshold necessitating a new joint public hearing with the Planning Board. This is largely because the scope of the change would be a reduction in impact rather than an enlargement of impact or scope, which might be of greater concern. Having said this, we strongly recommend against this approach, absent a better articulated rationale.

Claims of “Spot Zoning”

Consistent with comments earlier herein, reverting the subject Global parcels back to the R3 designation they had just a few years ago – consistent with the other three corners of this intersection – is in no way “spot zoning.” Relevant case law can substantiate this.

Appropriate Zoning Designation for the Subject Parcels

It has been suggested that reverting the subject Global parcels back to the R3 designation, which they had just a few years ago, would be inconsistent with the purposes of the High Street Residential District within which they are now located. While I was not the author or sponsor of the subject High Street Residential District, I disagree with suggestion that the zoning map change here would be inconsistent with the intent of this zoning district. The High Street Residential Districts were established primarily to protect larger estate size lots along High Street from further subdivision or development. This small corner lot is in no way representative of those larger lots which extend back from High Street further to the east. In fact, this lot is so much smaller than the minimum area required in the District (*roughly one third*) that it is now effectively dimensionally ineligible for even a single family home. For this reason, I question whether this lot should have originally been included within the High Street Residential District, and believe the R3 designation to be more appropriate in context. Please consider the form of development on the other three corners of this intersection. From a land use and urban design perspective, I

believe these are more appropriate reference points for the scale and form of development which would be appropriate and reasonable for this site. Resident Jim McCarthy, a former Planning Board Chair, addressed this point well during public comment at the P&D meeting this week.

Origins, Purpose & Benefits of Proposed Zoning Change(s) and Potential “Unintended Consequences”

It is understandable that zoning changes brought forward in parallel with a specific development project may cause some skepticism regarding the origins, purpose, benefits and beneficiaries of such changes. However, this does not necessarily mean that the proposed change is without merit. In fact, it is not uncommon for problems with zoning regulations to be identified or illustrated through consideration of specific development concepts and reviewing how any existing regulations would apply.

I can assure you that we did not consider the proposed use definition change only in relation to the Global site. While the development team did identify problems with the High Street Residential District that would preclude viable residential development of the site at present, and suggested that both elements of the pending amendment would be necessary in some format to facilitate a viable residential redevelopment of this property, we conducted our own evaluation of the potential pros and cons to making such changes. We believe that both the zoning map change for this lot, and the change to allow smaller structures rather than mandating larger ones, are beneficial to the City overall.

I do not view the pending zoning amendment as something that has the potential to adversely encourage density or “infill” in our denser neighborhoods so much as it allows the **architectural massing on any given individual site to be broken up**. This is often an urban design “best practice.” Putting the developer aside entirely for a moment, why preclude our own permitting boards from considering a better architectural massing plan for a given site “in context”?

Zoning Ordinances and maps are not static land use regulations. They are constantly evolving through amendments and additions based on the ebb and flow of community needs and preferences. No set of regulations can possibly anticipate every scenario or permutation we might encounter in a community with land uses and property configurations as diverse as Newburyport. It is important to balance any appropriate rigid requirements with simplicity, clarity, efficiency and streamlining of overall processes. A substantial portion of development or “infill” in Newburyport triggers some form of board review (*Planning Board or ZBA*). As such, while it is understandable that abutters may want a rigorous review of proposed development plans, I continue to think that the project and plans we have before us now would facilitate a positive and welcome change to conditions at the Global site for the immediate abutters, neighborhood, and community at large. Additionally, allowing our boards to consider smaller massing of structures seems to me a logical and beneficial latitude (*not so much for developers as for our volunteer boards, in their capacity to ensure the protection of Newburyport’s relative scale and community character*). If you have not already done so I encourage you to review the Planning Board’s advisory report and recommendation for adoption of the proposed zoning change “as amended in committee.” The Board did consider the relationship between this amendment and Section VI-C as well as other factors, and ultimately recommended adoption of the proposed zoning change late last year. The Office of Planning & Development also respectfully recommends adoption of the version “as amended in committee.”

From: Stephanie Niketic <niketic@airkiosk.com>

Sent: Sunday, February 11, 2024 9:26 PM

To: Heather Shand [Council] <HShand@CityofNewburyport.com>; *City Council* <CityCouncil@CityofNewburyport.com>

Cc: Novak Niketic <nn@airkiosk.com>; NBPT Mayor <Mayor@CityofNewburyport.com>; Richard Jones <RJones@CityofNewburyport.com>; Andrew Port <APort@CityofNewburyport.com>

Subject: Ordinance 164 Public Comment for 2-12 Council Meeting

Newburyport City Council Planning & Development Committee

Newburyport City Council of the Whole

Re: ODNC 164 - Rezoning of Global Property and Redefinition of Multifamily Uses

Dear Committee Chair Shand, Committee Members, and all City Councillors,

It is troubling that the one committee meeting to discuss and hear this important ordinance was posted as Hybrid (online), but the public was not allowed online. The public wasn't, but Councillors were (Donahue, Granas, Harman, Khan).

I have since listened to the recording and thank Councillors who participated in the debate. The P&D Committee had 90 days, from November 14, to discuss this ordinance with all councillors and hear from the public. (Last November, then-P&D Chair Cameron said there would be at least two such committee meetings.) Tuesday's single, and not fully public, meeting brought things down to the wire because of the statutory requirement for at least one full Council vote by February 13.

I have a question and two comments for your consideration tomorrow.

1. Question. City Administration's February 6 "Deed Restriction" Agreement with Global. Clearly, this agreement is tied to your approval of ODNC 164. Then it says, "Global agrees to restrict the future development of the Subject Property to residential uses only by incorporating a restriction within the first deed for the Subject Property conveyed out to another party." I understand you will have a city solicitor available at your meeting. Could you please ask, what does this mean? Does it mean that, if you approve ODNC 164, Global will put in place a deed restriction? Is it enforceable? Will the City enforce it?

2. Comment. "Appropriate Zoning Designation for the Subject Parcels." Planning Director Port has sent you a lengthy memo (COMM 536) in which he questions "whether this lot should have originally been included with the High Street Residential District." Two HSR districts were created in 2017, but not just to "protect larger estate size lots along High Street from further subdivision or development." As a resident I was involved in and supported the HSR zoning (my property is in it). **This zoning was also to a) preserve "the ridge," a geologic feature of Newburyport cited in the City's 2017 Master Plan, and b) to preserve and, as possible, restore the residential character of High Street.**

The gas station on the corner was never permitted. In 1928 then-mayor Bossy Gillis spent time in jail for installing it without permits. But his gas station survived and became a "grandfathered use" in a residential district. That "grandfathering" is over, since Global Oil closed the station in 2018 and legally abandoned the use in 2020. Now, finally, the restoration of the residential character of that corner is possible. **The 2017 HSR district contemplated this and this parcel's inclusion was intentional.**

3. Comment. Economics of the Proposed Development. The developer's economic need was a feature of your February 6 meeting. With the pressure on you to "get it done" for the developer. This was also a consideration in the Planning Board's recommendation: "Given the economic need to create at least four dwelling units on the site..."

To get to the right place for the City, I can understand that conversation. But please keep in mind that, under Massachusetts law, the City is not obligated to guarantee profits to a developer, never mind a property seller. The economics here are, Global listed the property for \$1.2 million. I don't know if the developer was able to negotiate below this, but obviously wouldn't be paying more. What I know, as other abutters do, is that the developer hopes to get \$2.5 million for each of the four units, a total of \$10M. The plan, the Development Agreement, is for luxury, high-priced units. To hear, during the February 6 meeting, that the Councillors sponsoring this ordinance (Donahue, Cameron, Shand) seem to be unaware of this is disconcerting.

Once again, my husband and I are in favor of the residential redevelopment of this lot. An historic moment for the city! We just want it to be done right. We are trusting the City Council to ensure this.

Thank you,

Stephanie Niketic, 93 High Street

P.S. Any councillor interesting in photographs, old news articles, documenting the history of this corner, please let me know. I have this stuff, and it is really interesting.

CITY OF NEWBURYPORT



IN CITY COUNCIL

February 12, 2024

A ZONING ORDINANCE TO ESTABLISH THE STATE/HIGH OVERLAY DISTRICT (SHOD)

WHEREAS The lot located at the corner of State and High Street is extremely prominent given it is on the corner of two of the most prominent streets of the City of Newburyport – State St. and High St.

WHEREAS The lot is so important and unique that it, alone, attracted the attention of the Newburyport City Council in 2021 to consider declaring its current state as an abandoned gas station a nuisance property. The City Council ultimately did not do this. Instead, it reached an agreement with its then landowner to have it redeveloped for residential use.

Therefore, the following is inserted into the Newburyport Zoning Ordinance:

SECTION XXXIII-A - Purpose

The State/High Corner Overlay District (“SHOD”) is established in the interest of respecting the unique and prominent nature of the lots located at the southeast corner of State St. and High St., defined herein.

SECTION XXXIII-B - Establishment

The SHOD shall encompass the following Lots:

107 State Street (Assessors Map/Lot 33-43)
95 High Street (Assessors Map/Lot 33-42)

The underlying district for the SHOD is unchanged and shall remain High Street Residential A (HSR-A).

SECTION XXXIII-C – Rules and Allowances

Within the SHOD, the provisions of the Residential 3 (“R-3”) district as defined in the Newburyport Zoning Ordinance, Section III, Subsection III-A shall be in full force and effect, except to the extent that the provisions of the SHOD below are different. In such cases, the provisions of SHOD shall supersede the provisions of R-3.

The special requirements and allowances for the State/High Overlay District are as follows:

1. Solely for the purposes this overlay district and solely within its confines, “Multifamily” (Use #103) shall be defined as:
One or more building(s) or structure(s) that together contain (3) or more dwelling units on the same lot, and where at least one such building or structure contains three (3) or more units.

Where there is more than one dwelling unit in a building, the units must be separated by either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.
2. All uses defined in the Newburyport Zoning Ordinance, Section V, Subsection V-D, Table titled “4. Business” are Not Permitted (“NP”) in the SHOD.
3. Any project permitted under the SHOD shall be subject to Site Plan Review by the Newburyport Planning Board, as defined in the Newburyport Zoning Ordinance, Section XV, Subsection XV-D.

SECTION XXX-IIIID – Severability

The provisions of this section are severable. If any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

Councillor Sharif T. Zeid

In City Council February 12, 2024:

Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

Motion to refer to P&D and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.