



## GLOUCESTER CITY COUNCIL

9 Dale Avenue, Gloucester, MA 01930  
Office (978) 281-9720 Fax (978) 282-3051

### CITY COUNCIL STANDING COMMITTEE

#### Planning & Development Committee

Wednesday, August 22, 2012 – 7:00 p.m.

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

#### AGENDA

*(Items May be taken out of order at the discretion of the Committee)*

1. ***Committee Procedural Discussion re: SCP2012-010: GZO Sec. 5.25 Hotel Overlay District; GZO Sec. 5.5.4 Lowlands: 47-61 Commercial Street***
2. ***CC2012-041 (Tobey) Protection of Babson Watershed Land and Babson Bird Sanctuary pursuant to Article 97 of the Commonwealth of Massachusetts***
3. ***RZ0212-003: Atlantic Road #107 & #125 to create an Existing Hotel Overlay District***
4. ***RZ2012-004: Prospect Street #76, Map 26, Lot 45 from R-5 (High Density) to NB (Neighborhood Business)***
5. ***Addendum to Mayor's Report re: request that certain school property be repurposed for use as part of Newell Stadium***
6. ***DEP compliance by businesses holding Chapter 91 licenses pursuant to City Council discussion of 07/24/12 and a Councilor Request to the Mayor dated week of 07/23/12: Review by Building Inspector regarding posting of signage for public restrooms***
7. ***CC2012-045 (Tobey/Hardy) Review of outdoor portable toilets & consideration of new regulations or new Ordinance***
8. ***CC2012-046 (Hardy) Review of outdoor dumpsters & consideration of new regulations or new ordinance***
9. ***Discussion on possible creation of Planning & Development Advisory Committee re: Special Events permitting, etc. pursuant to City Charter Sec. 2-9(c)***
10. ***Request & Application from Gloucester Fund to hold Labor Day Concert on Stacy Boulevard on September 1, 2012***

#### COMMITTEE

Councilor Bruce Tobey, Chair  
Councilor Greg Verga, Vice Chair  
Councilor Jacqueline Hardy

#### Committee members – Please bring relevant documentation

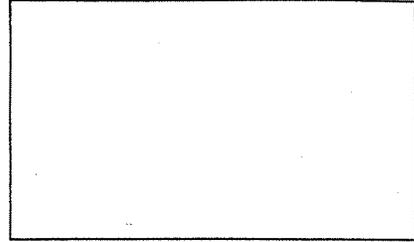
Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Kirk  
Jim Duggan  
Linda T. Lowe  
Gregg Cademartori  
Suzanne Egan  
Bill Sanborn  
Lisa Press  
Noreen Burke  
Jonathan Pope/Stephen Winslow

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



**GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS**  
**TUESDAY, August 14, 2012**  
**7:00 P.M.**  
**KYROUZ AUDITORIUM, CITY HALL**  
**COUNCIL MEETING #2012-016**



**FLAG SALUTE & MOMENT OF SILENCE**  
**PRESENTATIONS**  
**ORAL COMMUNICATIONS**

**CONSENT AGENDA**

**ACTION**

- **MAYOR'S REPORT**
  1. Appointment of Personnel Director Sally Polzin TTE 02/14/2013 (Refer O&A)
  2. Request to create a City of Gloucester Water Advisory Committee (Refer O&A)
  3. Memorandum, Grant Application and Checklist from Health Director re: BSAS Mass Call Extension Grant in the amount of \$70,000 (Refer B&F)
  4. Memorandum, Grant Application and Checklist from Health Director re: grant in the amount of \$188,742 from Mass Dept of Public Health Emergency Preparedness Bureau (Refer B&F)
  5. Memorandum, Grant Application and Checklist from Health Director re: grant in the amount of \$5,000 from National Association of County and City Health Officials (Refer B&F)
  6. Memorandum, Grant Application and Checklist from Health Director re: grant in the amount of \$14,285 from Mass Dept of Public Health Emergency Preparedness Bureau (Refer B&F)
  7. Memorandum from Police Chief requesting permission to pay invoice for services performed by Sgt. Stephen Mays from FY12 with FY13 funds (Refer B&F)
  8. Memorandum from Police Chief requesting permission to pay invoice to Destino's Subs from FY12 with FY13 funds (Refer B&F)
  9. Memorandum from Police Chief requesting permission to pay invoice from Dell Computers from FY12 with FY13 funds (Refer B&F)
  10. Memorandum, Grant Application and Checklist from Police Chief re: State 911 Training & Emergency Medical Grant in the amount of \$92,186 (Refer B&F)
  11. Memorandum, Grant Application and Checklist from Police Chief re: State 911 Support and Incentive FY13 Grant in the amount of \$61,795 (Refer B&F)
  12. Memorandum from Building Inspector requesting permission to pay invoice from Sprint/Nextel from FY12 with FY13 funds (Refer B&F)
  13. Memorandum from CFO requesting permission to pay invoice from D'Ambrosio, Brown, LLP from FY12 with FY13 funds (Refer B&F)
  14. Memorandum from CFO requesting permission to pay prior years invoices from Gloucester Contributory Retirement System from FY13 funds (Refer B&F)
  15. Memorandum, Grant Application and Checklist from Senior Center Coordinator re: FY13 Formula Grant Allocation from Executive Office of Elder Affairs (Refer B&F)
- **COMMUNICATIONS/INVITATIONS**
  1. Communication from Kenneth Hanover Pres/CEO of Northeast Health System re: July 13, 2012 Letter from Peggy O'Malley (Info Only)
  2. Response to Oral Communications of July 20, 2012 City Council Meeting re: National Grid (Info Only)
- **INFORMATION ONLY**
- **APPLICATIONS/PETITIONS**
  1. SCP2012-009: GZO Sec. 1.5.5(b), Sec. 3.1.6(b) and Sec. 3.2 for building height over 35' re: Wingersheek Road #132 (Refer P&D)
  2. SCP2012-010: GZO Sec. 5.25 Hotel Overlay District re: Commercial Street #47-61 (Refer PB & P&D)
  3. Request and application from Gloucester Fund to hold Labor Day Concert on the Boulevard on September 1, 2012 (Refer P&D)
- **COUNCILLORS ORDERS**
  1. CC2012-043(McGeary) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: deleting one space Eastern Avenue #34 (No Referral Required)
  2. CC2012-044(McGeary) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: adding one space Harrison Avenue #2 (Refer TC & O&A)
  3. CC2012-045(Tobey/Hardy) Review of outdoor portable toilets and consideration of new regulations or new ordinance (Refer O&A & P&D)
  4. CC2012-046(Hardy) Review of outdoor dumpsters and consideration of new regulations or new ordinance (Refer O&A & P&D)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
  1. City Council Meeting 07/24/12 (Approve/File)
  2. Standing Committee Meetings: B&F 08/09/12 (under separate cover), O&A 08/06/12, O&A Workshop 08/07/12, Joint Meeting PB & P&D 06/07/12 and Joint Meeting PB & P&D 07/19/12 (under separate cover), Joint Meeting P&D & PB 08/02/12 (under separate cover), Special P&D Meeting 08/13/12 (under separate cover) (Approve/File)

**ACTION**

**STANDING COMMITTEE REPORTS**

B&F 08/09/12, O&A 08/06/12 P&D 08/08/12

**SCHEDULED PUBLIC HEARINGS**

1. PH2012-034: Rezoning #2012-003: Atlantic Road #107 and #125, Amend GZO to create a new Existing Hotel Overlay District (cont'd to 09/11/12)
2. PH2012-053: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Cleveland Street #20
3. PH2012-054: Amend GCO Chapter 23 "Utilities" Article V. "Non-Storm Water Discharges" Section 23-124 through 23-136
4. PH2012-055: Amend GCO Chapter 2 "Administration" Article V. "Boards, Commission, Councils and Committees" Division 6A. Tourism Commission"
5. PH2012-056: Loan Authorization in the amount of \$750,000 re: Brierneck Crossing
6. PH2012-057: Amend GCO Chapter 22-270 "Parking prohibited at all times" re: Western Avenue from its intersection with Mansfield Street

**FOR COUNCIL VOTE**

1. Warrant for State Primary Election – September 6, 2012 (FCV)



**CITY OF GLOUCESTER 2012  
CITY COUNCIL ORDER**

**ORDER:** #CC2012-042  
**COUNCILLORS:** Bruce Tobey

**DATE RECEIVED BY COUNCIL:** 07/24/12  
**REFERRED TO:** P&D  
**FOR COUNCIL VOTE:**

**ORDERED** that the City Council find, that in the interests of protecting our environment particularly our watershed and open space all pursuant to Article 97 of the Constitution of the Commonwealth of Massachusetts, that the Babson Watershed Land and the adjacent public land known as the Babson Bird Sanctuary be declared to be and be established as land protected as Article 97 land which may not be developed for any purpose; and

**FURTHER ORDERED** that this matter be referred to the Planning & Development Committee to take all necessary steps to accomplish such protection.

Bruce Tobey  
Councillor at Large

RZ#2012-003

LAW OFFICES  
OF  
J. MICHAEL FAHERTY

CITY CLERK  
GLOUCESTER, MA

12 MAR 12 PM 2: 06

111 MAIN STREET  
GLOUCESTER, MA 01930  
TELEPHONE: (978) 283-9233  
(978) 281-0999  
FAX: (978) 283-0314

March 12, 2012

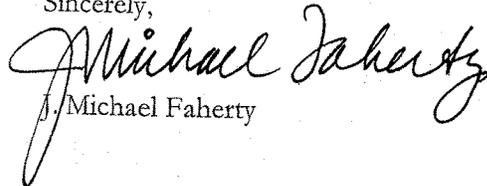
Gloucester City Council  
City Hall  
Nine Dale Avenue  
Gloucester, MA 01930

**RE: AMENDMENT TO ZONING ORDINANCE  
EXISTING HOTEL OVERLAY DISTRICT**

Dear Council Members:

Pursuant to Section 1.11 of the City of Gloucester Zoning Ordinance, I am hereby submitting, on behalf of my clients, Bass Rocks Ocean Inn, Inc., and Bonmal, Inc., a proposed Amendment to the Zoning Ordinance to create an Existing Hotel Overlay District together with the \$350 application fee.

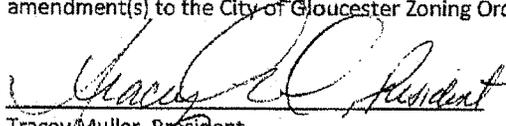
Sincerely,

  
J. Michael Faherty

JMF/jf  
Enc.

**AUTHORIZATION**

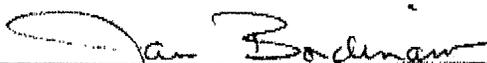
I, Tracey Muller, President of Bass Rocks Ocean Inn, Inc., authorize Bass Rocks Ocean Inn's attorney, J. Michael Faherty, of 111 Main Street, Gloucester, Massachusetts, to sign and file all necessary documents on behalf of and otherwise represent Bass Rocks Ocean Inn in seeking amendment(s) to the City of Gloucester Zoning Ordinance.

  
Tracey Muller, President  
Bass Rocks Ocean Inn, Inc.

3-12-12  
Date

**AUTHORIZATION**

I, Jan Bordinaro, President of Bonmal, Inc., authorize Bonmal's attorney, J. Michael Faherty, of 111 Main Street, Gloucester, Massachusetts, to sign and file all necessary documents on behalf of and otherwise represent Bonmal in seeking amendment(s) to the City of Gloucester Zoning Ordinance.

  
\_\_\_\_\_  
Jan Bordinaro, President  
Bonmal, Inc.

3/12/12  
Date

CITY CLERK  
GLOUCESTER, MA

12 MAR 12 PM 2:06

APPLICATION FOR REZONING

App. No. 2012-003  
Date: March 12, 2012

TO THE CITY COUNCIL OF THE CITY OF GLOUCESTER, MASSACHUSETTS:

We, the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance of the City of Gloucester as herein requested. In support of this application, the following facts are submitted:

1. The property sought to be rezoned is located at:  
 Street: **Atlantic Road - map 72 Lots 1, 3**  
 On the: **west** side of the street, known as **107 and 125 Atlantic Road**  
 107 Atlantic has a **varying** depth of **between 149.81 and 159.34 feet** and Frontage of **489.66 feet**  
 125 Atlantic has a **varying** depth of **between 150 and 229.79 feet** and Frontage of **315.16 feet**
2. Present Zoning Classification: **R-20**
3. Proposed Zoning Classification: **Existing Hotel Overlay District**
4. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (i.e. across the street from) the property be rezoned: **see attached**
5. It is proposed that the property will be put to this use: **continued use as hotel and/or any use authorized in the underlying R-20 zoning district**
6. It is proposed to construct the following buildings: **alterations of, additions to, and/or replacement of existing hotel(s) and/or new hotel(s) with accessory uses as may be authorized by this ordinance as amended**
7. Attached is a copy of the required map which shows the property and surrounding area, with all abutters circled.

**SIGNATURE AND ADDRESS OF OWNERS:**

Bass Rocks Ocean Inn, Inc.  
c/o J. Michael Faherty  
111 Main Street, Suite A  
Gloucester, MA 01930

Bonmal, Inc.  
c/o J. Michael Faherty  
111 Main Street, Suite A  
Gloucester, MA 01930

By: J. Michael Faherty  
J. Michael Faherty, their attorney

**SIGNATURE OF PETITIONERS:**

Bass Rocks Ocean Inn, Inc., & Bonmal, Inc.

By: J. Michael Faherty  
J. Michael Faherty, their attorney

Locus: Map 72, Lots 1 and 3

## **5.26 EXISTING HOTEL OVERLAY DISTRICT**

### **5.26.1 Purpose**

It is the purpose of the Existing Hotel Overlay District (“EHOD”) to encourage the continued use of properties within its bounds for a hotel, motel, or motor inn (hereinafter singularly or collectively referred to as a “Hotel”). The EHOD is designed to encourage expansion of the area’s existing uses and economic vitality by permitting the alteration, expansion, or replacement of existing Hotels and supporting uses, consistent with the goals of the City. Among the objectives of the EHOD are:

- (a) To facilitate the alteration, expansion, or replacement of existing Hotels in the EHOD together with uses accessory thereto;
- (b) To stimulate the general economy of the City by creating jobs and generating real estate and other tax revenue; and
- (c) To encourage the appropriate use of land.

### **5.26.2 Overlay District**

#### **5.26.2.1. Map**

The EHOD is an overlay district which encompasses land shown on Gloucester Assessors’ Map 72, Lots 1 and 3. Such land is also shown on the map entitled “[map title]” dated [Month, ##], 2012, incorporated herein by reference and hereby made a part of the City’s official zoning map.

#### **5.26.2.2 Establishment**

The EHOD is an overlay district superimposed on the underlying zoning district(s). The underlying zoning shall remain in full force and effect. To the extent that any provision in this Section 5.26 is in contradiction or conflicts with any other provision of this ordinance, the provisions of this Section 5.26 shall control.

#### **5.26.2.3 Applicability**

The City Council shall be the special permit granting authority for any required special permits granted pursuant to this Section 5.26, and the issuance of such special permits shall satisfy the procedural criteria set forth in this Section 5.26 and other relevant sections of this Ordinance.

#### **5.26.2.4 Standard to be Applied**

Special Permits under this Section 5.26 shall be granted under the standards of Section 1.8.3 (Special Permits) and Section 5.7.5 (Major Projects).

### **5.26.3 Uses**

#### **5.26.3.1 Uses Allowed by Right**

- (a) Uses allowed by right in the underlying zoning district(s) shall continue to be allowed by right in the EHOD.
- (b) Any continuation of the use of an existing Hotel or any alteration, expansion, or replacement of an existing Hotel that results in an increase of not more than a thirty percent (30%) in the number of guest units and which buildings otherwise meet the dimensional requirements of the EHOD shall be allowed by right in the EHOD.
- (c) Existing accessory and other uses customarily accessory to or incidental to a Hotel use shall also be allowed by Right.

#### **5.26.3.2 Uses Authorized by Special Permit**

In addition to the uses permitted by right or by special permit in the underlying zoning district(s), the following uses shall be permitted subject to the issuance of a Special Permit issued by the City Council:

- (a) Alterations, expansions, or replacement of an existing Hotel that would result in an increase of more than thirty percent (30%) of the existing guest units; and
- (b) Independent accessory uses and other uses customarily accessory to or incidental to a Hotel use.

#### **5.26.3.3 Prohibited Uses**

Any use not specifically allowed by right or by Special Permit within the EHOD or in the underlying zoning district(s) is prohibited.

### **5.26.4 Dimensional Requirements**

#### **5.26.4.1 Dimensional Table**

All buildings and structures permitted pursuant to the EHOD shall conform to the following dimensional requirements, which shall be incorporated into a separate table under EHOD:

Minimum lot area (sf)	40,000
Minimum lot area per guest unit (sf)	750
Minimum open space per guest unit (sf)	200 <sup>(i)</sup>
Minimum lot width (ft)	100
Minimum frontage (ft)	80
Minimum front yard (ft)	30 <sup>(ii)</sup>
Minimum side yards (ft) (each)	15 <sup>(ii)</sup>
Minimum rear yard (ft)	20 <sup>(ii)</sup>
Maximum building height (ft)	45 <sup>(iii)</sup>
Distance between principal buildings	10

- (i) Or, at the option of the land owner, a contiguous area of “open space,” as currently defined in this Ordinance of not less than 10,000 square feet all located in the front yard of the premises.
- (ii) Or the setback existing on site on the date of the adoption of this amendment to the Zoning Ordinance, whichever is less.
- (iii) In the EHOD District, maximum building height shall not include mechanicals and other non-habitable rooftop structures.

## **5.26.5 Off-Street Parking Requirements**

### **5.26.5.1 Off-Street Parking Requirements**

The minimum parking requirements for an existing Hotel within the EHOD shall be the number of parking spaces on site on the date of the adoption of this amendment to the Zoning Ordinance, which shall be verified by the Building Inspector. With respect to any alteration, expansion, or replacement of an existing Hotel, the minimum number of required parking spaces shall be the sum of the actual number of spaces required under Section 4.1.2(b) of this Ordinance for the existing Hotel and any additional required spaces due to the alteration, expansion, or replacement, but in no circumstances less than the minimum number of spaces existing upon the date of the adoption of this amendment to the Zoning Ordinance.

If a proposed alteration, expansion, or replacement of an existing Hotel does not conform with any parking provision in this ordinance, the special permit granting authority may authorize such nonconformance by the grant of a special permit.

## **5.26.7 Submissions**

### **5.26.7.1 Contents**

Any application for a special permit under the EHOD shall include a plan with the information required by Section 1.5.3(c) of this ordinance, being the submittal requirements for "CCS" special permits, unless the proposed use is a Major Project (*see* Section 5.7.1), in which case, the application shall comply with the requirements of Section 1.5.3(d) of this ordinance. In addition, any other special permits required pursuant to this ordinance, for which the City Council is designated as the special permit granting authority, shall include the information required in this ordinance.

Review of an application for a special permit shall comply with the procedural requirement of Section 1.5 of this ordinance as applicable to City Council special permits, including the requirements of notice and a public hearing and deadline for the same and for the issuance of a decision thereon.

### **5.26.8 Relief by Special Permit**

In any instance where a Hotel development does not comply with any provision of this Section 5.26 or any other provision of this ordinance, the City Council is authorized to issue zoning relief for such noncompliance by special permit(s) and not variance(s).



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 72-1

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

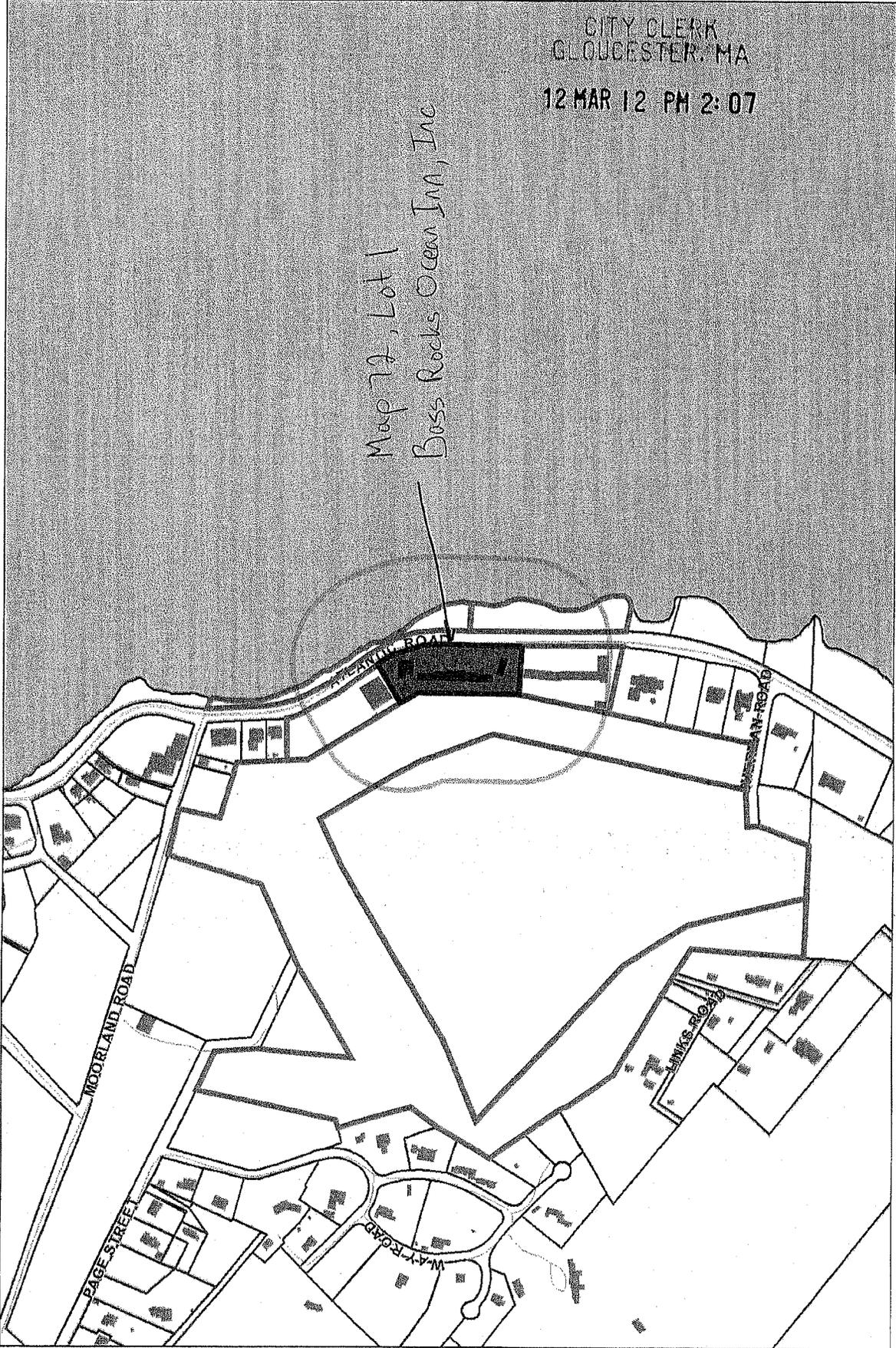
This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 72 Lot 1 as further shown on the attached map dated 3/5/2012.

ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS





# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 72-1

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.

Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 72 Lot 1 as further shown on the attached map dated 3/5/2012.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
73-2 BASS ROCKS GOLF CLUB	R ATLANTIC RD	73-2	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000
71-20 GLOU LODGE OF ELKS 892	101 ATLANTIC RD	71-20	GLOU LODGE OF ELKS 892 P O BOX 86 GLOUCESTER, MA 01931-0086
72-1 BASS ROCKS OCEAN INN INC	107 ATLANTIC RD	72-1	BASS ROCKS OCEAN INN INC 107 ATLANTIC RD GLOUCESTER, MA 01930 0000
72-12 BASS ROCKS OCEAN INN INC	108 ATLANTIC RD	72-12	BASS ROCKS OCEAN INN INC 107 ATLANTIC RD GLOUCESTER, MA 01930 0000
72-11 GLOUCESTER CITY OF	112 ATLANTIC RD	72-11	GLOUCESTER CITY OF CITY HALL GLOUCESTER, MA 01930 0000
72-3 BONMAL INC	125 ATLANTIC RD	72-3	BONMAL INC 125 ATLANTIC RD GLOUCESTER, MA 01930 0000
73-1 BASS ROCKS GOLF CLUB	12 MOORLAND RD	73-1	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000

CITY CLERK  
GLOUCESTER, MA  
12 MAR 12 PM 2:07



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 72-1

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 72 Lot 1 as further shown on the attached map dated 3/5/2012.

ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS

I hereby certify that the above identifies the assessed owner of record and the mailing information for the parcel listed, as shown on the most recent tax list of the City of Gloucester Massachusetts.

Signed:

Name:

Jennie Sevin

Title:

Senior Clerk Assessors

Date:

MAR 05 2012

Authorized Representative of the City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

CITY CLERK  
GLOUCESTER, MA  
12 MAR 12 PM 2:11



# City of Gloucester Abutters Report

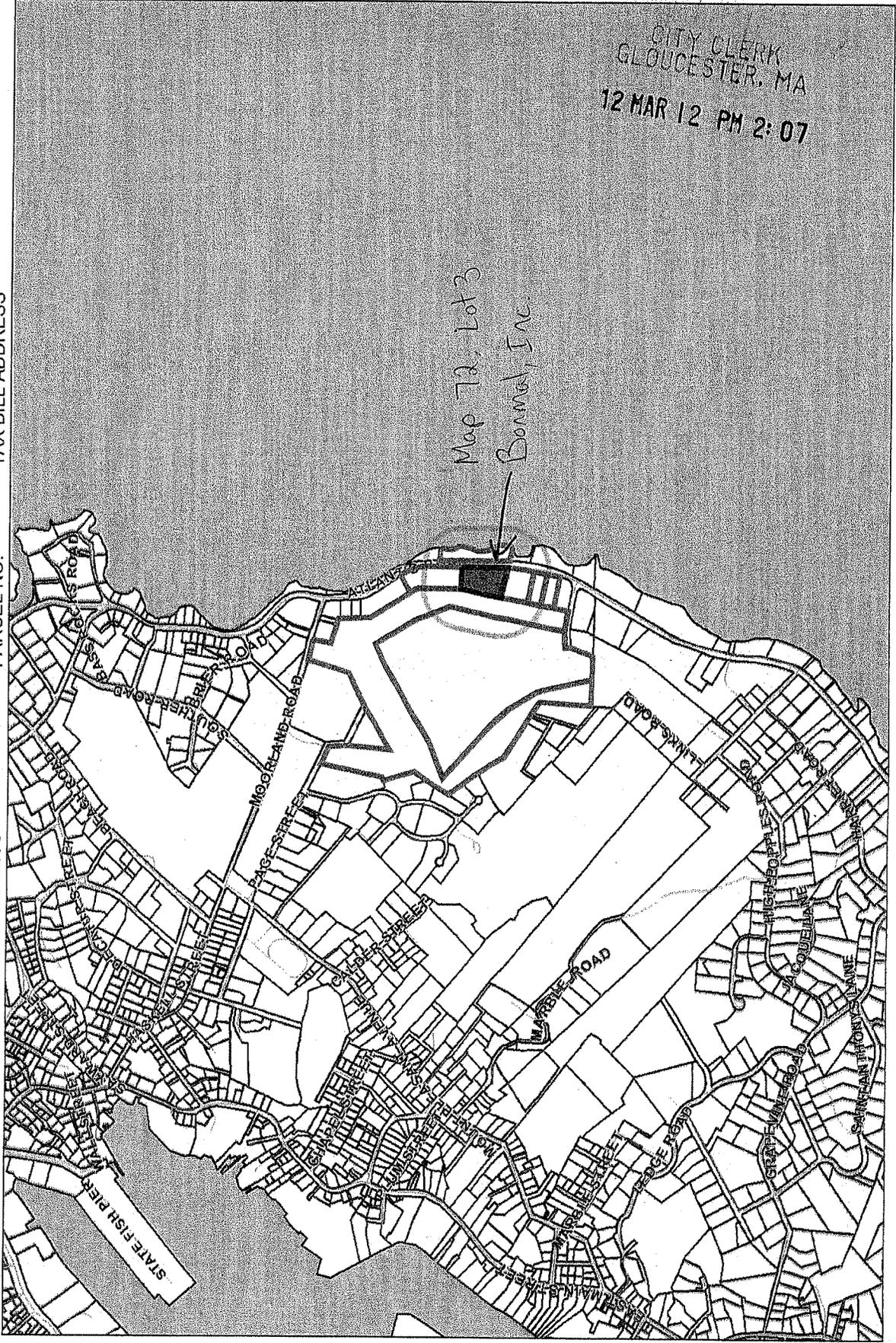
Abutters to Parcel: Map-Lot-Unit 72-3

Please be aware that the abutters list reflects mailing address for the real estate tax bills, as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.

Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 72 Lot 3 as further shown on the attached map dated 3/5/2012.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
---------	----------------	------------	------------------



CITY CLERK  
GLOUCESTER, MA  
12 MAR 12 PM 2:07



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 72-3

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 72 Lot 3 as further shown on the attached map dated 3/5/2012.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
73-2 BASS ROCKS GOLF CLUB	R ATLANTIC RD	73-2	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000
72-1 BASS ROCKS OCEAN INN INC	107 ATLANTIC RD	72-1	BASS ROCKS OCEAN INN INC 107 ATLANTIC RD GLOUCESTER, MA 01930 0000
72-11 GLOUCESTER CITY OF	112 ATLANTIC RD	72-11	GLOUCESTER CITY OF CITY HALL GLOUCESTER, MA 01930 0000
72-3 BONMAL INC	125 ATLANTIC RD	72-3	BONMAL INC 125 ATLANTIC RD GLOUCESTER, MA 01930 0000
72-13 FONZO MICHAEL A & JANE A	129 ATLANTIC RD	72-13	FONZO MICHAEL A & JANE A 129 ATLANTIC RD GLOUCESTER, MA 01930
72-14 ROWLEY-WILLIAMS SALLY MILL COTTAGE	131 ATLANTIC RD	72-14	ROWLEY-WILLIAMS SALLY MILL COTTAGE APPLEFORD RD OXON, UK OX14 4NH
72-15 BURGER THOMAS M & ROBERT ANDREE M TBYE C/O BURGER THOMAS M & ROBERT ANDREE M TR	133 ATLANTIC RD	72-15	BURGER THOMAS M & ROBERT ANDREE M TBYE C/O BURGER THOMAS M & ROBERT ANDREE M TR 133 ATLANTIC RD GLOUCESTER, MA 01930-4331
73-1 BASS ROCKS GOLF CLUB	12 MOORLAND RD	73-1	BASS ROCKS GOLF CLUB BOX 303 GLOUCESTER, MA 01930 0000

CITY CLERK  
GLOUCESTER, MA  
12 MAR 12 PM 2:07



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 72-3

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 72 Lot 3 as further shown on the attached map dated 3/5/2012.

ABUTTER \_\_\_\_\_ STREET ADDRESS \_\_\_\_\_ PARCEL NO. \_\_\_\_\_ TAX BILL ADDRESS \_\_\_\_\_

I hereby certify that the above identifies the assessed owner of record and the mailing information for the parcel listed, as shown on the most recent tax list of the City of Gloucester Massachusetts.

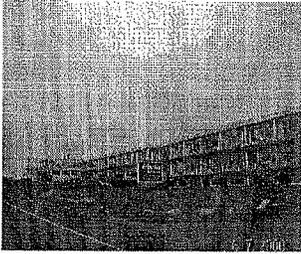
Signed:

Name: Abbie Devito

Title: Senior Clerk Assessors

Date: MAR 05 2012

Authorized Representative of the City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930



Map/Lot/Unit : 72/ 3/ 1  
 Location: 125 ATLANTIC RD  
 Owner Name: BONMAL INC  
 Account Number: 0072 0003 001

**Parcel Value**

Item	Current Assessed Value	FY 2011 Assessed Value
Buildings	1,310,100	1,310,100
Xtra Bldg Features	0	0
Outbuildings	73,000	73,000
Land	805,300	846,500
<b>Total:</b>	<b>2,188,400</b>	<b>2,229,600</b>

**Owner of Record**

BONMAL INC  
 125 ATLANTIC RD  
 GLOUCESTER, MA 01930 0000

**Ownership History**

Owner Name	Book/Page	Sale Date	Sale Price
BONMAL INC	C411/9	6/1/1971	1

**Land Use**

Land Use Code	Land Use Description
3010	MOTEL

**Land Line Valuation**

Size	Zone	Assessed Value
1.48 AC	R-20	805,300

**Construction Detail**

Building # 1	MODEL Commercial	Stories: 3
STYLE Motel	Exterior Wall 1 Stucco on Maso	Roof Structure Flat
Occupancy 1	Interior Wall 1 Drywall/Sheet	Interior Floor 1 Carpet
Roof Cover T&G/Rubber	Heating Type Electr Basebrd	AC Type None
Heating Fuel Electric	Total Bedrms 05	Total Baths 2
Bldg Use MOTEL	Frame Type MASONRY	Baths/Plumbing AVERAGE
Heat/AC NONE	Rooms/Prtns AVERAGE	Wall Height 10
Ceiling/Wall CEIL & WALLS		

**Building Valuation**

Living Area: 21,145 square feet      Year Built: 1964      Depreciation: 20%

**Extra Features**

Code	Description	Units
	No Extra Building Features	

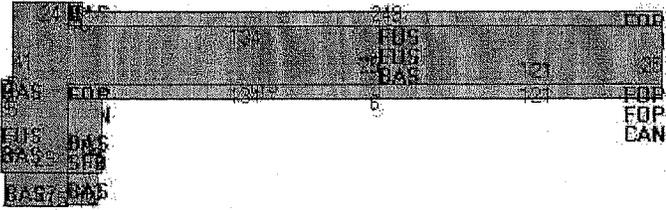
**Outbuildings**

Code	Description	Units
SPL1	POOL-INGR CONC	1144 S.F.
FGR2	GARAGE-GOOD	902 S.F.

SHD1 SHED FRAME |  
PAV1 PAVING-ASPHALT |

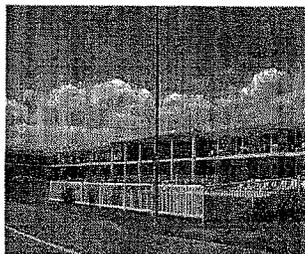
128 S.F.  
12000 S.F.

**Building Sketch**



**Subarea Summary**

Code	Description	Gross Area	Living Area
BAS	First Floor	9449	9449
CAN	Canopy	3024	0
FOP	Porch, Open, Finished	5244	0
FUS	Upper Story, Finished	11312	11312
SFB	Base, Semi-Finished	480	384



Map/Lot/Unit : 72/1/11  
 Location: 107 ATLANTIC RD  
 Owner Name: BASS ROCKS OCEAN INN INC  
 Account Number: 0072 0001 001

**Parcel Value**

Item	Current Assessed Value	FY 2011 Assessed Value
Buildings	1,317,800	1,317,800
Xtra Bldg Features	0	0
Outbuildings	32,700	32,700
Land	1,152,700	1,211,400
<b>Total:</b>	<b>2,503,200</b>	<b>2,561,900</b>

**Owner of Record**

BASS ROCKS OCEAN INN INC  
 107 ATLANTIC RD  
 GLOUCESTER, MA 01930 0000

**Ownership History**

Owner Name	Book/Page	Sale Date	Sale Price
BASS ROCKS OCEAN INN INC	0016	3/1/1967	1

**Land Use**

Land Use Code	Land Use Description
3010	MOTEL

**Land Line Valuation**

Size	Zone	Assessed Value
1.50 AC	R-20	1,152,700

**Construction Detail**

Building # 1	STYLE Motel	MODEL Commercial	Stories: 2
Occupancy 1	Roof Structure Flat	Exterior Wall 1 Concr/Cinder	Exterior Wall 2 Brick/Masonry
Interior Floor 1 Carpet	Roof Cover T&G/Rubber	Interior Wall 1 Drywall/Sheet	Heating Type Forced Air-Duc
AC Type None	Heating Fuel Electric	Total Bedrms 00	Frame Type MASONRY
Total Baths 0	Bldg Use MOTEL	Rooms/Prtns AVERAGE	
Baths/Plumbing AVERAGE	Heat/AC NONE		
Wall Height 10	Ceiling/Wall CEIL & WALLS		

**Building Valuation**

Living Area: 12,664 square feet      Year Built: 1964      Depreciation: 20%

**Extra Features**

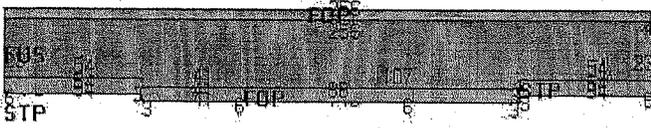
Code	Description	Units
	No Extra Building Features	

**Outbuildings**

Code	Description	Units
PAT2	PATIO-GOOD	1300 S.F.

SPL2	VINYL/PLASTIC	800 S.F.
SHD2	W/LIGHTS ETC	130 S.F.
PAT1	PATIO-AVG	5200 S.F.

**Building Sketch**



**Subarea Summary**

Code	Description	Gross Area	Living Area
BAS	First Floor	6332	6332
FOP	Porch, Open, Finished	1420	0
FUS	Upper Story, Finished	6332	6332
PTO	Patio	1536	0
STP	Stoop	894	0



**Construction Detail**

Building # 2

STYLE Motel

Stories: 2

Exterior Wall 1 Concr/Cinder

Roof Structure Flat

Interior Wall 1 Drywall/Sheet

Heating Fuel Electric

AC Type None

Total Bedrms 05

Heat/AC NONE

MODEL Commercial

Occupancy 1

Exterior Wall 2 Brick/Masonry

Roof Cover T&G/Rubber

Interior Floor 1 Carpet

Heating Type Forced Air-Duc

Bldg Use MOTEL

Total Baths 2

Frame Type MASONRY

**Building Valuation**

Living Area: 3,072 square feet

Year Built: 1964

Depreciation: 20%

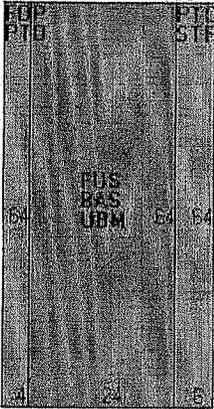
**Extra Features**

Code	Description	Units
	No Extra Building Features	

**Outbuildings**

Code	Description	Units
No	Outbuildings	

**Building Sketch**



**Subarea Summary**

Code	Description	Gross Area	Living Area
BAS	First Floor	1536	1536
FOP	Porch, Open, Finished	256	0
FUS	Upper Story, Finished	1536	1536
PTO	Patio	640	0
STP	Stoop	384	0
UBM	Basement, Unfinished	1536	0



**Construction Detail**

Building # 3	MODEL Commercial
STYLE Motel	Occupancy 1
Stories: 3	Roof Structure Gable/Hip
Exterior Wall 1 Clapboard	Interior Wall 1 Plastered
Roof Cover Asph/F Gls/Cmp	Interior Floor 1 Hardwood
Interior Wall 2 Drywall/Sheet	Heating Fuel Oil
Interior Floor 2 Carpet	AC Type Central
Heating Type Forced Air-Duc	Total Bedrms 00
Bldg Use MOTEL	Heat/AC NONE
Total Baths 0	
Frame Type WOOD FRAME	

**Building Valuation**

Living Area: 4,676 square feet      Year Built: 1899      Depreciation: 24%

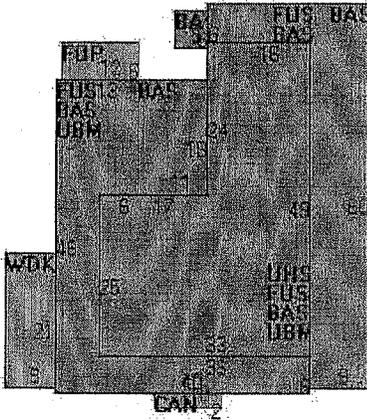
**Extra Features**

Code	Description	Units
	No Extra Building Features	

**Outbuildings**

Code	Description	Units
	No Outbuildings	

**Building Sketch**



**Subarea Summary**

Code	Description	Gross Area	Living Area
BAS	First Floor	2722	2722
CAN	Canopy	20	0
FOP	Porch, Open, Finished	72	0
FUS	Upper Story, Finished	1954	1954
UBM	Basement, Unfinished	1858	0
UHS	Half Story, Unfinished	1209	0
WDK	Deck, Wood	168	0

Zimbra

llowe@gloucester-ma.gov

---

**Revised EHOD application**

---

**From :** Joel Favazza - JMF Law <joel@jmfawoffice.com>  
**Subject :** Revised EHOD application  
**To :** Linda Lowe <llowe@gloucester-ma.gov>

Fri, Jul 20, 2012 11:18 AM  
2 attachments

Linda,

Attached is the revised EHOD Application submitted by Mike last night.

--  
Joel Favazza  
of Counsel  
Law Offices of J. Michael Faherty  
111 Main Street, Suite A  
Gloucester, MA 01930  
P. 978-283-9233  
F. 978-283-0314  
---

If this email is to a client, the attorney-client privilege protects this email. If you've received this email by mistake, please let us know and then delete the email. We don't waive any client's privilege by misdelivered email. There is no tax advice contained in this email.

---

**2012-7-19- EHOD Application - Revision 1 - Clean.pdf**  
83 KB

**2012-7-19- EHOD Application - Revision 1 - Track Changes.pdf**  
169 KB

---

12 JUL 20 AM 11:52

## **5.26 EXISTING HOTEL OVERLAY DISTRICT**

### **5.26.1 Purpose**

It is the purpose of the Existing Hotel Overlay District (“EHOD”) to encourage the continued use of properties within its bounds for a hotel, motel, or motor inn (hereinafter singularly or collectively referred to as a “Hotel”). The EHOD is designed to encourage expansion of the area’s existing uses and economic vitality by permitting the alteration, expansion, or replacement of existing Hotels and supporting uses, consistent with the goals of the City. Among the objectives of the EHOD are:

- (a) To facilitate the alteration, expansion, or replacement of existing Hotels in the EHOD together with uses accessory thereto;
- (b) To stimulate the general economy of the City by creating jobs and generating real estate and other tax revenue; and
- (c) To encourage the appropriate use of land.

### **5.26.2 Overlay District**

#### **5.26.2.1. Map**

The EHOD is an overlay district which encompasses land shown on Gloucester Assessors’ Map 72, Lots 1 and 3. Such land is also shown on the map entitled “[map title]” dated [Month, ##], 2012, incorporated herein by reference and hereby made a part of the City’s official zoning map.

#### **5.26.2.2 Establishment**

The EHOD is an overlay district superimposed on the underlying zoning district(s). The underlying zoning shall remain in full force and effect. To the extent that any provision in this Section 5.26 is in contradiction or conflicts with any other provision of this ordinance, the provisions of this Section 5.26 shall control.

#### **5.26.2.3 Applicability**

The City Council shall be the special permit granting authority for any required special permits granted pursuant to this Section 5.26, and the issuance of such special permits shall satisfy the procedural criteria set forth in this Section 5.26 and other relevant sections of this Ordinance.

#### 5.26.2.4 Standard to be Applied

Special Permits required under this Section 5.26 shall be granted under the standards of Section 1.8.3 (Special Permits) and Section 5.7.5 (Major Projects).

#### 5.26.2.5 Definitions

- (a) Replacement - *TBD*

#### 5.26.3 Uses

##### 5.26.3.1 Uses Allowed by Right

- (a) Uses allowed by right in the underlying zoning district(s) shall continue to be allowed by right in the EHOD.
- (b) Any continuation of the use of an existing Hotel or any alteration, expansion, or replacement of an existing Hotel that results in an increase of not more than a thirty percent (30%) in the number of guest units and which buildings otherwise meet the dimensional requirements of the EHOD shall be allowed by right in the EHOD.

*[alternate]* (b) *Any continuation of the use of an existing Hotel or any alteration, expansion, or replacement of an existing Hotel that results in an increase of not more than \_\_\_% in the total footprint of the existing building(s) on the locus and/or not more than \_\_\_% in the number of guest units and which otherwise meet the dimensional requirements of the EHOD shall be allowed by right in the EHOD.*

- (c) Existing uses accessory or incidental to a Hotel use shall also be allowed by Right.

##### 5.26.3.2 Uses Authorized by Special Permit

In addition to the uses permitted by right or by special permit in the underlying zoning district(s), the following uses shall be permitted subject to the issuance of a Special Permit issued by the City Council:

- (a) Alterations, expansions, or replacement of an existing Hotel that would result in an increase of more than thirty percent (30%) of the existing guest units; and

*[alternate]* (a) *Alterations, expansion, or replacement of an existing Hotel that would result in an increase of more than \_\_\_% in the total footprint of the existing building(s) on the locus and/or more than \_\_\_% in the number of guest units; and*

- (b) Independent accessory uses and other uses customarily accessory to or incidental to a Hotel use.

**5.26.3.3 Prohibited Uses**

Any use not specifically allowed by right or by Special Permit within the EHOD or in the underlying zoning district(s) is prohibited.

**5.26.4 Dimensional Requirements**

**5.26.4.1 Dimensional Table**

All buildings and structures permitted pursuant to the EHOD shall conform to the following dimensional requirements, which shall be incorporated into a separate table under EHOD:

Minimum lot area (sf)	40,000
Minimum lot area per guest unit (sf)	750
Minimum open space per guest unit (sf)	200 <sup>(i)</sup>
Minimum lot width (ft)	100
Minimum frontage (ft)	80
Minimum front yard (ft)	30 <sup>(ii)</sup>
Minimum side yards (ft) (each)	20 <sup>(ii)</sup>
Minimum rear yard (ft)	30 <sup>(ii)</sup>
Maximum building height (ft)	30 <sup>(iii)</sup>
Distance between principal buildings	10 <sup>(iv)</sup>

- (i) Or, at the option of the land owner, a contiguous area of “open space,” as currently defined in this Ordinance of not less than 10,000 square feet all located in the front yard of the premises.
- (ii) Or the setback existing on site on the date of the adoption of this amendment to the Zoning Ordinance, whichever is less.
- (iii) In the EHOD District, maximum building height shall not include mechanicals and other non-habitable rooftop structures.
- (iv) For principal buildings existing on site on the date of the adoption of this Amendment to the Zoning Ordinance: 10 feet or whatever currently exists on site on the date of the adoption of this Amendment to the Zoning Ordinance, whichever is less.

**5.26.5 Off-Street Parking Requirements**

**5.26.5.1 Off-Street Parking Requirements**

The minimum parking requirements for an existing Hotel within the EHOD shall be the number of parking spaces on site on the date of the adoption of this amendment to the Zoning Ordinance, which shall be verified by the Building Inspector. With respect to any alteration, expansion, or replacement of an existing Hotel, the minimum number of required parking spaces shall be the sum of the actual number of spaces required under Section 4.1.2(b) of this Ordinance for the existing Hotel and any additional required spaces due to the alteration, expansion, or replacement, but in no circumstances less than the minimum number of spaces existing upon the date of the adoption of this amendment to the Zoning Ordinance.

If a proposed alteration, expansion, or replacement of an existing Hotel does not conform with any parking provision in this ordinance, the special permit granting authority may authorize such nonconformance by the grant of a special permit.

#### **5.26.7 Submissions**

##### **5.26.7.1 Contents**

Any application for a special permit required under the EHOD shall include a plan with the information required by Section 1.5.3(c) of this ordinance, being the submittal requirements for "CCS" special permits, unless the proposed use is a Major Project (*see* Section 5.7.1), in which case, the application shall comply with the requirements of Section 1.5.3(d) of this ordinance. In addition, any other special permits required pursuant to this ordinance, for which the City Council is designated as the special permit granting authority, shall include the information required in this ordinance.

Review of an application for a special permit shall comply with the procedural requirement of Section 1.5 of this ordinance as applicable to City Council special permits, including the requirements of notice and a public hearing and deadline for the same and for the issuance of a decision thereon.

#### **5.26.8 Relief by Special Permit**

In any instance where a Hotel development does not comply with any provision of this Section 5.26 or any other provision of this ordinance, the City Council is authorized to issue zoning relief for such noncompliance by special permit(s) and not variance(s).

CITY CLERK  
GLOUCESTER, MA  
12 JUL 20 AM 11:52

## 5.26 EXISTING HOTEL OVERLAY DISTRICT

### 5.26.1 Purpose

It is the purpose of the Existing Hotel Overlay District ("EHOD") to encourage the continued use of properties within its bounds for a hotel, motel, or motor inn (hereinafter singularly or collectively referred to as a "Hotel"). The EHOD is designed to encourage expansion of the area's existing uses and economic vitality by permitting the alteration, expansion, or replacement of existing Hotels and supporting uses, consistent with the goals of the City. Among the objectives of the EHOD are:

- (a) To facilitate the alteration, expansion, or replacement of existing Hotels in the EHOD together with uses accessory thereto;
- (b) To stimulate the general economy of the City by creating jobs and generating real estate and other tax revenue; and
- (c) To encourage the appropriate use of land.

### 5.26.2 Overlay District

#### 5.26.2.1. Map

The EHOD is an overlay district which encompasses land shown on Gloucester Assessors' Map 72, Lots 1 and 3. Such land is also shown on the map entitled "[map title]" dated [Month, ##], 2012, incorporated herein by reference and hereby made a part of the City's official zoning map.

#### 5.26.2.2 Establishment

The EHOD is an overlay district superimposed on the underlying zoning district(s). The underlying zoning shall remain in full force and effect. To the extent that any provision in this Section 5.26 is in contradiction or conflicts with any other provision of this ordinance, the provisions of this Section 5.26 shall control.

#### 5.26.2.3 Applicability

The City Council shall be the special permit granting authority for any required special permits granted pursuant to this Section 5.26, and the issuance of such special permits shall satisfy the procedural criteria set forth in this Section 5.26 and other relevant sections of this Ordinance.

5.26.2.4 Standard to be Applied

Special Permits required under this Section 5.26 shall be granted under the standards of Section 1.8.3 (Special Permits) and Section 5.7.5 (Major Projects).

5.26.2.5 Definitions

- (a) Replacement: TRU

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 1.13"

Formatted: Font: Italic, Underline

5.26.3 Uses

5.26.3.1 Uses Allowed by Right

- (a) Uses allowed by right in the underlying zoning district(s) shall continue to be allowed by right in the EHOD.
(b) Any continuation of the use of an existing Hotel or any alteration, expansion, or replacement of an existing Hotel that results in an increase of not more than a thirty percent (30%) in the number of guest units and which buildings otherwise meet the dimensional requirements of the EHOD shall be allowed by right in the EHOD.

Any continuation of the use of an existing Hotel or any alteration, expansion, or replacement of an existing Hotel that results in an increase of not more than a thirty percent (30%) in the number of guest units and which buildings otherwise meet the dimensional requirements of the EHOD shall be allowed by right in the EHOD.

- (c) Existing uses accessory and other uses customarily accessory to or incidental to a Hotel use shall also be allowed by Right.

5.26.3.2 Uses Authorized by Special Permit

In addition to the uses permitted by right or by special permit in the underlying zoning district(s), the following uses shall be permitted subject to the issuance of a Special Permit issued by the City Council:

- (a) Alterations, expansions, or replacement of an existing Hotel that would result in an increase of more than thirty percent (30%) of the existing guest units; and

Alterations, expansion, or replacement of an existing Hotel that would result in an increase of more than 30% in the total footprint of the existing building; and/or more than 30% in the number of guest units; and

Formatted: Font: Italic

- (b) Independent accessory uses and other uses customarily accessory to or incidental to a Hotel use.

**5.26.3.3 Prohibited Uses**

Any use not specifically allowed by right or by Special Permit within the EHOD or in the underlying zoning district(s) is prohibited.

**5.26.4 Dimensional Requirements**

**5.26.4.1 Dimensional Table**

All buildings and structures permitted pursuant to the EHOD shall conform to the following dimensional requirements, which shall be incorporated into a separate table under EHOD:

Minimum lot area (sf)	40,000
Minimum lot area per guest unit (sf)	750
Minimum open space per guest unit (sf)	200 <sup>(i)</sup>
Minimum lot width (ft)	100
Minimum frontage (ft)	80
Minimum front yard (ft)	30 <sup>(ii)</sup>
Minimum side yards (ft) (each)	<del>15</del> 20 <sup>(ii)</sup>
Minimum rear yard (ft)	<del>20</del> 30 <sup>(ii)</sup>
Maximum building height (ft)	<del>45</del> 30 <sup>(iii)</sup>
Distance between principal buildings	10 <sup>(iii)</sup>

Formatted: Superscript

- (i) Or, at the option of the land owner, a contiguous area of "open space," as currently defined in this Ordinance of not less than 10,000 square feet all located in the front yard of the premises.
- (ii) Or the setback existing on site on the date of the adoption of this amendment to the Zoning Ordinance, whichever is less.
- (iii) In the EHOD District, maximum building height shall not include mechanicals and other non-habitable rooftop structures.

~~10 feet principal buildings existing on site on the date of the adoption of this Amendment to the Zoning Ordinance; 10 feet or whatever currently exists on site on the date of the adoption of this Amendment to the Zoning Ordinance, whichever is less.~~

Formatted: Indent: Left: 1.19", Hanging: 0.5"

**5.26.5 Off-Street Parking Requirements**

**5.26.5.1 Off-Street Parking Requirements**

The minimum parking requirements for an existing Hotel within the EHOD shall be the number of parking spaces on site on the date of the adoption of this amendment to the Zoning Ordinance, which shall be verified by the Building Inspector. With respect to any alteration, expansion, or replacement of an existing Hotel, the minimum number of required parking spaces shall be the sum of the actual number of spaces required under Section 4.1.2(b) of this Ordinance for the existing Hotel and any additional required spaces due to the alteration, expansion, or replacement, but in no circumstances less than the minimum number of spaces existing upon the date of the adoption of this amendment to the Zoning Ordinance.

If a proposed alteration, expansion, or replacement of an existing Hotel does not conform with any parking provision in this ordinance, the special permit granting authority may authorize such nonconformance by the grant of a special permit.

#### **5.26.7 Submissions**

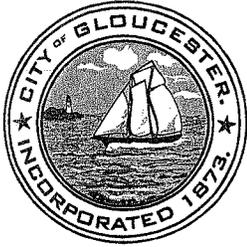
##### **5.26.7.1 Contents**

Any application for a special permit ~~required~~ under the EHOD shall include a plan with the information required by Section 1.5.3(c) of this ordinance, being the submittal requirements for "CCS" special permits, unless the proposed use is a Major Project (*see* Section 5.7.1), in which case, the application shall comply with the requirements of Section 1.5.3(d) of this ordinance. In addition, any other special permits required pursuant to this ordinance, for which the City Council is designated as the special permit granting authority, shall include the information required in this ordinance.

Review of an application for a special permit shall comply with the procedural requirement of Section 1.5 of this ordinance as applicable to City Council special permits, including the requirements of notice and a public hearing and deadline for the same and for the issuance of a decision thereon.

#### **5.26.8 Relief by Special Permit**

In any instance where a Hotel development does not comply with any provision of this Section 5.26 or any other provision of this ordinance, the City Council is authorized to issue zoning relief for such noncompliance by special permit(s) and not variance(s).



# CITY OF GLOUCESTER PLANNING BOARD

## RECOMMENDATION

**Date:** August 14, 2012  
**To:** City Council  
**From:** Planning Board  
**RE:** Proposed Rezoning of 76 Prospect Street (Assessors Map 26 Lot 45)  
R-5 Residential to Neighborhood Business District

12 AUG 14 PM 12:42  
CITY CLERK  
GLOUCESTER, MA

The Planning Board was forwarded the referenced proposed Zoning Map amendment filed by Attorney Robert Visnick on behalf of Savour, LLC on June 27, 2012. The Planning Board held a properly notice public hearing on August 2, 2012.

Savour, LLC, owners of the wine and cheese shop along with a catering business (Beach Gourmet), have received relief from the Zoning Board of Appeals to operate such business uses at 76 Prospect Street, which is currently zoned R-5 Residential. For an unknown reason, with a business use operating in the area for some time, when areas were rezoned to the Neighborhood Business zoning district this property was not included. The Zoning Board of Appeals in its recent decision included as a condition that the applicant petition for rezoning. The Zoning Board of Appeals recognized the appropriateness of this business use in the area. The locus is also in the vicinity of other NB districts sharing the same street and area in the downtown. Rezoning would relieve the burden of justifying the existing use or change of use to other neighborhood businesses uses as allowed the district, while preserving residential or mixed use alternatives.

For the reasons stated above the Planning Board voted unanimously (6-0) to recommend to the City Council the rezoning of 76 Prospect Street (Assessors Map 26 Lot 45) from R-5 to NB.

**ROBERT L. VISNICK**

ATTORNEY AT LAW

CITY CLERK  
GLOUCESTER, MA  
12 JUN 14 PM 2:48Robert L. Visnick, Esq  
[bob@capeannlaw.com](mailto:bob@capeannlaw.com)

June 6, 2012

Gloucester City Council  
Gloucester City Hall  
9 Dale Avenue  
Gloucester, MA 01930Re: Request for Amendment of the Zoning Ordinance  
Savour, LLC, 76 Prospect Street

Dear Madam President and Councilors:

The purpose of this letter is to respectfully request that the Zoning Ordinance for the City of Gloucester be amended to include 76 Prospect Street, Assessors Map 26, Lot 45, in the Neighborhood Business Zoning. It is presently zoned R-5, though it abuts the Neighborhood Business district.

Connors Pharmacy operated at this location for decades. Recently, the property was sold to Savour, LLC, which previously operated an upscale wine and cheese store in the building that it shared with Beach Gourmet catering at 24 Washington Street. The Washington Street building was destroyed by fire last September.

After looking closely at all available options for reopening their establishment, Savour decided to purchase 76 Prospect Street. Savour and Beach Gourmet agreed to continue their business relationship at the new location. They plan to sell wine, cheese, and other deli goods and to offer classes.

Because catering is not permitted in the R-5 zone, a use variance was required from the Zoning Board of Appeals. The board granted the variance to the then-owner, Connors Pharmacy, in January 2012 and its decision is attached. The zoning board also supported changing the zoning of this parcel:

“Although the Board does not approve use variances lightly, the recognition of such relief in the Zoning Ordinance indicates the intent of City Council that there will be times when a use variance is appropriate, and this is one of those rare times. Of critical importance to the Board’s decision in this case is that [1] this downtown neighborhood is already mixed use in nature, [2] the Site immediately abuts a Neighborhood Business zone, into which it should have been incorporated years ago, [3] there is considerable off-street parking on the Site, a portion of which Savour will dedicate to Beach Gourmet use, and [4] the petitioner and

Savour have committed to moving expeditiously to seek rezoning of the Site, transferring it from its present R-5 zone to the abutting NB zone.”

The board’s granting of the variance was subject to certain conditions one of which is that, “Petitioner, Savour Wine and Cheese LLC and Beach Gourmet, Inc. shall forthwith file and diligently pursue an application to City Council requesting a change in the zoning of the Site from R-5 to NB.”

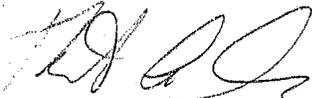
Rezoning this parcel would support a vibrant commercial corner. Increasing the city’s retail and commercial base is a longstanding priority for city leaders. The city’s community development plan states: “Gloucester has relatively little commercial land available for new development, has high housing and living costs, and requires relatively high-cost infrastructure investment to support emerging information technologies. Attracting and retaining businesses is extremely important, and strategies are needed to address these issues. A successful economy provides a local employment base, benefits employers, and generates taxes that are substantially greater than the municipal costs required to support them.” This corner has been a commercial use for decades and there is virtually no chance it will ever conform to its current residential zoning.

The intersection of Prospect and Pleasant streets has undergone a transformation in recent years, with the conversion of the Wesley United Methodist Church into condominiums and nearby refurbished Victorian homes and offices. The success of the wine and cheese shop is directly related to the changing demographics of the city as a whole, where the median household income has risen 21 percent in the past 10 years. The new shop has an existing customer base, ample parking, and many years of food service experience. The neighborhood strongly supported the use variance.

Accordingly, it is requested that the map change be as shown on the attached sketch showing the grid location of the change.

Very truly yours,

SAVOUR, LLC



By its attorney, Robert L. Visnick

CITY CLERK  
GLOUCESTER, MA

APPLICATION FOR REZONING

12 JUN 14 PM 2:42

App. No. 2012-004  
Date June 14, 2012

TO THE CITY COUNCIL OF THE CITY OF GLOUCESTER, MASSACHUSETTS:

I (We), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance of the City of Gloucester as herewith requested, and in support of this application of the following facts are submitted:

1. The Property sought to be rezoned is located at:

Street: 76 Prospect Street

On the Right side of the street, known as lot number MAP 26, LOT 45

It has a depth of 151.5' (present) and Frontage of 31.6' (Prospect) (see attached plot plan)

2. Present Zoning Classification R-5

3. Proposed Zoning Classification N.B.

4. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property to be rezoned:

NAME	STREET	CITY OR TOWN
(see attached abutter's report.)		
Wesley Condominium	80 Prospect St	(Map 26 - Lot 46)
Eagle Hill, LLC	74 Prospect	(Map 14 - Lot 9)

(Please attach extra sheets for more names, if needed)

5. It is proposed that the property will be put to this use:

Retail sale wine, cheese and catering

6. It is proposed to construct the following buildings:

NONE

7. Attached is a copy of the required map which shows the property and surrounding area, with all abutters circled.

SIGNATURE AND ADDRESS OF OWNER:

Ruth P. Cuello (manager)

Kathleen P. Erickson

17 Rose Point Road, Gloucester, MA 01906

SIGNATURE OF PETITIONER:

Ruth P. Cuello

5. JV9



# CITY OF GLOUCESTER ZONING BOARD OF APPEALS

2012030100094 Bk:31129 Pg:284  
03/01/2012 10:14 VAR Pg 1/5

January 12, 2012

12 FEB -3 AM 11:31  
CITY CLERK  
GLOUCESTER, MA

**PETITIONER:** CONNORS PHARMACY, INC.

**LOCUS (hereinafter, the "Site"):** 76 Prospect Street (Assessors Map 26, Lot 45)

**RELIEF REQUESTED:** Use Variance to allow a consumer service in a residential district (Sections 1.7 and 2.3.4(25) of the Zoning Ordinance).

**PURPOSE OF PETITION:** To allow construction and operation of a catering company.

**HEARING DATE, TIME AND PLACE:** As advertised, January 12, 2012; 7:00 PM; Gloucester City Hall, Dale Avenue, Gloucester, Massachusetts.

**BOARD MEMBERS PRESENT AND VOTING ON THE PETITION:**

JAMES P. MOVALLI, CHAIRMAN  
VIRGINIA BERGMANN  
DAVID B. GARDNER  
FRANCIS S. WRIGHT  
MICHAEL NIMON

**ZONING DISTRICT:** R-5 (High-Density Residential)

**PETITIONER REPRESENTED BY:** Meredith A. Fine, Esq., 63 Middle Street

**APPEARING IN SUPPORT OF THE PETITION:** Sally Jackson, Old Farm Road; Gail Jenner, 80 Prospect Street; Kathleen Erickson, Rockport; Bethany Pratt, 80 Prospect Street; Rosamond Smith, 80 Prospect Street; John Byrnes, Curlew Court; Molly Byrnes, Curlew Court; and Robert Morgan, Rockport.

**APPEARING IN OPPOSITION TO THE PETITION:** No one.

**PLANS, ELEVATIONS, ETC. SUBMITTED IN SUPPORT OF THE PETITION  
(COLLECTIVELY, THE "PROJECT PLANS"):**

Plot Plan of Land located in Gloucester, MA, prepared by American Land Survey Associates, Inc. for Kathleen Erickson and Robert Morgan dated December 9, 2011; and

Proposed Renovation for Beach Gourmet prepared by Robert Gulla, Architect, dated December 10, 2011.

**SITE VISIT PHOTOGRAPHS:** No

ORIGINAL REFERENCE REQUESTED  
5600 PAGE 116

**PHOTOGRAPHS BY OTHERS:** No

**OTHER LETTERS, REPORTS, DOCUMENTS, ETC. SUBMITTED IN SUPPORT OF THE PROJECT:** Letter of support submitted by John C. Connors.

**OTHER LETTERS, REPORTS, DOCUMENTS, ETC. SUBMITTED IN OPPOSITION TO THE PROJECT:** None

**FACTUAL FINDINGS OF THE BOARD:**

Based on the Project Plans, the representations of petitioner's attorney and the testimony of abutters and other supporters, the Board finds that:

1. The Site is located in an R-5 resident zone, but immediately abuts a Neighborhood Business zone. For many decades, a pharmacy operated on the Site as a grandfathered retail use.
2. The Site is in the process of being sold to Savour Wine and Cheese, LLC [hereinafter "Savour"]. Like the pharmacy, the wine and cheese shop will qualify as a grandfathered retail use.
3. Savour wishes to lease a portion of the interior space to Beach Gourmet, Inc., a catering company, to share resources and offer classes together. Under the Zoning Ordinance, catering is a consumer service, which is not allowed in a residential zone without a use variance.
4. But for a catastrophic fire that occurred in September 2011 at Beach Gourmet's previous location, it would not be relocating and requiring this use variance.
5. The requested variance has no opposition, and indeed is supported by the neighbors, including the Holy Family Church across the street, Mamie's Kitchen to the rear, and the residents of the condominiums next door.

**STANDARD TO BE APPLIED BY THE BOARD:**

Pursuant to Section 1.7.2 of the Zoning Ordinance, in considering whether to grant a use variance the Board must find that literal enforcement of the provisions of the ordinance would involve substantial hardship, financial or otherwise, to petitioner. Furthermore, the Board must make the following additional findings:

1. That the hardship arises from circumstances relating to the soil conditions, shape or topography of the land or structure(s) in question, which circumstances particularly affect such land or structure(s) but which do not generally affect the zoning district in which they are located; and
2. That the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance; and

3. That no other feasible and economic use of the subject property can be made, either by right or by special permit.

### **DECISION OF THE BOARD:**

The Board finds that literal enforcement of the applicable provisions of the Zoning Ordinance would involve substantial hardship to the petitioner, given the building's long-time commercial use. There is little chance that the property could be converted to a residential use. Other uses allowed by special permit, such as a funeral home or a bank, are not economically feasible or reasonably likely. The Board further finds that this proposed use will benefit the surrounding neighborhood by offering a range of food and beverages, and will benefit the larger community by keeping jobs in downtown Gloucester and bringing in new patrons.

Although the Board does not approve use variances lightly, the recognition of such relief in the Zoning Ordinance indicates the intent of City Council that there will be times when a use variance is appropriate, and this is one of those rare times. Of critical importance to the Board's decision in this case is that [1] this downtown neighborhood is already mixed use in nature, [2] the Site immediately abuts a Neighborhood Business zone, into which it should have been incorporated years ago, [3] there is considerable off-street parking on the Site, a portion of which Savour will dedicate to Beach Gourmet use, and [4] the petitioner and Savour have committed to moving expeditiously to seek rezoning of the Site, transferring it from its present R-5 zone to the abutting NB zone.

**SUBJECT TO THE GENERAL AND SPECIAL CONDITIONS SET FORTH BELOW, THE BOARD HEREBY GRANTS THE PETITIONER A USE VARIANCE, ALLOWING BEACH GOURMET, INC. TO OPERATE A CATERING BUSINESS ON THE SITE IN ACCORDANCE WITH THE PROJECT PLANS**

### **GENERAL CONDITIONS:**

1. All construction and activities authorized by this decision shall be in accordance with these General and Special Conditions and the above-referenced Project Plans, which have been stamped and endorsed by the Board Chairman and which are the sole plans of record in this matter. Any unauthorized deviation therefrom may result, following a public hearing, in revocation of this variance.
2. This decision shall not take effect until notice thereof is filed in the Registry of Deeds of Essex County. The fee for filing such notice shall be paid by petitioner. Prior to filing this decision with the Registry of Deeds, petitioner shall have the Seal of the City affixed to same.

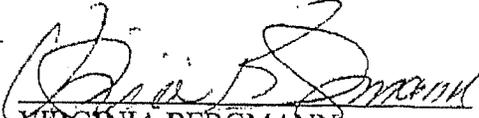
### **SPECIAL CONDITIONS:**

1. Petitioner, Savour Wine and Cheese LLC and Beach Gourmet, Inc. shall forthwith file and diligently pursue an application to City Council requesting a change in the zoning of the Site from R-5 to NB.

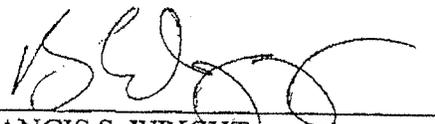
**VOTE OF THE BOARD**

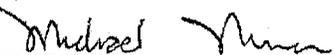
In favor:

  
\_\_\_\_\_  
JAMES P. MOVALLI, CHAIRMAN

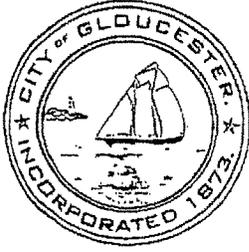
  
\_\_\_\_\_  
VIRGINIA BERGMANN

  
\_\_\_\_\_  
DAVID B. GARDNER

  
\_\_\_\_\_  
FRANCIS S. WRIGHT

  
\_\_\_\_\_  
MICHAEL NIMON

Opposed: NONE



City of Gloucester  
Office of the City Clerk  
9 Dale Avenue  
Gloucester, Massachusetts 01930

Office (978) 281-9720 Fax (978) 282-3051

## Attachment to Board of Appeals

Connors Pharmacy, Inc.  
76 Prospect Street  
Gloucester, Massachusetts 01930

Map 26, Lot 45 Locus (if different from above):

Addendum to the above:

I, Linda T. Lowe, City Clerk for the City of Gloucester, hereby certify that this decision is a true and accurate copy of the original decision, which decision is filed in the City Clerk's Office, and that 20 days has elapsed since the filing of such decision, and I further certify that no notice of appeal concerning this decision has been filed in said office.

Linda T. Lowe, City Clerk

Date: February 29, 2012

Seal:



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 26-45

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying adjacent abutters as required by the City's City Council and it reflects the abutters to the Parcel known as Map 26 Lot 45 as further shown on the attached map dated 6/14/2012.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
26-21 FAVAZZA GIACOMO & JENNIE	4 LIBERTY ST	26-21	FAVAZZA GIACOMO & JENNIE 4 LIBERTY ST GLOUCESTER, MA 01930
14-22-3 ABRAMO STEFAN A & ENNIS-ABRAMO BARBARA	50 PLEASANT ST 3	14-22	ABRAMO STEFAN A & ENNIS-ABRAMO BARBARA 50 PLEASANT ST UNIT 3 GLOUCESTER, MA 01930
14-22-2 ALVES EUGENE L	50 PLEASANT ST 2	14-22	ALVES EUGENE L 142 PROSPECT ST GLOUCESTER, MA 01930
14-23 DODGE ROSEANN	52 PLEASANT ST	14-23	DODGE ROSEANN 52 PLEASANT ST GLOUCESTER, MA 01930
26-20 MONDELLO JOSEPH J & VIRGINIA A	65 PLEASANT ST	26-20	MONDELLO JOSEPH J & VIRGINIA A 19 MONDELLO SQ GLOUCESTER, MA 01930
14-22-1 DONAHUE PATRICIA M	50 PLEASANT ST 1	14-22	DONAHUE PATRICIA M 50 PLEASANT ST UNIT 1 GLOUCESTER, MA 01930
26-95 ROMAN CATH ARCHBISHOP REV D G SULLIVAN	60 PROSPECT ST	26-95	ROMAN CATH ARCHBISHOP REV D G SULLIVAN 60 PROSPECT STREET GLOUCESTER, MA 01930 0000
26-45 CONNORS PHARMACY INC	76 PROSPECT ST	26-45	CONNORS PHARMACY INC 29 BEACH RD GLOUCESTER, MA 01930
14-9 EAGLE HILL LLC	79 PROSPECT ST	14-9	EAGLE HILL LLC 19 ST LOUIS AV GLOUCESTER, MA 01930
26-46-7 PRATT BETHANY M	80 PROSPECT ST 7	26-46	PRATT BETHANY M 80 PROSPECT ST UNIT 7 GLOUCESTER, MA 01930



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 26-45

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.

Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying adjacent abutters as required by the City's City Council and it reflects the abutters to the Parcel known as Map 26 Lot 45 as further shown on the attached map dated 6/14/2012.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
26-46-6 BARBARA CARLO A & DOREEN J	80 PROSPECT ST 6	26-46	BARBARA CARLO A & DOREEN J 4 ROCKPORT RD GLOUCESTER, MA 01930
26-46-10 VALLIS ROBERT C	80 PROSPECT ST 10	26-46	VALLIS ROBERT C 7 FRANKLIN SQ GLOUCESTER, MA 01930
26-46-14 DENUTTE WILLIAM R & MARLENE	80 PROSPECT ST 14	26-46	DENUTTE WILLIAM R & MARLENE 80 PROSPECT ST UNIT 14 GLOUCESTER, MA 01930
26-46-12 WEINTROB HARVEY N & CHERYL A	80 PROSPECT ST 12	26-46	WEINTROB HARVEY N & CHERYL A 80 PROSPECT ST UNIT 12 GLOUCESTER, MA 01930
26-46-11 KENYON SUSAN ELIZABETH	80 PROSPECT ST 11	26-46	KENYON SUSAN ELIZABETH 80 PROSPECT ST UNIT 11 GLOUCESTER, MA 01930
26-46-8 NOYES RUTH M TR INDIA SQUARE REALTY TRUST	80 PROSPECT ST 8	26-46	NOYES RUTH M TR INDIA SQUARE REALTY TRUST 1 WOODBURY ST GLOUCESTER, MA 01930
26-46-0 PIERCE JACK BRADLEY & MARILYN G	80 PROSPECT ST	26-46	PIERCE JACK BRADLEY & MARILYN G 1A BECKER LN GLOUCESTER, MA 01930
26-46-1 LOBEL JEFFREY B & MACDONALD CHRISTINE	80 PROSPECT ST 1	26-46	LOBEL JEFFREY B & MACDONALD CHRISTINE 80 PROSPECT ST UNIT 1 GLOUCESTER, MA 01930
26-46-13 JENNER PETER & GAIL	80 PROSPECT ST 13	26-46	JENNER PETER & GAIL 80 PROSPECT ST UNIT 13 GLOUCESTER, MA 01930
26-46-9 HAFEMANN SCOTT J & DEBARA K	80 PROSPECT ST 9	26-46	HAFEMANN SCOTT J & DEBARA K 80 PROSPECT ST UNIT 9 GLOUCESTER, MA 01930



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 26-45

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying adjacent abutters as required by the City's City Council and it reflects the abutters to the Parcel known as Map 26 Lot 45 as further shown on the attached map dated 6/14/2012.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
26-46-2 SERBAGI ROGER & MOODY NADINE	80 PROSPECT ST 2	26-46	SERBAGI ROGER & MOODY NADINE 80 PROSPECT ST GLOUCESTER, MA 01930
26-46-5 LASCOLA BRUCE A	80 PROSPECT ST 5	26-46	LASCOLA BRUCE A 80 PROSPECT ST UNIT 5 GLOUCESTER, MA 01930
26-46-4 PALMISANO THERESA R	80 PROSPECT ST 4	26-46	PALMISANO THERESA R 80 PROSPECT ST UNIT 4 GLOUCESTER, MA 01930
26-46-3 SMITH II R RUSSELL & ROSAMOND	80 PROSPECT ST 3	26-46	SMITH II R RUSSELL & ROSAMOND 80 PROSPECT ST UNIT 3 GLOUCESTER, MA 01930

I hereby certify that the above identifies the assessed owner of record and the mailing information for the parcel listed, as shown on the most recent tax list of the City of Gloucester Massachusetts.

Signed,

*Madonna Fleming*

Name:

Title:

*Principal Clerk*

Date:

**JUN 14 2012**

Authorized Representative of the City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

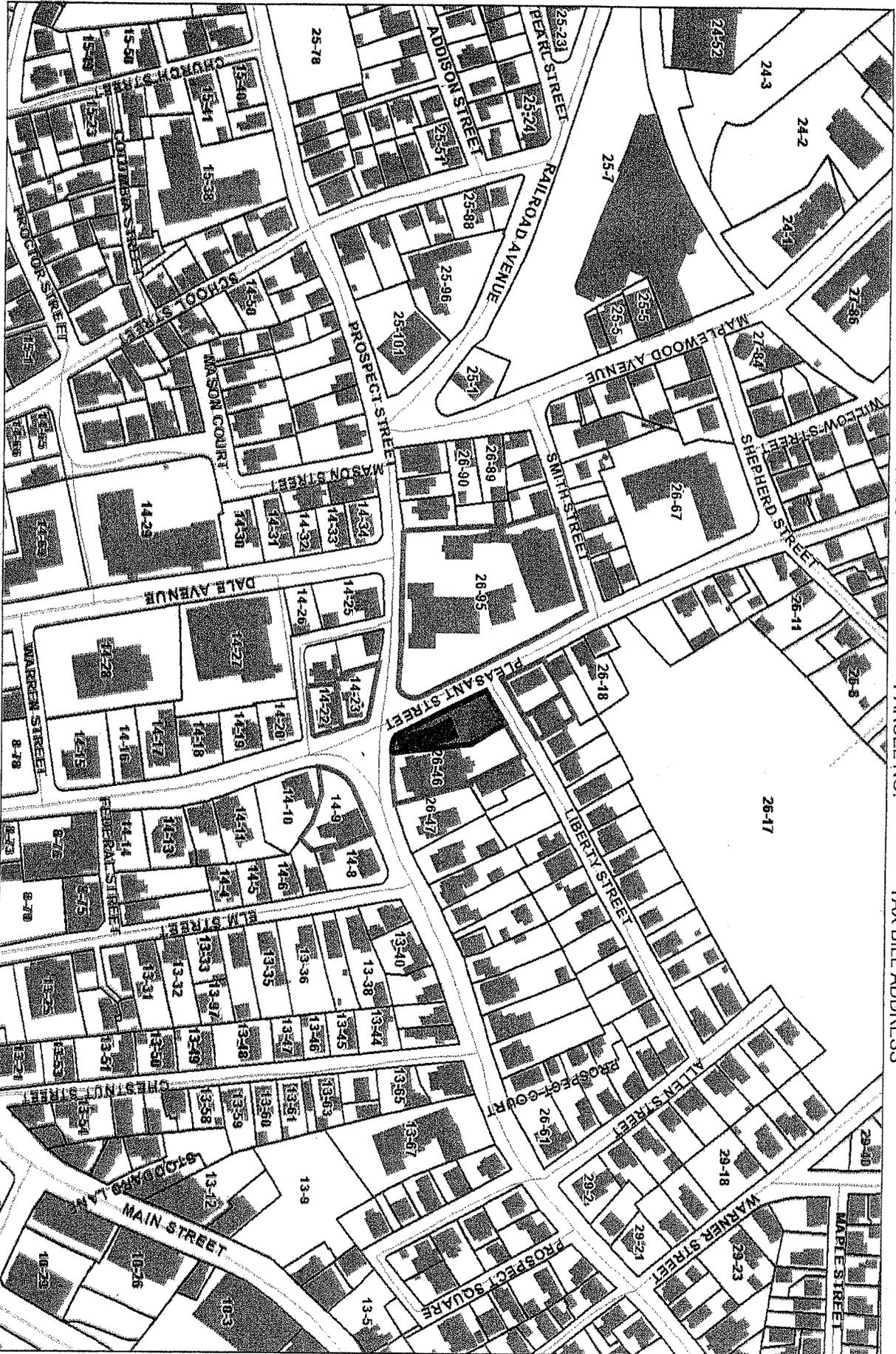


# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 26-45

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying adjacent abutters as required by the City's City Council and it reflects the abutters to the Parcel known as Map 26 Lot 45 as further shown on the attached map dated 6/14/2012.



ABUTTER STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS

# MORTGAGE INSPECTION

BAY STATE SURVEYING ASSOCIATES, INC.  
100 CUMMINGS CENTER, SUITE # 316J, BEVERLY, MA., 01915

JOB # 47-375

LOCATION : GLOUCESTER, MA.

SCALE : 1" = 30' DATE : 1-17-12

REFERENCE : BK: 5600 PG: 116  
ESSEX CO. DIST.

TO: ROCKPORT NATIONAL BANK

The location of the building(s) as shown, either complied with the local zoning setbacks at the time of construction or is exempt from violation enforcement action under Mass. G.L. Title VII Chapter 40A Section 7

### NOTES:

1) This is a mortgage inspection survey and not an instrument survey; therefore this plot plan is for mortgage inspection purposes only. It is NOT to be used to establish boundaries or for the construction of any type of improvements.

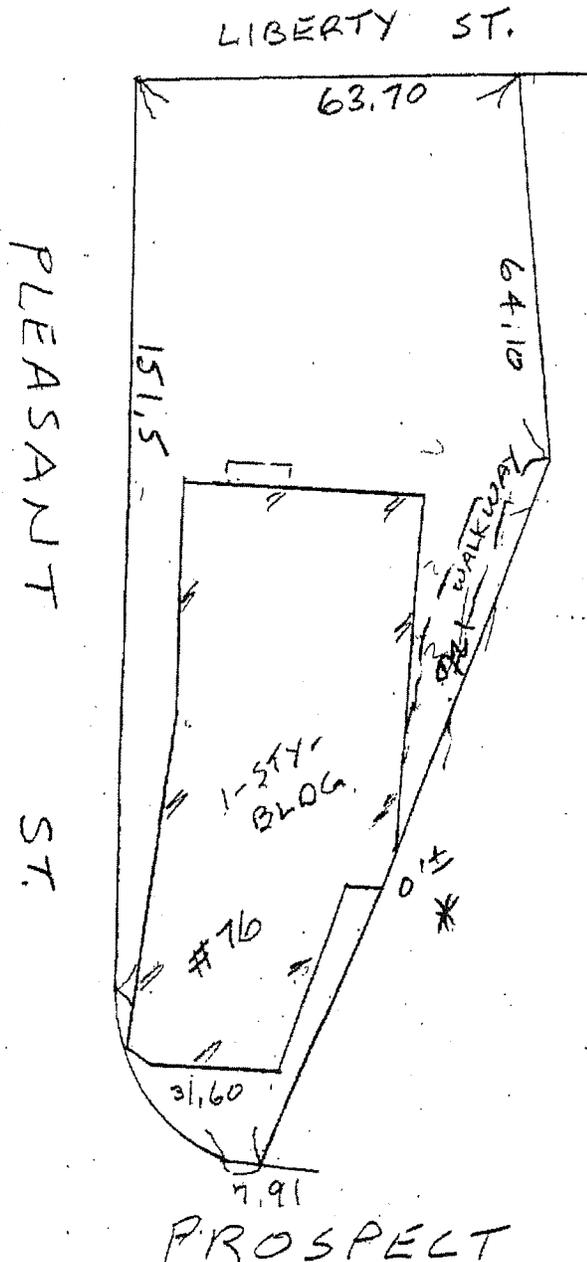
2) This survey is based on survey marks of others.

3) Bushes, shrubs, fences and tree lines do not necessarily indicate property lines.

\* 4) Whenever an offset is 1' +- or less, an instrument survey is recommended to determine property lines, and any possible encroachments.

5) Offsets shown are approximate, and are to be used only for the determination of zoning. Not to be used to establish property lines.

6) In my professional opinion the building(s) are not located in the special flood hazard zone, as defined by H.U.D. MAP# 250082 7-20-98



IF THE SURVEYOR'S SEAL IS NOT EMBOSSED, THE PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO COPIES.

Rob...

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
ckirk@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

CITY CLERK  
GLOUCESTER, MA  
12 JUL 20 AM 8:00

TO: City Council  
FROM: Carolyn A. Kirk, Mayor   
DATE: July 19, 2012  
RE: Addendum to Mayor's Report for the July 24, 2012 City Council Meeting

Councilors:

At the request of the Gloucester School Committee, we are requesting that certain school property described as Lot A and more fully described in **Enclosure 1**, be repurposed for use as part of Newell Stadium. We are further requesting that the City Council take such actions as necessary to effect the change in the property line between the Gloucester High School property and Lot A.

*Please refer this matter to the **Planning and Development** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

DECLARATION AND  
REQUEST TO RE-PURPOSE A PARCEL OF LAND  
AT GLOUCESTER HIGH SCHOOL

City of Gloucester  
School Committee

July 9, 2012

Council President Hardy,

At the request of Steve Winslow I am providing the following information regarding the transferring property currently under the School Departments jurisdiction to the City for the purpose of facilitating the renovation of Newell Stadium.

On July 9<sup>th</sup> the Gloucester School Committee voted 4 in favor 0 opposed the following motion.

Whereas, Newell Stadium provides educational opportunities for Gloucester public school students on a regular basis;

Whereas, the City of Gloucester has plans to reconstruct Newell Stadium including increasing the width of the athletic field and the length of the track to meet current national standards for high school athletic facilities; and,

Whereas, in order to accommodate the improved athletic facilities at Newell Stadium a portion of the new facility must be located within the bounds of the property on which Gloucester High School is located, shown as "Lot A" on a plan entitled "Approval-Not-Required, Plan of Land, Gloucester High School, Newell Stadium, Gloucester, MA" dated July 2, 2012, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA 02184, (the "Plan");

THEREFORE, the City of Gloucester School Committee hereby:

1. Declares that the use of Lot A for the reconstruction of Newell Stadium will further educational opportunities for Gloucester public school students, and
2. Requests that the Gloucester City Council to re-purpose Lot A for use as a part of Newell Stadium and take such actions as necessary to effect the change in the property line between the Gloucester High School property and Lot A.

The backup supporting documents are attached.

Jonathan Pope Chairman  
Gloucester School Committee

**LOT A**

A certain parcel of land situated on the southwesterly side of Leslie O. Johnson Road in Gloucester, Massachusetts shown as "Lot A" on a plan entitled "Approval-Not-Required, Plan of Land, Gloucester High School, Newell Stadium, Gloucester, MA" dated July 2, 2012, prepared by Surveying and Mapping Consultants, 325 Wood Road, Suite 109, Braintree, MA 02184, (the "Plan"), said Lot being more particularly bounded and described as follows:

Beginning at the NORTHEASTERLY corner of said parcel at a point in the southwesterly sideline of Leslie O. Johnson Road, thence turning and running

S32°00'48"E, a distance of 84.30 feet by the westerly boundary of Leslie O. Johnson Road and land now or formerly the City of Gloucester to a point; thence turning and running

S76°38'52"W, a distance of 345.27 feet along the northerly line of said land now or formerly the City of Gloucester to a point; thence turning and running

N13°21'08"W, a distance of 79.87 feet to a point; thence turning and running

N76°38'52"E, a distance of 318.29 feet to the point of beginning.

Containing approximately 26,499 square feet more or less or 0.61 acres, more or less, according to said Plan.

NOTES

- THIS PLAN IS BASED UPON THE RECORDING INSTRUMENT FILED IN DECEMBER, 2011 AND JANUARY, 2012.
- THE FLOOD INSURANCE RATE AND ZONE FROM THE FIRM FLOOD INSURANCE RATE AND ZONE MAP (FIRM FLOOD INSURANCE RATE AND ZONE MAP) NUMBER 22042Z0000, DATED JULY 21, 2009.

OWNERS/APPLICANT:

LOT 1 - LOT 1  
 CITY OF GLOUCESTER  
 100 WESTERN AVENUE  
 GLOUCESTER, MA 01930  
 BOOK 2418 - PAGE 213

LOT 2 - LOT 2  
 CITY OF GLOUCESTER  
 100 WESTERN AVENUE  
 GLOUCESTER, MA 01930  
 BOOK 1821 - PAGE 356

FOR REGISTRY USE ONLY

DATE: \_\_\_\_\_

CITY OF GLOUCESTER RECORDING APPROVAL UNDER THE MASSACHUSETTS LAND LAW NOT REQUIRED. THE RECORDING BOARD IS NOT A GUARANTEE OF THE ACCURACY OF THIS PLAN OR THE INFORMATION CONTAINED HEREIN. WITH ZONING REGULATIONS.

SMC ENGINEERING AND SURVEYING

335 WOOD ROAD  
 BRANTFORD, MA 01824  
 PH: (978) 254-1997  
 FAX: (978) 254-1997

APPROVAL - NOT REQUIRED  
 PLAN OF LAND  
 GLOUCESTER HIGH SCHOOL  
 NEWELL STADIUM  
 GLOUCESTER, MA

PREPARED FOR: CITY OF GLOUCESTER

SCALE: 1" = 50'

DATE: JULY 2, 2012

SHEET 1 OF 2

LEGEND

- STONE BOUNDARY WITH WELL HOLE
- CONCRETE BOUNDARY WITH DRAIN HOLE
- PROPOSED MONUMENT
- DRILL HOLE
- IRON PIPE
- IRON PIPE
- CONCRETE
- SHOW ON FORMERLY
- W/1
- W/2
- W/3
- W/4
- W/5
- W/6
- W/7
- W/8
- W/9
- W/10
- W/11
- W/12
- W/13
- W/14
- W/15
- W/16
- W/17
- W/18
- W/19
- W/20
- W/21
- W/22
- W/23
- W/24
- W/25
- W/26
- W/27
- W/28
- W/29
- W/30
- W/31
- W/32
- W/33
- W/34
- W/35
- W/36
- W/37
- W/38
- W/39
- W/40
- W/41
- W/42
- W/43
- W/44
- W/45
- W/46
- W/47
- W/48
- W/49
- W/50
- W/51
- W/52
- W/53
- W/54
- W/55
- W/56
- W/57
- W/58
- W/59
- W/60
- W/61
- W/62
- W/63
- W/64
- W/65
- W/66
- W/67
- W/68
- W/69
- W/70
- W/71
- W/72
- W/73
- W/74
- W/75
- W/76
- W/77
- W/78
- W/79
- W/80
- W/81
- W/82
- W/83
- W/84
- W/85
- W/86
- W/87
- W/88
- W/89
- W/90
- W/91
- W/92
- W/93
- W/94
- W/95
- W/96
- W/97
- W/98
- W/99
- W/100

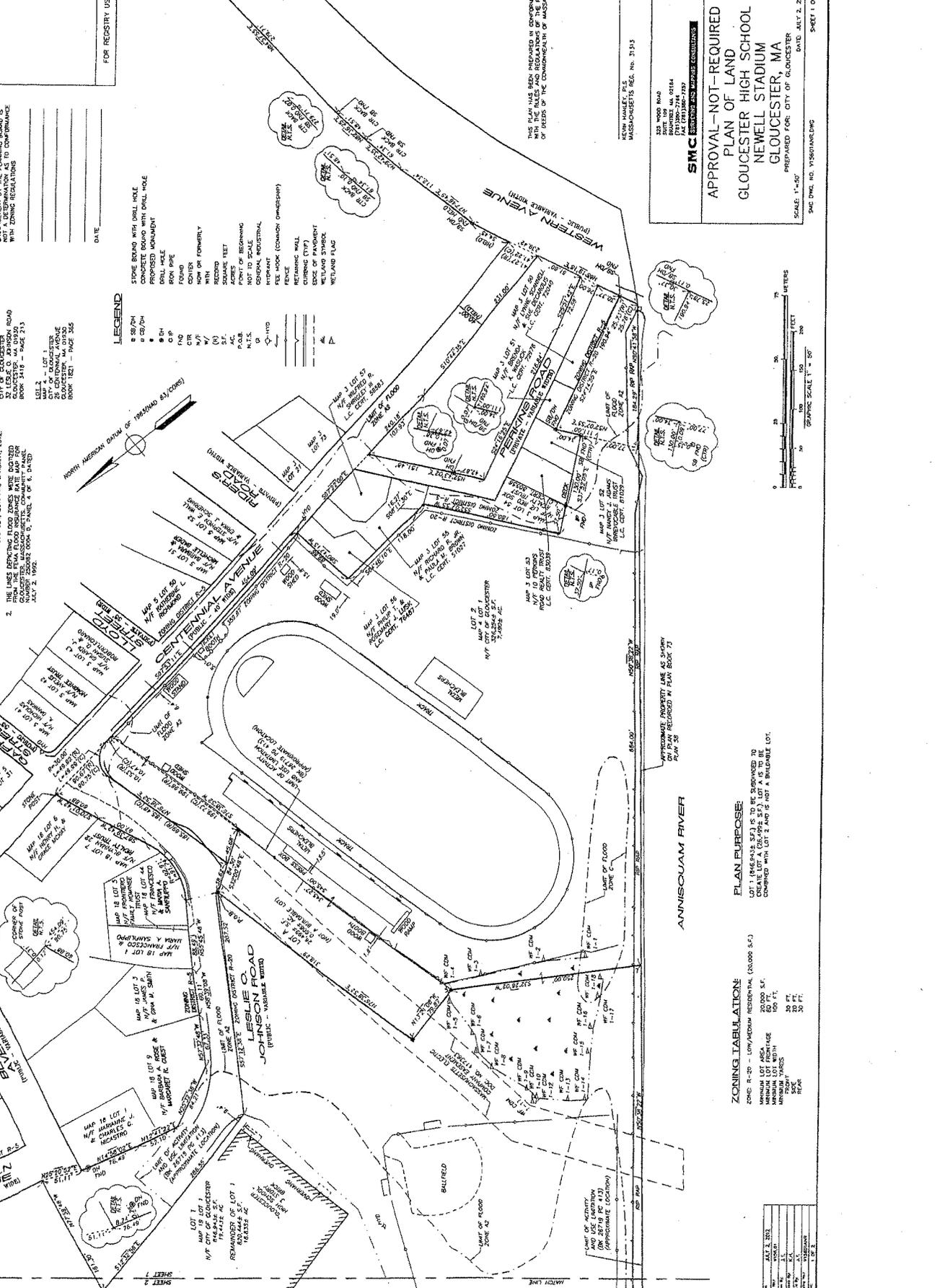
PLAN PURPOSE:

LOT 1 (846,843 S.F.) IS TO BE SUBDIVIDED TO CREATE LOT A (208,000 S.F.), LOT B IS TO BE COMBINED WITH LOT 2 AND IS NOT A BUILDABLE LOT.

ZONING TABULATION:

ZONE R-20 - LOW/MEDIUM RESIDENTIAL (20,000 S.F.)  
 MINIMUM LOT AREA: 20,000 S.F.  
 MINIMUM LOT WIDTH: 100 FT.  
 MINIMUM YARDS: 30 FT.  
 SETBACK: 20 FT.  
 SPEC: 100'

ANNISQUAM RIVER



City of Gloucester Planning Board  
 APPROVAL - NOT REQUIRED  
 APPROVAL UNDER THE ZONING CONTROL  
 LAW NOT REQUIRED  
 SUBSEQUENT BY THE PLANNING BOARD IS  
 NECESSARY TO CONFORMANCE  
 WITH ZONING REGULATIONS

DATE \_\_\_\_\_

FOR REGISTRY USE ONLY

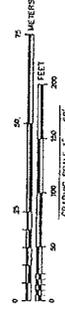
**REFERENCES**

1. PLAN OF LAND IN GLOUCESTER  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: APRIL 28, 1989, SCALE: 1"=200'  
 L.C. PLAN 3818-A, FIELD WITH CERT. 40328
2. PLAN OF LAND IN GLOUCESTER  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: APRIL 28, 1989, SCALE: 1"=200'  
 L.C. PLAN 3818-B, FIELD WITH CERT. 40328
3. SUBDIVISION PLAN OF LAND IN GLOUCESTER  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: AUGUST 2, 1988, SCALE: 1"=40'  
 L.C. PLAN 3514-C, FIELD WITH CERT. 35868
4. PROPOSED LAYOUT AND ACCEPTANCE OF  
 PLAN OF LAND IN GLOUCESTER  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: AUGUST 2, 1988, SCALE: 1"=40'  
 L.C. PLAN 3514-C, FIELD WITH CERT. 35868
5. PLAN OF LAND IN GLOUCESTER  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: APRIL 28, 1989, SCALE: 1"=200'  
 L.C. PLAN 3818-A, FIELD WITH CERT. 40328
6. COUNTY OF ESSEX, MASSACHUSETTS, PLAN OF A PORTION  
 OF WESTERN AVENUE FROM THE CANAL EASTWARD TO THE  
 INTERSECTION OF WESTERN AVENUE AND LOT #2314  
 PREPARED BY: ESSEX COUNTY ENGINEERS  
 DATED: MARCH, 1924, SCALE: 1"=200'
7. SUBDIVISION PLAN OF LAND LOCATED IN GLOUCESTER, MASS.  
 PREPARED BY: SHIRLEY AND MAPPING CONSULTANTS  
 DATED: NOVEMBER 7, 2008, SCALE: 1"=200'  
 PLAN BOOK 417 PAGE 42

8. PLAN SHOWING PROPOSED TAKING FOR PARK PURPOSES  
 PREPARED BY: CITY OF GLOUCESTER, GLOUCESTER, MA  
 DATED: APRIL 28, 1989, SCALE: 1"=40'
9. EMBURY AVE. TRUSTER OF LAND TO U.S. GOVERNMENT  
 BY THE CITY OF GLOUCESTER (FORMERLY LANDOWNER)  
 DATED: OCTOBER 13, 1957, SCALE: 1"=40'  
 PLAN BOOK 50 PAGE 88
10. PLAN OF LAND IN GLOUCESTER  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: APRIL 28, 1989, SCALE: 1"=200'  
 L.C. PLAN 3818-A, FIELD WITH CERT. 40328
11. PLAN OF LAND, GLOUCESTER, MASS.  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: APRIL 28, 1989, SCALE: 1"=200'  
 L.C. PLAN 3818-A, FIELD WITH CERT. 40328
12. INDICATION AND WIDENING OF ONE STREET FROM SURVEY  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: JUNE 10, 1988, SCALE: 1"=40'
13. PLAN OF LAND, GLOUCESTER HIGH SCHOOL, LESLIE D.  
 PREPARED BY: MATT A. MATHIAS, SURVEYOR  
 DATED: FEBRUARY 26, 1987, SCALE: 1"=200'
14. SUBDIVISION PLAN OF LAND IN GLOUCESTER, MASSACHUSETTS  
 PREPARED BY: SHIRLEY AND MAPPING CONSULTANTS  
 DATED: JANUARY 28, 2012, SCALE: 1"=40'
15. EXISTING CONDITIONS SURVEY, GLOUCESTER HIGH SCHOOL, NEWELL STADIUM, GLOUCESTER, MA  
 PREPARED BY: SHIRLEY AND MAPPING CONSULTANTS  
 DATED: JANUARY 28, 2012, SCALE: 1"=40'

THIS PLAN HAS BEEN PREPARED IN CONFORMANCE  
 WITH THE RULES AND REGULATIONS OF THE REGISTER  
 OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

NOVA MARKET, PLS. No. 31313  
 MASSACHUSETTS REG. No. 31313

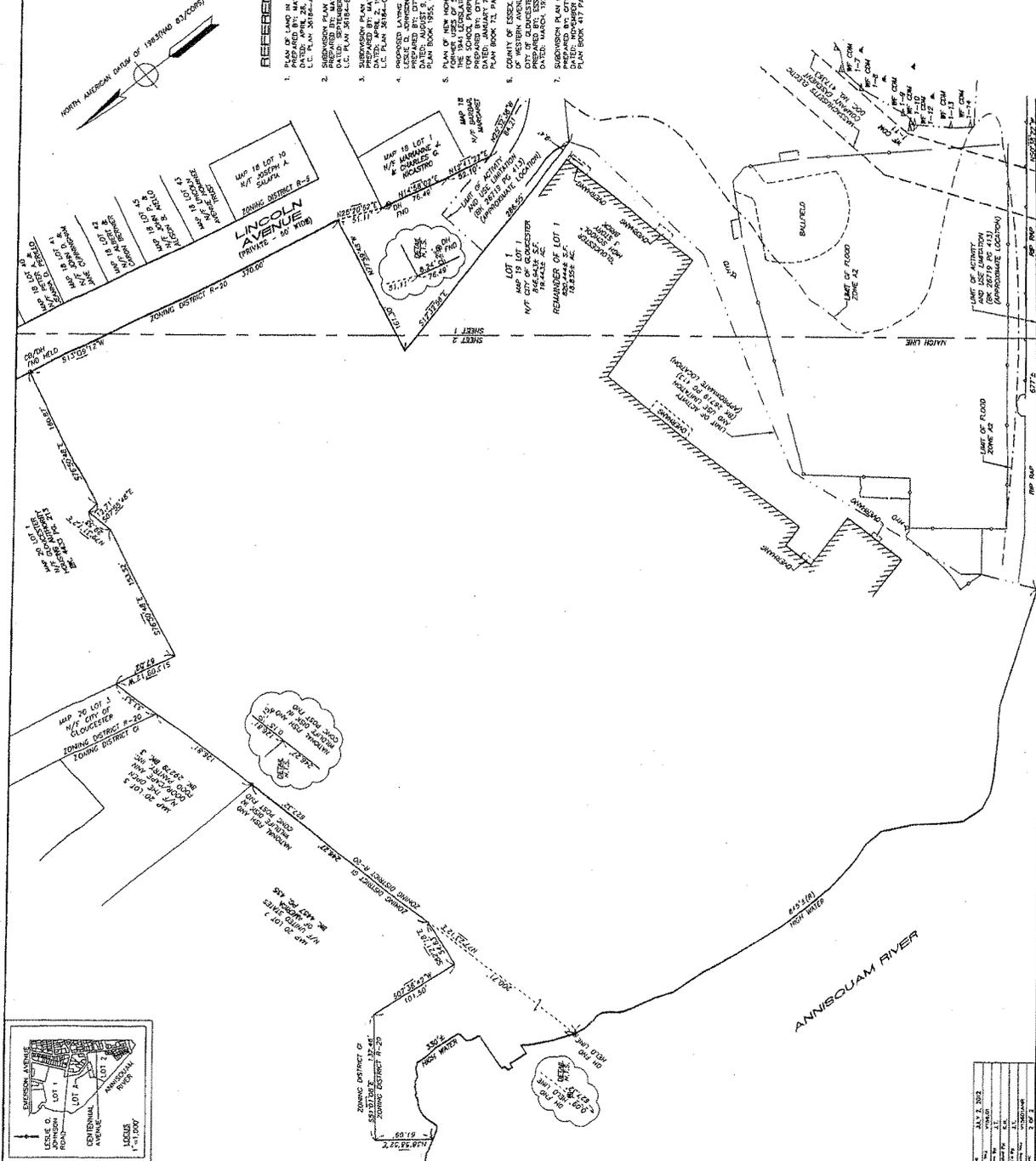


**SMC ENGINEERING & SURVEYING**  
 APPROVAL - NOT REQUIRED  
 PLAN OF LAND  
 GLOUCESTER HIGH SCHOOL  
 NEWELL STADIUM  
 GLOUCESTER, MA  
 PREPARED FOR: CITY OF GLOUCESTER

DATE: JULY 2, 2012  
 SCALE: 1"=200'

SMC INC. REL. V1500462426

SHEET 1 OF 2





**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE VII** CITIES, TOWNS AND DISTRICTS

**CHAPTER 40** POWERS AND DUTIES OF CITIES AND TOWNS

**Section 15A** Transfer of land; procedure

Section 15A. Whenever a board or officer having charge of land, including land acquired for playground purposes pursuant to the provisions of section fourteen of chapter forty-five, but excluding land acquired for park purposes, constituting the whole or any part of an estate held by a city or town within its limits for a specific purpose shall determine that such land is no longer needed for such purpose, whether such land was acquired before or after the effective date of this section and whether acquired by eminent domain, purchase, gift, devise or otherwise, such board or officer shall forthwith give notice of such determination to the city council of the city or the board of selectmen of the town. At any time after the receipt of such notice, the city council of the city by a two thirds vote of all its members, in the case of a city having a city manager, with the approval of said city manager, and in the case of other cities, with the approval of the mayor, or the town by a two thirds vote at a regular or special town meeting, may transfer the care, custody, management and control of such land to the same or another board or officer of the city or town for another specific municipal purpose, any provision of general or special law to the contrary notwithstanding; provided, that no such transfer shall be valid if it is in violation of any term or condition of the title of the city or town to such land.

In any city or town which accepts the provisions of this paragraph, when land is being transferred for the purpose of constructing low and moderate income housing, the vote required of the city council or the town meeting shall be by a majority vote.

## MEMORANDUM

**TO:** Mayor Carolyn Kirk  
**FROM:** City Council  
**DATE:** Week of July 23, 2012  
**SUBJECT:** Councilors' Requests to the Mayor

### COUNCILOR'S REQUESTS TO THE MAYOR

**12-033 (Tobey)** Request the Mayor have the Building Inspector inspect those restaurants with Chapter 91 licenses in order to inform the Council of what the Chapter 91 permits require relative to public bathrooms and to the extent of their compliance.

**Councilor Cox** stated she has had numerous discussions with Mr. Goldberg; while he's not in violation, being a good neighbor and good partner in the City, it would be appropriate that questions being asked about the measurements be answered so they know exactly what they are. As to the building permits needed; that was asked and answered. The bathroom sign and the screening of the dumpster area were asked by P&D to be corrected, and it was. It was a matter of perception. She supported the bar and enjoyed going there, but there are too many questions. **Councilor Tobey** commented on Ms. Schlichte's remark that it is a term and condition of every permit this Council grants that there be compliance with state or other permits as well which, in effect, is incorporated in them. He asked what the Building Inspector's current practice was in that regard. **Mr. Sanborn** did not agree that it was every state law; certain state laws affect them and some don't. It depends of who enforces that law. For 40A zoning, he can enforce that. He has no authority over DEP to enforce any regulations they have. He is not in the position to force them to put up a sign for public bathroom; DEP could tell them to take it down, it is not right, put up a new sign. They write their regulations; and enforce them. If there are questions on those regulations and their compliance, the DEP should be asked. **Councilor Tobey** suggested that the Building Inspector had an "affirmative duty" if he saw non-compliance and point it out to the DEP. **Mr. Sanborn** said he had yet to deal with that kind of question and could not respond. **Councilor Tobey** further pointed out there are a lot of structures in the City, two close by: The Gloucester House Restaurant and Latitude 43 Restaurant and Bar that are in the DPA and probably have DEP permits and require public notice of public use of bathrooms and hasn't seen a sign on either establishment. He urged the Building Inspector and his team how they might engage this. Rocky Neck went through an issue with a bathroom being positioned outside one of the houses in a public park; and there are Chapter 91 permits for all those restaurants on the Neck; where are their signs. **Mr. Sanborn** stated he was not aware if any of them are required to have the signs. He knew of two restaurants in the downtown on the harbor side that are required to make them available; and believed he had been told one of them is not required to put a sign up. **Councilor Tobey** would make a Request to the Mayor that the Building Inspector inspect those restaurants and come back to the Council to inform them what the Chapter 91 permits require relative to public bathrooms and to the extent of compliance.

**Councilor Tobey** stated he would voted no on this modification this evening, because of not only the concerns Councilor Verga raised, but specifically the fact that there seemed to be a "grudging acceptance" of Ms. Schlichte's client of the unique opportunity he has in that location; hedging when he can, and also seeking the modification from 50 percent to 47.5% percent. He would be more in favor if that DEP modification was withdrawn. If it weren't withdrawn, he would want the Council to prepare a collective statement to go on file with the DEP in opposition.

**Attorney Schlichte** then asked for a continuance of the public hearing to give her time to submit more information to the Council. She commented that her client is not reluctant but uncertain on some of these issues. She guaranteed the sign will be on the building if the Council permits a continuance. **Councilor Theken** stated the attorney's client could put umbrellas on the deck and not have the awning be an issue; and that these seemed to be similar issues coming forward from the CABC's the original location. When they gave the permit for a kitchen, it carried with the person, and so they got the restaurant. This was just to sell their own product. Now there is a full restaurant and bar and outside on the deck. They have turned down other restaurants for less. She disagreed with the Building Inspector on the bathrooms. This is not the first time this applicant has come before them for issues after the fact. She would vote for a continuance. Otherwise she would vote no on the modification application also. **Ms. Schlichte** confirmed the CABC only sells beer produced by the brewery. **Council President Hardy** asked for an extension of the public hearing as well as a Council site visit. **Councilor Tobey** asked that there be no further amplification of that deck with the panels, the heaters, etc.. **Ms. Schlichte** assured the owner will refrain from doing so. **Council President Hardy** confirmed at P&D they did ask the signs indicating public bathrooms be on the sides of the building that the public walks by on Rogers Street and the Harbor Walk, and should be highly visible.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed to continue the public hearing to September 11, 2012 to give time for a City Council site visit with the Building Inspector and for the concerns of the Council to be answered.**

**Councilor McGeary** asked for clarification if they are asking Mr. Goldberg to take down the awning now in place or is it allowed to remain. **Council President Hardy** pointed out he has proceeded at his own risk; not proceeding any further is what she understood the Council is requesting. **Mr. Sanborn** asked for Council clarification if the Council is suggesting that his office take enforcement action to stop the use the deck until this matter is resolved. **Councilor Tobey** asked for the Building Inspector's best judgment. **Mr. Sanborn** responded normally if there is a violation found, they allow the person to go through the process to correct that, and is what they have been doing.



**CITY OF GLOUCESTER 2012  
CITY COUNCIL ORDER**

**ORDER: #CC2012-045**  
**Councillor Bruce Tobey/Jackie Hardy**

**DATE RECEIVED BY COUNCIL: 08/14/12**  
**REFERRED TO: O&A & P&D**  
**FOR COUNCIL VOTE:**

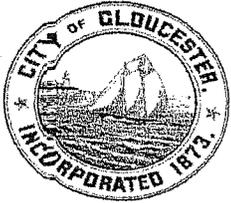
**ORDERED** in the interest of protecting our environment and preventing public nuisances in the neighborhoods of the City, due to the lack of local regulation of outdoor portable toilets, it is required that there be regulation, including restrictions, on the installation of placement of outdoor portable toilets. Therefore, a review of the matter shall be conducted by the Council for purposes of enacting a public health and public nuisance ordinance amendment restricting outdoor portable toilets, which shall not apply to any such facilities as are specifically mandated by state laws or regulations or are required by the City Council for temporary special event purposes; and further

**ORDERED** that this matter first be referred to the Planning & Development Committee to consult with the City Health Agent, the Conservation Commission Agent, and the Building Inspector to determine whether the temporary or the long term placement of portable toilets shall be allowed by any "person" and if allowed what restrictions, if any, should be imposed on any such placements as either "structures" or "temporary structures"; and further

**ORDERED** that this matter, after review and recommendation by Planning & Development, then be referred to the Ordinances and Administration Committee to recommend, based on this consultation, a new ordinance governing the permitting and placement of outdoor portable toilets or an amendment to the Zoning Ordinance, whichever shall best serve and protect the public health and safety and prevent public nuisances.

Bruce Tobey  
Councillor at Large

Jackie Hardy  
Ward 4 Councillor



**CITY OF GLOUCESTER 2012  
CITY COUNCIL ORDER**

**ORDER:** #CC2012-046  
**Councillor** Jackie Hardy

**DATE RECEIVED BY COUNCIL:** 08/14/12  
**REFERRED TO:** O&A & P&D  
**FOR COUNCIL VOTE:**

**ORDERED** in the interest of protecting our environment and preventing public nuisances in the neighborhoods of the City, due to the lack of local regulation of outdoor dumpsters, it is required that there be regulation, including restrictions, on the installation of placement and screening of outdoor dumpsters. Therefore, a review of the matter shall be conducted by the Council for purposes of enacting a public health and public nuisance ordinance amendment restricting outdoor dumpsters, which shall not apply to any such facilities as are specifically mandated by state laws or regulations or are required by the City Council for temporary special event purposes; and further

**ORDERED** that this matter first be referred to the Planning & Development Committee to consult with the City Health Agent, the Conservation Commission Agent, and the Building Inspector to determine whether the temporary or the long term placement of dumpsters shall be allowed by any "person" and if allowed what restrictions, if any, should be imposed on any such placements as either "structures" or "temporary structures"; and further

**ORDERED** that this matter, after review and recommendation by P&D, then be referred to the Ordinances and Administration Committee to recommend, based on this consultation, a new ordinance governing the permitting and placement of outdoor dumpsters or an amendment to the Zoning Ordinance, whichever shall best serve and protect the public health and safety and prevent public nuisances.

Jackie Hardy  
Ward 4 Councillor

Jackie Hardy  
Ward 4 Councillor

*Special Event  
 Labor Day Concert  
 Jon Boulevard  
 9/6/12*

CITY OF GLOUCESTER – SPECIAL EVENTS PERMITS

**Special Events Permits: Process**

A permit is required for any type of a special event. A "Special Event" is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and is granted a "special event" permit. Furthermore, special events are governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the City Clerk first. The applicant must provide a completed Special Events Application form in advance (as provided in the application) of the Planning & Development Committee scheduled meeting, including:

- Date of Event; hours of Event;
- A detailed site plan or map of the area showing all location for the following: all American with Disabilities Act (ADA) accessibility, pedestrian and fire access, dimensions of stages & tents, type of equipment or generators & the placement of any vendors and any portable toilet facilities (Site plan/map must be 8-1/2 x11 inches and be legible – capable of copy reproduction);
- If the site of the event is privately owned, a letter from the owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list all rides & games;
- If this is a "first year" of your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is used.

The applicant is to submit the completed permit form (download at: [gloucester-ma.gov](http://gloucester-ma.gov) or available in City Clerk's office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations, \$50.00 for for-profit organizations at the City Clerk's office. At that time, an appointment for a review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk, in order to begin the approval process. **All first time applicants must file completed application and finalized all approvals at least 60 days in advance of their event; annual event applicants must file completed application and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**

Linda T. Lowe, City Clerk  
 Gloucester City Hall  
 9 Dale Avenue  
 Gloucester, MA 01930  
 PHONE: 978-281-9720 x8  
 EMAIL: [llowe@gloucester-ma.gov](mailto:llowe@gloucester-ma.gov)

Hours of Service  
 Monday through Wednesday: 8:30 a.m.-4:00 p.m.  
 Thursday: 8:30 a.m. to 6:30 p.m.  
 Friday: 8:30 a.m. to 12:30 p.m.

Jacqueline A. Hardy, City Council President  
 Councilor Bruce Tobey, Chair – Planning & Development Committee

Completed copy filed: 8/8/2012 LTL Copy to Applicant: 8/8/2012 LTL  
*some approvals in process* Date Initial Date Initial  
*fee paid \$25.00* ✓

CITY CLERK  
 GLOUCESTER, MA  
 01930  
 978-281-9720

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

City Clerk's Office: 978-281-9720 Fax: (978) 282-3051

Name and Type of Event: LABOR DAY CONCERT ON THE BOULEVARD

1. Date: SEPT. 1 Time: from 5: PM to 11: PM

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: STACY BOULEVARD BY BRIDGE

3. Description of Property: \_\_\_\_\_ Public [X] Private \_\_\_\_\_

4. Name of Organizer: GLOUCESTER FUND City Sponsored Event: Yes \_\_\_ No \_\_\_

Contact Person: BRENT TARR

Address: 18 LINCOLNVIEW DRIVE Telephone: 978-490-0001

E-Mail: BAT2352@YAHOO.COM Cell Phone: \_\_\_\_\_

Day of Event Contact & Cell Phone: BRENT TARR 978 490 0001

Official Web Site: \_\_\_\_\_

6. Number of Attendees Expected: 1000 Number of Participants Expected \_\_\_\_\_

7. Is the Event Being Advertised? YES? Where? NEWS PAPERS

8. What Age Group is the Event Targeted to? ALL AGES

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_ No [X], Who? \_\_\_\_\_ Attach a copy of the notification to the abutters to this application.

10. For Profit Organization: \_\_\_ Non-Profit Organization: [X] Who will benefit financially from this event? FREE CONCERT

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

A. Vending: Food [none] Beverages \_\_\_ Alcohol \_\_\_ Goods \_\_\_ Total No. of Vendors\* \_\_\_

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

C. Games/Rides: Adult Rides [none] Kiddie Rides \_\_\_ Games \_\_\_ Raffle (requires permit) \_\_\_ Other: \_\_\_\_\_ Total No. \_\_\_\_\_

Name of Carnival Operator (requires permit and inspection of rides): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Clean Up: No. of additional trash receptacles required \_\_\_ No. of additional recycling receptacles required \_\_\_ (To be provided by and removed by applicant at their expense.)

E. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet) No.: 2 standard No.: 1 ADA accessible

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE:** Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.

**Approvals Required:** Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of  
Dept. Head/  
Designee

Notes by Department Head or Designee

- \_\_\_\_\_ 1. Planning & Development Committee \_\_\_\_\_
- \_\_\_\_\_ 2. Gloucester Police Department \_\_\_\_\_  
 Is Police Detail Required? \_\_\_\_\_ No. of Details \_\_\_\_\_  
 Traffic, Parking & Transportation \_\_\_\_\_
- NO 3. Health Department \_\_\_\_\_
- \_\_\_\_\_ 4. Building Inspector \_\_\_\_\_
- ✓ 5. Electrical Inspector \_\_\_\_\_
- \_\_\_\_\_ 6. Department of Public Works: \_\_\_\_\_  
 Use of City Property: Yes/No Location if yes: \_\_\_\_\_
- \_\_\_\_\_ 7. Gloucester Fire Department \_\_\_\_\_  
 Is a Fire Detail Required? \_\_\_\_\_ No. of Details \_\_\_\_\_ Use of Propane: \_\_\_\_\_
- \_\_\_\_\_ 8. Licensing Commission (through City Clerk to be scheduled)
- ✓ 9. Chamber of Commerce \_\_\_\_\_
- \_\_\_\_\_ 10. Other \_\_\_\_\_

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

Brent Jan  
Signature of Applicant

8 / 7, 2012