

CITY COUNCIL STANDING COMMITTEE

**Planning & Development**

Wednesday, April 21, 2010 – 6:30 p.m.

1<sup>st</sup> Fl. Council Conference Room – City Hall

**Present: Chair, Councilor Joseph Ciolino; Vice Chair, Councilor Robert Whynott, Councilor Jacqueline Hardy (Alternate)**

**Absent: Councilor Verga**

**Also Present: Councilor Mulcahey; Police Chief, Michael Lane; Fire Chief, Phil Dench; Joe Novello; John Flynn; Jennifer Amero; Mark McDonough; Vicky Van Ness; Michael Carrigan**

**The meeting was called to order at 6:30 p.m. Items were taken out of order.**

**1. *Unfinished Business***

A) SCP2010-001: 79-99 Essex Avenue, Section 2.3.1(12) Hotel, motel motor inn under 30 guest units, Section 5.7 Major Projects, Section 3.1.6(b) height excess 35 feet, Section 5.5 Lowlands, Section 3.1.6 lot area per two guests (Continued from 03/24/2010)

This matter was continued to May 19, 2010.

B) COM2010-009: Planning Board re: Under Zoning Ordinance Sec. 1.11, Initiation of Zoning Amendments to the GZO Sections 2.3.6 Other principal Uses, and Section 5.22 Commercial Land-based WIND Energy Conversion Facilities in large-lot, low-density residential zoning districts (R-80, R-40, and R-30)

**Councilor Hardy** noted before the meeting she distributed the motions to the Committee and that she worked with Gregg Cademartori, Planning Director, to try and combine one or two of the amendments so that there weren't quite so many.

**Motion: On motion by Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council adopt the proposed amendment to Section 2.3.6 of the Zoning Ordinance (Other Principal Uses) by adding use number #8 associated allowance as follows:**

**#8 Commercial land-based wind energy conversion facilities (See Section 5.22)**

R-80	R-40	RC-40	R-30	R-20	R-10	R-5	CCD	CB	VB	NB	EB	MI	GI	BP
CCS	CCS	N	CCS	N	N	N	N	N	N	N	N	N	N	N

**Motion: On motion by Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council adopt the proposed amendment to Section 2.3.6 of the Zoning Ordinance (Other Principal Uses) by adding use number #9 associated allowance as follows:**

**#9 Commercial land-based wind energy conversion facilities on city-owned land (See Section 5.22)**

R-80	R-40	RC-40	R-30	R-20	R-10	R-5	CCD	CB	VB	NB	EB	MI	GI	BP
CCS	CCS	CCS	CCS	CCS	CCS	CCS	N	N	N	N	N	N	CCS	N

**Motion: On motion by Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council adopt the**

proposed amendment to Section 2.3.6 of the Zoning Ordinance (Other Principal Uses) by adding use number #10 associated allowance as follows:

**#10 Temporary monitoring tower for use numbers 8 & 9 above (See Section 5.22)**

R-80	R-40	RC-40	R-30	R-20	R-10	R-5	CCD	CB	VB	NB	EB	MI	GI	BP
Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y	N

**Motion: On motion by Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council amend Section 5.22.3 Applicability of the Zoning Ordinance by deleting the existing section 5.22.3 (a) in its entirety and amending by inserting a new section 5.22.3(a) so that it reads as follows:**

- (a) **The construction of a commercial wind energy conversion facility shall be permitted in the R-80, R-40, and R-30 zoning districts and on municipally owned property, subject to the issuance of a Special Permit by the City Council and provided that the use complies with all requirements set forth in this section of the zoning ordinance (see Section II, 2.3.6, Other Principal Uses Numbers 8 & 9).**

**The construction of an accessory commercial wind energy conversion facility shall be permitted in the MI, GI and BP zoning districts and on municipally owned property, subject to the issuance of a Special Permit by the City Council and provided that the use complies with all requirements set forth in this section of the zoning ordinance (see Section II, 2.3.7, Accessory Use Number 15)**

**Motion: On motion by Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council amend Section 5.22.3 Applicability of the Zoning Ordinance by deleting the existing section 5.22.3 (b) in its entirety and amending by inserting a new section 5.22.3(b) so that it reads as follows:**

- (b) **Wind monitoring or meteorological towers shall be allowed by-right on a temporary basis, in the MI, GI, BP, R-80, R-40, and R-30 districts and on municipally owned land subject to the issuance of a building permit (see Section II, 2.3.6, Other Principal Uses Number 10; Section II, 2.3.7 Accessory Use Number 17).**

**Motion: On motion by Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend the City Council amend Section 5.22.6 Special Permit Regulation of the Zoning Ordinance by inserting a new 5.22.6(b)iii and renumbering the existing iii and iv to iv and v, respectively, so that it reads as follows:**

**iii) In the R-80, R40, and R-30 residential districts, with the exception of city-owned land, the minimum lots size for a wind energy conversion facility shall be 12.5 acres and the minimum lot frontage shall be 100 feet. The minimum distance of a proposed turbine to any existing residential dwelling shall be equal to the height of the wind turbine to the tip of its rotor blade at its highest point.**

**iv) The setbacks should be kept free of all habitable structures so long as the facility is in**

**place; however, these areas need not be cleared of trees or other vegetation. Setbacks shall be measured from the outside surface at the base of the turbine tower. The City Council may reduce the setbacks as appropriate, based on site specific considerations, and only after review of substantial evidence, including but not limited to detailed engineering reports or product engineering certification, which demonstrate that safety concerns have been minimized and that setbacks have been complied with to the maximum extent practicable.**

**v) Such reduction of required setbacks, if granted, shall not constitute a variance from the Zoning Ordinance.**

**Motion: On motion by Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor 0 opposed to recommend the City Council amend Section 2.3.1, footnote (3) of the Zoning Ordinance by adding “with the exception of wind energy conversion facilities” after the word “lot,” so that it reads as follows:**

**(3) Not more than one principal building per lot, with the exception of wind energy conversion facilities.**

**Councilor Hardy** suggested that the P&D Committee request that the Mayor have the Planning Department furnish the City Clerk’s office with the appropriate number of amended City Zoning

Ordinances to incorporate these changes, and any other recently made amendments, so that we are all working from the same document. Each City Councilor should be given a copy; the City Clerk's office gets four copies; and they might wish to check with the ZBA and the Planning Board as well so that they're all working from the same set of zoning ordinances. A copy should also be available at the Sawyer Free Library. Additionally, once this is approved and voted by the City Council that it be posted on the City web site as soon as possible, which was unanimously approved by the Committee to forward the request.

**2. COM2010-019: Letter from Gloucester Rotary Club re: Gift to City of playground apparatus for Stage Fort Park Playground**

**Councilor Ciolino** noted that the Rotary Club not only is making a gift of the apparatus, already installed, but did include the delivery and installation of the apparatus.

The Committee asked if a sign should post at the play apparatus regarding safety measures and asked for Legal Counsel to advise them on the issue.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the Gloucester Rotary Club's donation to the City of Gloucester for a Dinamo rotation playground apparatus.**

**3. COM2010-020: Request for Street Closure for North Shore Tour de Cure May 22, 2010**

**Pamela Schmuhl**, American Diabetes Association, Boston, MA noted this starts and finishes at Gloucester High School on Saturday, May 22<sup>nd</sup>. There are five loops, the same routes as last year, which has already been through the Police Department and the DPW. They've yet to hire the police details and are still talking to them about it.

**Councilor Ciolino** asked the street route be listed for the Planning & Development Committee and the Certificate of Insurance show the City of Gloucester as an additional insured, which it doesn't reflect in their copy they submitted.

**Ms. Schmuhl** assured it would be in tomorrow showing the correction. They also have a Certificate of Insurance for the School property as well. The School Department is already contacted and is working with them. They'll be at the Field House at 7:00 a.m. with the 100 milers and 60 milers with the 11 a.m. start the last one. They're staggered for safety purposes.

There was a discussion of what City streets the bicyclists will be riding on, and that the street map to be submitted will clear that issue up for the Committee and the Council.

**Chief Lane** asked they continue to work with Lt. Aiello.

**Chief Dench** stated they spoke last year of a cruiser leading them out.

**Ms. Schmuhl** responded different heats will have over 100 riders. The 7:00, 8:00 and 9 a.m. starts are the biggest heats, and the escort would be helpful just to get them out, just for the first 10 minutes approximately to get the riders to Maplewood Avenue.

**Chief Lane** thought this could be accomplished.

**Councilor Hardy** asked about the roads being torn up due to CSO project and if the route had been checked against that work.

**Ms. Schmuhl** stated she'd spoken to Mr. Hale at the DPW and that they are working with them.

**Councilor Hardy** remarked this is one of the better run bicycle events that come to the City annually.

**Ms. Schmuhl** stated they've been very careful and will have ambulances at three of the six rest stops which will be indicated on the map being submitted. Amelia's and at Kent Circle are the two rest stops.

**Councilor Hardy** asked if there is anything that the City can do to further assist the Tour de Cure.

**Ms. Schmuhl** stated the City of Gloucester has been very hospitable, recognized this is a strain on the community and City services as safety of the cyclists is paramount. They were looking to have alcohol on the Gloucester High School campus this year but that is not going to happen, which may influence their decision next year as the participants had requested the availability of beer at that venue. She noted the participants do stay over in the City; the Atlantis Motel has been very hospitable to them, also mentioning Lobsta Land; and this year they're expecting about 700 participants.

**MOTION: On motion of Councilor Hardy, seconded by Councilor Whynott, the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the City Council permission to hold the North Shore Tour de Cure bicycle ride, on Sunday, May 22, 2010, from 7:00 a.m. to 3:00 p.m. starting and finishing the cycling loop at the Gloucester High School.**

**4. COM2010-021: Request from Latitude 43 Restaurant & Fisherman's Wharf for temporary**

*extension of use to utilize Lat 43/Fisherman's Wharf adjoining parking lot area for outside*

*Family Fish Fry*

**Ms. Jennifer Amero**, of Latitude 43 Restaurant stated that they hope to extend the use of the restaurant to the parking lot and including the property of Fisherman's Wharf in order to tent both for a family fish fry for the duration of the Fiesta weekend. They have a comprehensive plan (on file) that includes a daytime

plan which includes the sale of alcohol throughout the area in addition to the food services with a rigorous security plan. There is an evening plan which secures the tent with siding to help enclose the area. With Vito Giacalone, their neighbor, they have worked out a plan to use that lot to have emergency access. She pointed out to the Committee the site plan in their packet (on file). She noted they notified the Board of Health and the Building Inspector of their intentions as well.

**Councilor Ciolino** stated you're on private property except for the Fisherman's Walk which must have public access, and is the purview of this Committee. He asked how they intend to keep that open, also noting there will be a site visit on Saturday, April 24<sup>th</sup> at 9:00 a.m. to view the intended layout.

**Ms. Amero** stated the way it is designed because it is an extension of the use of the property, they will need visually incorporate their building over to the tent. The plan is to have flags across the top going from the side of the restaurant to the tent which begins along the front of the Fisherman's Wharf building and will create a thoroughfare, which they can monitor, so that anyone can walk through that. Access to the tented area will be one opening on Rogers Street and one on the side of the Latitude 43 parking lot. Anybody can go through to the Walk. Where ever there is an opening for entrance or exiting, there will be security staff with hand-held's and security checkers. Where there is food, music and adult beverages you will have to turn into it and have a ticket and for adult beverages, a wrist band. There will be no physical barrier obstructing the Fisherman's Walk.

**Councilor Ciolino** wanted to be sure the public egress was there which Ms. Amero confirmed.

**Ms. Amero** stated their intention to have music in the evening when there is music at the Fiesta. At that time, at 8:00 p.m. there will be a sweep of the patrons, and at 8:30 p.m., the tent flaps will come down; no one under 21 years of age will be allowed. There is only access to the adult beverages through tickets and a bracelet and have Serve-Safe and TIPS trained personnel there. The food area will be secured on the sides. Egress will continue to be accessible.

**Councilor Ciolino** reiterated they will have to go to the Liquor Board about the extension of the premises and will have to deal with the sale of liquor, and the entertainment license. They'll still have to go to the Board of Health and to the Building Inspector's office for tent permits. This Committee is only dealing with the Fisherman's Walk egress.

**Chief Dench** asked if the cooking is being done outside which Ms. Amero confirmed it would.

**Chief Dench** stated that would have to be a permit with his department and to contact them at her earliest convenience.

**Chief Lane** reviewed the plan. He felt it was great that they want to expand their operations but expressed concerned about the liquor in the evening and thought they should perhaps cease operations at 9:00 p.m. or 9:30 p.m. Live amplified music will be a problem to the residents across the street where there are condos and apartments. Appreciating they will have their own security staff, he expressed he was not in favor of the extra alcohol sales.

**Ms. Amero** noted the dates would be the 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> of June just during the Fiesta.

**Councilor Mulcahey** also expressed concern about the extra sales of liquor. The problem with the music is that the people in the area are already putting up with quite a bit. Over in East Gloucester they'll hear it even more loudly because of how it carries over water.

**Ms. Amero** noted there is a building blocking the area, which acts as a sound barrier.

**Mark McDonough**, owner, Latitude 43 spoke about the biggest source of noise which he believed to be the boats. They have a large shell between them and East Gloucester which is a fish offloading area. He would not consider going for something like this except during Fiesta when there is outdoor music already going on in the area. He will be speaking to the licensing board also, noting the noise is already there.

**Chief Lane** felt it was an extension of the noise level already in place during the evenings. He's sure the building protects East Gloucester but Main Street will be "pounded".

**Councilor Ciolino** mentioned the public good that might come out of the Family Fish Fry. Their plan called for donations to the St. Peter's Fiesta Committee and the City Hall Restoration Fund. He'd like a Memorandum of Understanding between the entities to which they'd be donating and Latitude 43 and asked for a copy of it.

**Councilor Hardy** asked about security.

**Mr. McDonough** stated they have great experience with it. Reiterating Ms. Amero's comment's earlier, he noted no one will be able to buy liquor unless they have a wristband. Everyone will be carded. Liquor will be in clear cups. No one will be able to leave or come on the property with open containers. If anyone is found in violation of the rules, not only will they be removed, but all those around them will be removed as well whether they came with that person to the premises or not.

**Ms. Amero** stated they have hand-held ID checkers; their servers have been through Serve-Safe and TIPS; they will hire people to come through the property in the evening. There will be a zero tolerance.

**Councilor Hardy** asked about if children are allowed in after hours.

**Ms. Amero** stated at night there will be no access to minors. There will be beer and wine only served.

**Councilor Hardy** will reserve her questions on parking for after the site visit.

**Ms. Amero** stated they have a couple of scenarios to rent parking to off set the situation.

**Councilor Ciolino** noted that there is a municipal parking lot nearby. He also asked about the Chapter 91 license regarding access to the waterfront.

**Mr. McDonough** reiterated there will be free access to the Fisherman's Walk.

**Councilor Hardy** asked about comfort stations.

**Mr. McDonough** stated the restaurant rest rooms will be available and also will hire some extra facilities.

**Mr. Novello** stated the St. Peter's Committee was informed and that last year their group was well controlled, and spoke on his own behalf stating he felt it wasn't overcrowded and had his support.

**Mr. McDonough** stated they will test the bracing for liquor distribution for the I Love Gloucester celebration.

**Councilor Ciolino** thanked Ms. Amero for her information and stated there would be a site visit to the property on Saturday, April 24, 2010 at 9:00 a.m. in order to review the arrangements. The matter would be continued to the next P&D meeting of May 5, 2010.

**5. COM2010-022: Letter from St. Peter's Fiesta, Inc. re: Fiesta Shows Amusement Co., Inc.**

*relocation of some rides, games and expansion of show from St. Peter's Park to Commercial*

*Street Birdseye property*

**Joseph Novello**, President, St. Peter's Fiesta and **John Flynn**, President, Fiesta Shows Amusement Co., Inc. were requesting approval for the expansion of their 'show' and relocation of some rides and games from St. Peter's Park to 47 Commercial Street, known as the "Birdseye Property" which is under agreement with the owner of the property, Mac S. Bell. This is to relocate some of the carnival equipment, rides, games, etc., into the Birdseye parking lot. They have already spoken with Lt. Aiello of the Police Department on the matter before this meeting. Emergency vehicles will have appropriate access.

**Chief Lane** felt it didn't make a difference as it opens up the Fiesta proper and as far as patrolling, there is no undue burden; they're already on foot in the area and didn't see a need for additional foot patrols; to which Chief Dench agreed it was the same for his department.

**Councilor Ciolino** expressed concern about the doubling the area of the Fiesta. He wanted to know what their specific plans were.

**Mr. Novello** stated they spoke with Mr. Dean of Fiesta Shows who said they would be spreading things out and would like to add more rides if there was enough room.

**Councilor Ciolino** stated that there is still vehicle and pedestrian traffic across from St. Peter's Park to the Birdseye property during the day. What is the plan for safe passage of the pedestrians from one venue to the other.

**Chief Lane** felt there would be a substantial increase in foot traffic but that it's only going to involve the same amount of rides.

**Mr. Flynn** stated some of the rides will be moved from their traditional site at St. Peter's Square, making the square more accessible, alleviating some of the congestion. They're hoping by moving some of the equipment over to 47 Commercial Street would open the area up. They hope to put a couple more kiddie rides. They would like to do that, but can't commit to that at this moment. A lot of the amusement rides are for teenagers and older people. They'd like to get a few rides in for the very young children.

**Councilor Ciolino** wanted to know the actual layout.

**Mr. Novello** stated the actual layout is yet to be determined and Mr. Flynn confirmed they haven't made specific plans yet.

**Chief Lane** noted there is heavier foot traffic on the Saturday and Sunday which is always expected and didn't think there would be any danger to the public. Things have been quieter in the last few years from his perspective, and residents understand the delays.

**Councilor Hardy** asked regarding insurance if their Certificate of Insurance will cover the other property or will Mr. Bell have his own policy to cover his property.

**Mr. Flynn** stated they would be covering that property, and that there is a \$5 million Certificate of Insurance. The City is a major Certificate holder, and the City Clerk's office gets a copy of the policy.

**Councilor Hardy** asked whatever happens on Mr. Bell's property would be whose responsibility.

**Mr. Flynn** stated it is their policy that covers it and their responsibility. The Commonwealth only requires \$2 million only in coverage, but they have \$5 million.

**Councilor Hardy** asked if this was a doubling of the footprint of the Fiesta.

**Mr. Novello** stated they use St. Peter's Park and the crushed stone area just beyond it, Intershell. If you account for the actual size of the parking lot and with Mr. Bell's property, it isn't exactly double, but is approximately 1/3 more in additional area of the Fiesta.

**Councilor Hardy** asked if they're increasing the size of the footprint then are you increasing the patrols.

**Chief Lane** stated it could be very likely. He has a budgeted amount of money for overtime of \$25,500.00; the Fiesta Committee has a budget of \$5,000.00; and the Fiesta Shows will also be contributing \$2,500.00. The City is committing, according to Mr. Duggan, to any increase being funded from the City side. The total for the funding is \$33,000.00.

**Councilor Hardy** expressed her concern because of the many events that happen at the same time as the Fiesta in the City. She asked if the Police Department would have enough personnel to cover the City during the Fiesta. Will you be calling in State Police or other enforcement authority to assist.

**Chief Lane** noted the State Police told him they would be unavailable this year because of budget cuts. Traditionally, they've had a difficult time with lower manning levels at that time of year and have gotten help from the Essex County Sheriff's Dept. and may do that this year. Additionally, they may be asking the surrounding towns of Rockport, Essex and Manchester to supply officers as well that they would pay. He may ask the Fiesta Committee if upon further review they decide they need another man or two, they will look to the Fiesta Shows, perhaps, for payment.

**Councilor Hardy** noted she didn't have a problem with the expansion but was concerned regarding the cost to the City; that the City is financially strapped. Is the Fiesta Company going to make any extra money as a result of this expansion?

**Mr. Novello** stated this year is a trial. They are putting up extra street decorations to go further down to the expanded area; they are picking up additional trash fees and comfort station fees will be doubled. A pump truck will be in the area at all times. Two attendants for both units will be there also.

**Councilor Hardy** asked the location of the kiddie rides.

**Mr. Flynn** responded they'll be in both locations. They prefer to keep them separate however.

**Councilor Hardy** asked if there would be police presence wherever the kiddie rides are. Those rides need to be right out front in plain view. She also asked for a layout of the Fiesta on paper.

**Mr. Flynn** responded they would have that layout in about 10 days.

**Councilor Ciolino** asked for it to be in their hands before the Council meeting on Tuesday showing where the exits and entrances are, where the comfort stations are, the location of the kiddie rides, etc. He reiterated the budget for the police presence. The Mayor has assured the City will cover any other costs associated, as the event is very important for Gloucester, and wish to see it continue.

**Councilor Mulcahey** noted the heavy pedestrian traffic doesn't yield to vehicle traffic and are very difficult about it. She has suggested roped areas where people can walk and where cars can go through over to, for instance, to the Birdseye lot. She thought that would be a good solution. It is difficult and frustrating to the residents of the Fort area. It is getting harder and harder for them.

**Chief Lane** noted when you rope something off you maybe encourage people who think they can go through a little faster and people are going to stay out just because of the rope. There is a unique situation with a 4-day party in a residential section with only one way in and one way out. As more activities are added, there's still only one way in and out. If they're in the street, the police should move them along.

**Councilor Hardy** asked if any thought to a medical station being added for simple things like handing out band aids. She'd appreciate it being considered.

**Mr. Novello** stated they were approached by Walgreen's suggesting something of that nature. The Fiesta Committee was sure if that didn't work out that they could do something to satisfy that and making it obvious.

**Mr. Flynn** added they do have some medical supplies like Band-Aids available but a trailer is not marked. He noted there always seemed to be Police officers and Fire personnel in the vicinity.

**Councilor Hardy** cautioned Mr. Flynn to not count on that being the case at all times.

**Councilor Mulcahey** asked where all the trailers from the show would be parked.

**Mr. Flynn** responded last year they were at Stage Fort Park parking lot, and this year it has yet to be determined.

**Chief Dench** stated Fiesta is before July 1<sup>st</sup> but for FY11 for these types of events (Fiesta, GFAA Triathlon, etc.), should it make it through the budget process, they will have planned funding for at least an ambulance and command staff together with the police where you have thousands of people coming into the City. They did it with the triathlon last year which worked very well and want to build off of that. If this makes it through the budget process they're hopeful to do something like this next year.

**Councilor Hardy** suggested reaching out to the new CEO, Ken Hanover of AGH, perhaps, to assist in the creating a medical station.

**Councilor Ciolino** asked when they do the opening and closing ceremonies that they shut down the rides that are closest to the altar. You're not able to hear anything with the attendant noise.

**Mr. Flynn** stated they can shut off the rides and music during that time.

**Councilor Whynott** stated he looks forward to the Fiesta every year and that it showcases Gloucester; that it's a wonderful event and appreciated the St. Peter's Fiesta Committee's efforts.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council an amendment to the permit granted by the City Council on February 16, 2010 regarding the June 23, 24, 25, 26 and 27, 2010 St. Peter's Fiesta, to expand the scope of the area of its show to include the property known as the "Birdseye Property" at 47 Commercial Street for the purpose of relocating of some rides, games from St. Peter's Park to that property with the following conditions:**

- 1) That the kiddie rides be kept at the St. Peter's Square Park not at the Birdseye property;
- 2) That the enlarged footprint be drawn out on a plan showing locations of, but not limited to, comfort stations and first aid stations;
- 3) That the music be shut down at the opening and closing ceremonies on the closest rides to the altar area.

**6. Cape Ann Chamber of Commerce: Request for Street Closure for Gloucester Sidewalk Days**

*August 5, 6 & 7, 2010*

**Vicky Van Ness** representing the Chamber of Commerce and Downtown retailers noted restaurants may ask for al fresco dining. August 5, 6 and 7, 2010 are the dates from Pleasant Street to Washington Street, identical as in all other years. She made note of the street encroachment restrictions of 10 feet. They will have five volunteers at all times to monitor access so there is always 10 feet and that no side streets are blocked. They will be wearing staff shirt in lime green to easily identify them. They will have the cell phones listed for the police and fire with a protocol. She assured they want to be proactive.

**Councilor Whynott** thought it was changed from 10 feet to the marked parking lines.

**Chief Dench** stated the 10 feet wasn't as good, and that it should be within the marked parking lines which is the best way and will allow emergency vehicle access.

**Ms. Van Ness** felt because of the block parties vendors are getting used to staying within the marked lines that it would work well. They're asking the restaurants to do food, and they will go through the Board of Health. All pizza must be covered.

**Chief Dench** had major concerns about the activities that go on. He reviewed his files, pulling one from 2003, citing there were the same problems then about vendor tables creeping into the street, noting the vendors comply on the first day. Then there is creep. The vendors coming in from out of town and have no regard for the City and the downtown area, public safety and for emergency personnel. He noted a major fire on a Thursday afternoon at the Curtain Shop and at Bananas that happened during day hours. It could be catastrophic if the roadways were blocked. He reminded them of the City Council meeting where Mr. Hastings and Ms. Morris assured there would be no problems and it would not happen again. Last year was just as bad as always. He went down off duty and took pictures and showed the problems of cars parked in the area. He appreciated there would be staff people and if they're going to be adults who will be able to handle these situations and be responsible to be available to the police and fire personnel.

**Ms. Van Ness** told the retailers when she was hired to manage the Sidewalk Sale Days that if they have major issues again it will be over. That was the reason she was brought on.

**Chief Dench** asked if they went down at 2:30 p.m. on Friday and their personnel state they need to have vehicles moved. How are you going to have these vehicles removed?

**Ms. Van Ness** stated she will call the police to ask for cars to be towed.

**Chief Dench** stated there were other problems too. There were no police for the Chamber to call to get these issues enforced. There have to be arrangements made in advance. If you want a permit, it has to be with the understanding that you are putting the downtown at risk.

**Ms. Van Ness** asked what they could do. When they tell vendors they're not allowed in certain places, they will ban the vendors from participating any further. They will ask them to leave. She doesn't care who they are. They will not be allowed further parking. They really will be tough.

**Chief Dench** appreciated they are sincere; but unless it is done in advance and enforcement is made it won't work.

**Chief Lane** stated they could have a tag and tow policy. You could hire an officer for a bike patrol who can cover more area. He can't promise to commit a duty officer there.

**Ms. Van Ness** noted she has handled the block parties and this is why she was asked to take the Sidewalk Days on. The agreement with the liquor licensing board on the Block Party was that they were supposed to hire a policeman. She felt if they were proactive it would work. They will address the issues sooner.

**Chief Lane** felt this was a good half way point. He thought the Sidewalk Days could hire a police officer at about \$325.00 per day.

**Councilor Ciolino** noted that the Sidewalk Days are not part of the Chamber anymore. Ms. Van Ness is dedicated to this event representing the merchants. They realized it didn't work in the past, and this is now a situation that Ms. Van Ness is the retailer's paid point person. If that doesn't work, it will probably end this year. He has faith that it will work. When things go wrong she will care of it.

**Chief Dench** stated he's all in favor of the Sidewalk Days, but needs it to be done safely. He'd like to see adult staff in shirts that are mature enough to take control and see some written rules and regulations that go to the vendors coming in.

**Ms. Van Ness** stated they will hold them to the rules and she has the authority to tell them to leave if they break the rules.

**Councilor Mulcahey** asked if the meter personnel can ticket.

**Chief Lane** stated one meter person covers the entire downtown but they can give emphasis to the area.

**Chief Dench** felt if they get to the vendors at the beginning of the day it would help. They need a place to park their vehicles. If there was a meter person there at 9 a.m. it would go a long way to keeping the area clear. It was the people coming first thing in the morning that causes the most problems with parking.

**Ms. Van Ness** noted that the Cape Ann Chamber of Commerce is not running this event but acting as the fiduciary agent; the Gloucester Division of Retailers of the Chamber have hired her as the Event Coordinator.

**Councilor Hardy** reminded the Chiefs the hours of the Sidewalk Days overlap three shifts a day.

**MOTION: On motion of Councilor Hardy, seconded by Councilor Whynott, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council granting permission for the retail division of the Cape Ann Chamber of Commerce through its agent, Vicky Van Ness, to close Main Street from Pleasant Street to Washington Street, including Hancock, Center, Porter and Short Streets to all vehicular traffic from 7:00 a.m. to 6:00 p.m., Thursday, August 5<sup>th</sup>, Friday, August 6<sup>th</sup>, and Saturday, August 7<sup>th</sup> with the following conditions:**

- 1. No vendor set ups on the sidewalk blocking either hydrants, crosswalks or handicap ramps. Vendor set ups are not to extend beyond the marked parking lines on the streets (the handicap access is at the crosswalks...this is where the curb cuts are);**
- 2. No vendor set ups in front of the police station, other than the area designated by Lt. Aiello and as depicted in the photograph provided to the Chamber of Commerce by Lt. Aiello;**
- 3. All vendor set ups in the street are to be within the marked parking lines to allow for unobstructed drivable area along the entire Sidewalk Days route - slightly wider at the curve of Palazola's Sporting Goods to maintain adequate access for emergency vehicles. Failure to provide this unobstructed margin of drivable area may necessitate the removal or relocation of the vendor at the discretion of the Fire Department, the Police Department or Vicky Van Ness;**
- 4. The organizers shall allow the Fire Department drive-through access with a fire engine once each day of the event, on or about 9:00 a.m., and one random drive through to be decided by the Fire Department;**
- 5. No parking or unloading of goods of any vehicles on any of the above-mentioned streets after 8:50 a.m. until 5:00 p.m. on each of the days of the Gloucester Sidewalk Days;**
- 6. Signage showing the location of the comfort stations to be located throughout the event area.**

**7. *Other Business***

**None.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:08 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson**

**Clerk of Committees**