

GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS  
TUESDAY, April 8, 2014  
7:00 P.M.  
KYROUZ AUDITORIUM, CITY HALL  
COUNCIL MEETING #2014-007



FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

Rich Sagall – NeedyMeds

MassDOT re: update on the Blynman Bridge and A. Piatt Andrew Bridge

CONFIRMATION OF NEW APPOINTMENTS

Director of Veterans' Services/Veteran's Agent  
Planning Board

Adam Curcuro  
Douglas Cook

TTE 02/14/16  
TTE 02/14/19

CONSENT AGENDA

ACTION

• CONFIRMATION OF REAPPOINTMENTS

• MAYOR'S REPORT

1. Memorandum from Community Development Director re: City Council acceptance of anticipated Program Year 2014 CDBG & HOME grants
2. Special Budgetary Transfer Request (#2014-SBT-30) from the Police Department
3. Special Budgetary Transfer Request (#2014-SBT-31) from the Police Department
4. Special Budgetary Transfer Request (#2014-SBT-32) from the Department of Public Works
5. Special Budgetary Transfer Request (#2014-SBT-33) from the Department of Public Works
6. Special Budgetary Transfer Request (#2014-SBT-34) from the Department of Public Works
7. Memorandum and Grant Application Checklist from Public Health Director re: City Council acceptance of a NACCHO grant award in the amount of \$3,500

(Refer B&F)  
(Refer B&F)  
(Refer B&F)  
(Refer B&F)  
(Refer B&F)  
(Refer B&F)

8. Communication from Judith Hoglander, Chair of the Committee for the Arts re: Roger Armstrong's proposed restoration of the eight bronze cenotaphs and plaques at City Hall

(Refer B&F)  
(Refer B&F)

• COMMUNICATIONS/INVITATIONS

1. Communication from Addison Gilbert Hospital re: 4<sup>th</sup> Community Forum providing updates on AGH and Lahey Health April 9, 2014

(Info Only)

• INFORMATION ONLY

• APPLICATIONS/PETITIONS

1. Special Events Application re: request from The Children's Center for Communication to hold Lone Gull 10K Road Race on September 14, 2014
2. Special Events Application re: request from Gloucester Downtown Association to hold Gloucester Sidewalk Bazaar on August 7, 8, & 9, 2014
3. Special Events Application re: request from Fishtown Horribles Parade Committee to hold Fishtown Horribles Parade on July 3, 2014
4. Special Events Application re: request from Cape Ann YMCA to hold St. Peter's Fiesta 5K Road Race on June 26, 2014

(Refer P&D)  
(Refer P&D)  
(Refer P&D)  
(Refer P&D)

• COUNCILLORS ORDERS

1. CC2014-015 (Cox) Amend GCO Chapter 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Millett Street #32 and #34, one space (No Referral Required)

• APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS

1. City Council Meeting 03/25/14
2. Standing Committee Meetings: B&F 04/03/14 (under separate cover), O&A 03/31/14, P&D 04/02/14

(Approve/File)  
(Approve/File)

STANDING COMMITTEE REPORTS

B&F 04/03/14, O&A 03/31/14, P&D 04/02/14

ACTION

SCHEDULED PUBLIC HEARING

1. PH2014-024: Amendment to GZO Section VI "Definitions" for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3, 4.3.4 regarding "outdoor programmable scrolling signs"
2. PH2014-025: SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) height exception in excess of 35 feet
3. PH2014-026: SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 and Sec. 5.25 Hotel Overlay District

FOR COUNCIL VOTE

1. Budget & Finance Standing Committee Report of March 20, 2014 re: Supplemental Appropriation #2014-SA-58 in the amount of \$50,000 to fund additional Community Development needs including the Fuller Site Study (cont'd from 3/25/14 CCM)

(FCV)

UNFINISHED BUSINESS

INDIVIDUAL COUNCILLOR'S DISCUSSION INCLUDING REPORTS BY APPOINTED COUNCILLORS TO COMMITTEES

COUNCILLOR'S REQUESTS TO THE MAYOR

ROLL CALL – Councillor Sefatia Romeo Theken

Linda T. Lowe, City Clerk

Meeting dates are subject to change. Check with City Clerk's Office.

NEXT REGULAR CITY COUNCIL MEETING, April 22, 2014

**Minutes filed in City Clerk's Office of other Boards and Commissions March 21, 2014 through April 3, 2014:**

Board of Assessors 3/27/14; Cable TV Advisory Board 3/26/14; City Hall Restoration Commission 3/10/14, 3/17/14; Gloucester Historical Commission 1/27/14, 2/24/14; Planning Board (joint meeting P&D) 3/6/14

**NOTE: The Council President may rearrange the Order of Business in the interest of public convenience.**

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.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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ckirk@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

14 APR -2 AM 10:11  
CITY OF GLOUCESTER, MA

**TO:** City Council  
**FROM:** Carolyn A. Kirk, Mayor  
**DATE:** March 28, 2014  
**RE:** Mayor's Report for the April 8, 2014 City Council Meeting

Councilors:

Matters requiring your attention and review are as follows:

**Enclosure 1** is a memorandum from Community Development Director Tom Daniel requesting City Council acceptance of the **anticipated** CDBG Grant in the amount of \$633,507 in CDBG funds from HUD, reprogram \$104,024 of program income and unprogrammed CDBG funds from prior years and utilize \$10,000 of anticipated program income in PY14 for administration costs, for a total of \$747,531 of CDBG funds and \$66,411 of HOME funds for PY14/FY15 beginning July 1, 2014 and ending June 30, 2015. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 2** is a Special Budgetary Transfer Request (**#2014-SBT-30**) from the Police Department. *Please refer **#2014-SBT-30** to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 3** is a Special Budgetary Transfer Request (**#2014-SBT-31**) from the Police Department. *Please refer **#2014-SBT-31** to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 4** is a Special Budgetary Transfer Request (**#2014-SBT-32**) from the Department of Public Works. *Please refer **#2014-SBT-32** to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 5** is a Special Budgetary Transfer Request (**#2014-SBT-33**) from the Department of Public Works. *Please refer **#2014-SBT-33** to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 6** is a Special Budgetary Transfer Request (**#2014-SBT-34**) from the Department of Public Works. *Please refer **#2014-SBT-34** to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 7** is a memorandum and Grant Application and Checklist from Public Health Director Noreen Burke requesting City Council acceptance of a NACCHO grant award in the amount of \$3,500. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 8** is a communication from Judith Hoglander, Chair of the Committee for the Arts, regarding Roger Armstrong's proposed restoration of the eight bronze cenotaphs and plaques at City Hall. We are requesting City Council acceptance of the donation. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Appropriate members of the Committee for the Arts will be available to answer questions and provide further information as required.

# **ENCLOSURE 1**

3 Pond Road  
Gloucester, MA 01930



Tel 978-282-3027  
Fax 978-282-3035

CITY OF GLOUCESTER  
COMMUNITY DEVELOPMENT DEPARTMENT  
GRANTS OFFICE

# *Memorandum*

TO: Carolyn Kirk, Mayor  
FROM: Tom Daniel, Community Development Director  
CC: Deborah Laurie, Senior Project Manager  
DATE: March 28, 2014

**Re: Program Year 2014 CDBG & HOME Grants**

We are preparing Program Year 2014 (PY14/FY15) - July 1, 2014 to June 30, 2015) of our Community Development Block Grant (CDBG) and HOME Funding Annual Appropriations.

The Request for Proposals was issued on January 17, 2014, with applications being received February 27, 2014. Two public hearings were held: an informational public hearing on February 6, 2014, in the Friend Room of the Sawyer Free Library and a public hearing on March 6, 2014, in the Friend Room, Sawyer Free Library, to hear the presentations of the submitted RFPs. The city's proposed allocation of funds was advertised for public comment on April 4, 2014. This ad included instructions for any individual interested in examining the Draft 2014 Annual Action Plan to do so at the Grants Division, City Clerk's Office, Sawyer Free Library or on the city's website at [www.gloucester-ma.gov](http://www.gloucester-ma.gov). The final version of this plan will be submitted to the US Department of Housing and Urban Development (HUD) on or about May 5, 2014.

Please request that City Council accept the **anticipated** CDBG Grant in the amount of \$633,507 in CDBG Funds from HUD, reprogram \$104,024 of program income and unprogrammed CDBG funds from prior years and utilize \$10,000 of anticipated program income in PY14 for administration costs, for a total of \$747,531 of CDBG funds and \$66,411 of HOME funds for PY14/FY15 beginning July 1, 2014 and ending June 30, 2015. The city proposes to use these funds for the following activities:

### **First-Time Housing Opportunities:**

**HOME Funds** - The city will allocate \$66,411 to support the First-Time Homebuyers Program. The First-Time Homebuyers Program expands access to homeownership for low and moderate-income persons, with a long-term benefit from a relatively small investment by the city (a maximum of \$10,000). With HOME funds, the city will provide down payment and/or closing cost assistance to approximately six (6) low and moderate-income households.

### **Economic Development:**

\$20,000 is awarded to Action, Inc. for their Home Health Aide Training Program and a new Nurse Aide program to support job training to obtain jobs as a home health aide or nursing assistant. Action, Inc.'s program includes life skills and career readiness components, pivotal for student entry into the job market. The program has a 100% graduation rate and a 71% employment rate within two months of graduation. The Home Health Aide and Nurse Aid Program goal is to assist 40 students.

\$15,000 is awarded to the Open Door for job creation to expand their Food Pantry Staff. This program helps leverage and distribute more than 1 million pounds of much needed purchased and donated food throughout the year, provides needed financial stability and will help meet the challenge of a capital campaign to support better community health of the underserved in Gloucester.

The City, Community Development Department, will allocate \$130,000 for financial assistance for businesses through Gloucester's Loan Programs and technical assistance. The City's Grants Division and a Review Committee are responsible for administration of funds. One full-time job or an aggregate amount of part-time jobs must be created or retained for each \$35,000 borrowed. The business must create or retain, within established guidelines, at least 51% of the jobs to low to moderate income Gloucester residents. The program is designed to complement investor equity and bank financing. The average amount received is \$35,000 to \$50,000

The City will continue to offer the Brownfields Cleanup Revolving Loan (BCRLF) and the Brownfield Assessment program to businesses requiring assistance with cleanup of contaminated properties. This program is funded with a grant from the Environment Protection Agency.

### **Housing Rehabilitation Programs:**

The Low to Moderate Homeowner Rehabilitation Program provides deferred, 0% loans to low/mod income homeowners to address health, safety, energy issues and code violations in their homes. The loan will be due upon the transfer or sale of the property, if the property is no longer the principal place of residence of the original applicant and sometimes upon refinancing.

The city will allocate \$260,664 for this program, including project delivery. With these different initiatives within the Housing Rehabilitation Program, Gloucester will better be able to achieve comprehensive rehabilitation services with a positive impact on housing

quality, affordability and neighborhood improvements. The Housing Rehabilitation Program goal is to assist 10 units of housing.

### **Public Services:**

CDBG provides both a safety net for unmet needs in the community, as well as a leveraging tool for state, federal, and private funding of the strong nonprofit agencies that provide so many services in the community. The city will allocate \$116,944 for programs, which includes \$1,944 in project delivery costs. CDBG intends to fund the following programs and projects:

#### Family, Special Needs and Elderly

- \$6,000 is awarded to NAMI Cape Ann, Inc. for the Cape Ann Social Club which is a community based group of individuals who are over 18 years old that suffer with serious and emotional challenges and mental health disabilities. The program provides social, recreational and rehabilitative support to these adults who have been stigmatized due to their disabilities.
- \$4,000 is awarded to Cape Ann Interfaith Commission (CAIC) to support their Rental Assistance Program. CAIC will assist at least 8 households and approximately 16 individuals to help alleviate homelessness in Gloucester. Since CAIC is an all-volunteer program, 100% of CDBG funds received directly assist their recipients to obtain housing.
- \$10,000 is awarded to Gloucester Housing Authority's Cape Ann Home Ownership Center "Pre/Post Home Homebuyer Education and Foreclosure Program" which will serve approximately 300 low to moderate income clients prior to and for three years after purchasing a home.
- \$6,000 is awarded to HAWC for services in Gloucester for their Community Based Domestic Violence Crisis Intervention and Prevention Program. They assist in domestic violence issues and serve approximately 200 clients in crisis.
- \$10,000 is awarded to The Grace Center, Inc. for a day, drop-in center that serves low-income and homeless adults in crisis. Staff and volunteers will perform assessments, coordinate program evaluation, supervise data retrieval and increase prevention screening for major mental and physical health conditions. Program will serve approximately 120 clients in crisis.
- \$10,000 is awarded to The Open Door to support their Connecting People to Good Food campaign. A variety of programs provide nutritious, fresh produce and other foods to Gloucester's low income individuals and families.

#### Youth and Young Adult Employment

- \$40,000 is awarded to the YMCA's Youth Employment Program to employ approximately 150 teens as the Downtown Clean Team. This program provides employment opportunities and ensures our residents and tourists will not encounter litter as they travel through downtown Gloucester.
- \$10,000 is awarded to the YMCA "ACCESS" program to provide scholarships for children and families to participate in YMCA programs through a variety of free memberships and programs that include, but are not limited to: summer camp, swimming lessons, instructional classes and more. Anticipate approximately 200 youths will be served.
- \$7,000 is awarded to North Shore Community Action Program/Salem Cyperspace for the Gloucester College Success Program. This program will provide approximately 35 – 40 Gloucester High School students with free educational and advisory services that will assist them in career exploration and the entire college prep, access and financing process. The goal is to increase high school and college graduation rates and to better prepare students for success in college.
- \$3,000 is awarded to the Schooner Thomas E. Lannon for their "Schooner Sails Fifth Grade Educational Program" which will serve 250 students with two hours of hands on sailing experience.

#### Employment and Educational Training:

- \$9,000 is awarded to Wellspring House for their Adult Learning Initiative Program to provide adults with a range of programs including, GED, education and job training, and career development. This program plans to serve up to 45-50 adults.

#### **Public Facilities:**

Under the CDBG Program, funds may be used to undertake a variety of public facilities and public improvement projects. The city will allocate \$58,222 for programs and \$20,000 for project delivery. Public facilities and public improvements are interpreted to include all facilities and improvements that are publicly owned or owned by a non-profit organization and open to the general public. CDBG intends to fund the following programs and projects:

- \$7,100 is awarded to the City of Gloucester, Burnham's Field Park for improvements to the already successful community garden by expanding the garden and providing materials. They will also be providing two handicap accessible planting plots for the disabled.
- \$51,122 is awarded to the City of Gloucester for Accessible Park and Street/Sidewalk improvements.

**Planning and Administration:**

- \$126,701 is allocated for the Planning and Administration of the CDBG grant. The city plans to further the goals of Economic Development, Brownsfield Remediation, Housing Rehabilitation, and Public Services and Facilities.

# **ENCLOSURE 2**

# City of Gloucester Special Budgetary Transfer Request Fiscal Year 2014

INTER-departmental requiring City Council approval - 6 Votes Required  
 INTRA-departmental requiring City Council approval - Majority Vote Required

TRANSFER # 2014-SBT- 30 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Police

DATE: 3/20/2014 BALANCE IN ACCOUNT: \$ 150,642.07

(FROM) PERSONAL SERVICES ACCOUNT # 101000.10.211.51100.0000.00.000.00.051  
Unifund Account #

(FROM) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_  
Unifund Account #  
POLICE-UNIFORM, SAL/WAGE PERM POS  
Account Description

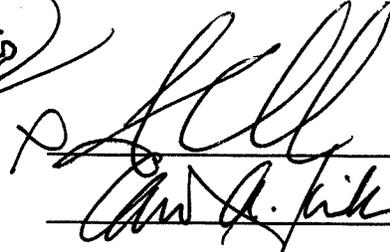
DETAILED EXPLANATION OF SURPLUS: Lt. Williams, Officer Sargent, and Lt. Auld all retired in FY14.

(TO) PERSONAL SERVICES ACCOUNT # 101000.10.210.51944.0000.00.000.00.051  
Unifund Account #

(TO) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_  
Unifund Account #  
POLICE-ADMIN, SICK INCENTIVE PAY  
Account Description

DETAILED ANALYSIS OF NEED(S): ACCOUNT WAS NOT BUDGETED FOR. FUNDS NEEDED TO COVER DEFICIT.

TOTAL TRANSFER AMOUNT: \$ 700.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER  
 FROM ACCOUNT: \$ 149,942.07  
 TO ACCOUNT: \$ -

APPROVALS:  \_\_\_\_\_ DATE: 3-20-14  
 DEPT. HEAD:  \_\_\_\_\_ DATE: 4/2/14  
 ADMINISTRATION: \_\_\_\_\_ DATE: \_\_\_\_\_  
 BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

# **ENCLOSURE 3**

# City of Gloucester Special Budgetary Transfer Request Fiscal Year 2014

**INTER-departmental requiring City Council approval - 6 Votes Required**  
 **INTRA-departmental requiring City Council approval - Majority Vote Required**

**TRANSFER # 2014 SBT- 31**      *Auditor's Use Only*

DEPARTMENT REQUESTING TRANSFER: Police

DATE: 3/20/2014      BALANCE IN ACCOUNT: \$ 149,942.07

(FROM) PERSONAL SERVICES ACCOUNT # 101000.10.211.51100.0000.00.000.00.051

(FROM) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_

*Unifund Account #*  
**POLICE-UNIFORM, SAL/WAGE PERM POS**  
*Account Description*

DETAILED EXPLANATION OF SURPLUS: Lt. Williams, Officer Sargent, and Lt. Auld all retired in FY14.

(TO) PERSONAL SERVICES ACCOUNT # 101000.10.210.51944.0000.00.000.00.051

(TO) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_

*Unifund Account #*  
**POLICE-PARKING, SICK INCENTIVE PAY**  
*Account Description*

DETAILED ANALYSIS OF NEED(S): ACCOUNT WAS NOT BUDGETED FOR. FUNDS NEEDED TO COVER DEFICIT.

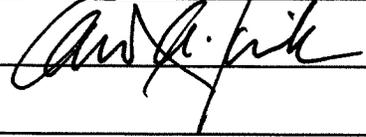
TOTAL TRANSFER AMOUNT: \$ 300.00      NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT: \$ 149,642.07

TO ACCOUNT: \$ -

APPROVALS:  

DEPT. HEAD: \_\_\_\_\_ DATE: 3-20-14

ADMINISTRATION:  \_\_\_\_\_ DATE: 4/2/14

BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

# **ENCLOSURE 4**

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2014**

\_\_\_\_ INTER-departmental requiring City Council approval - 6 Votes Required  
\_\_\_\_ INTRA-departmental requiring City Council approval - Majority Vote Required

**TRANSFER # 2014 SBT- 32 Auditor's Use Only**

DEPARTMENT REQUESTING TRANSFER: \_\_\_\_\_ **DPW** \_\_\_\_\_

DATE: 4/1/2014 BALANCE IN ACCOUNT: \$ \_\_\_\_\_ **1,300.00**

(FROM) PERSONAL SERVICES ACCOUNT # \_\_\_\_\_  
Unifund Account #  
 \_\_\_\_\_  
 (FROM) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_  
Unifund Account #  
 \_\_\_\_\_ **101000.10.421.57200.0000.00.000.00.057**  
 \_\_\_\_\_ **DPW Administration Out of State Travel**  
Account Description

DETAILED EXPLANATION OF SURPLUS: **Funds available for transfer**  
 \_\_\_\_\_  
 \_\_\_\_\_

(TO) PERSONAL SERVICES ACCOUNT # \_\_\_\_\_  
Unifund Account #  
 \_\_\_\_\_  
 (TO) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_  
Unifund Account #  
 \_\_\_\_\_ **101000.10.472.52170.0000.00.000.00.052**  
 \_\_\_\_\_ **Facilities Heating Oil**  
Account Description

DETAILED ANALYSIS OF NEED(S): **Funds needed to help lessen large FY14 deficit.**  
 \_\_\_\_\_  
 \_\_\_\_\_

TOTAL TRANSFER AMOUNT: \$ 1,300.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER  
 FROM ACCOUNT: \$ \_\_\_\_\_ -  
 TO ACCOUNT: \$ \_\_\_\_\_ **1,300.00**

**APPROVALS:**   
 DEPT. HEAD: \_\_\_\_\_ **Michael J. Hale** DATE: 4/1/14  
 ADMINISTRATION: \_\_\_\_\_ **John A. Wick** DATE: 4/2/14  
 BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

# **ENCLOSURE 5**

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2014**

\_\_\_\_\_ INTER-departmental requiring City Council approval - 6 Votes Required  
\_\_\_\_\_ INTRA-departmental requiring City Council approval - Majority Vote Required

**TRANSFER # 2014 SBT- 33 Auditor's Use Only**

DEPARTMENT REQUESTING TRANSFER: \_\_\_\_\_ **DPW** \_\_\_\_\_

DATE: 4/1/2014 BALANCE IN ACCOUNT: \$ 1,500.00

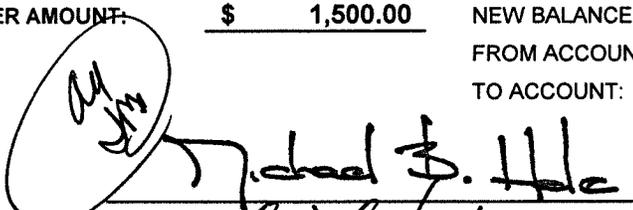
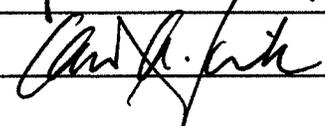
(FROM) PERSONAL SERVICES ACCOUNT # \_\_\_\_\_  
Unifund Account #  
 \_\_\_\_\_  
 (FROM) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_  
Unifund Account #  
101000.10.421.53004.0000.00.000.00.052  
DPW Administration Employee Training  
Account Description

DETAILED EXPLANATION OF SURPLUS: Funds available for transfer  
 \_\_\_\_\_  
 \_\_\_\_\_

(TO) PERSONAL SERVICES ACCOUNT # \_\_\_\_\_  
Unifund Account #  
 \_\_\_\_\_  
 (TO) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_  
Unifund Account #  
101000.10.472.52170.0000.00.000.00.052  
Facilities Heating Oil  
Account Description

DETAILED ANALYSIS OF NEED(S): Funds needed to help lessen large FY14 deficit.  
 \_\_\_\_\_  
 \_\_\_\_\_

TOTAL TRANSFER AMOUNT: \$ 1,500.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER  
 FROM ACCOUNT: \$ \_\_\_\_\_  
 TO ACCOUNT: \$ 2,800.00

APPROVALS:  \_\_\_\_\_ DATE: 4/1/14  
 DEPT. HEAD: \_\_\_\_\_ DATE: 4/2/14  
 ADMINISTRATION:  \_\_\_\_\_ DATE: \_\_\_\_\_  
 BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

# **ENCLOSURE 6**

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2014**

\_\_\_\_\_ INTER-departmental requiring City Council approval - 6 Votes Required  
 \_\_\_\_\_ INTRA-departmental requiring City Council approval - Majority Vote Required

**TRANSFER # 2014 SBT- 34 Auditor's Use Only**

DEPARTMENT REQUESTING TRANSFER: \_\_\_\_\_ **DPW** \_\_\_\_\_

DATE: 4/1/2014 BALANCE IN ACCOUNT: \$ 12,857.20

(FROM) PERSONAL SERVICES ACCOUNT # \_\_\_\_\_  
*Unifund Account #* 101000.10.499.51200.0000.00.000.00.051

(FROM) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_  
*Unifund Account #* DPW Central Temporary Positions

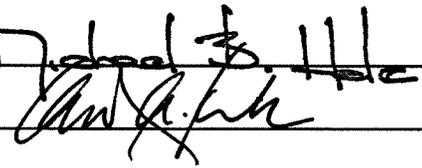
DETAILED EXPLANATION OF SURPLUS: Funds available for transfer  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(TO) PERSONAL SERVICES ACCOUNT # \_\_\_\_\_  
*Unifund Account #* \_\_\_\_\_

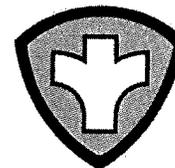
(TO) ORDINARY EXPENSE ACCOUNT # \_\_\_\_\_  
*Unifund Account #* 101000.10.472.52150.0000.00.000.00.052

DETAILED ANALYSIS OF NEED(S): Facilities Natural Gas  
*Account Description* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

TOTAL TRANSFER AMOUNT: \$ 12,000.00 NEW BALANCE IN ACCOUNTS AFTER TRANSFER  
 FROM ACCOUNT: \$ 857.20  
 TO ACCOUNT: \$ 2,800.00

APPROVALS:  \_\_\_\_\_ DATE: 4/1/14  
 DEPT. HEAD: \_\_\_\_\_  
 ADMINISTRATION:  \_\_\_\_\_ DATE: 4/2/14  
 BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

# **ENCLOSURE 7**



**Public Health**  
Prevent. Promote. Protect.

Health Department  
3 Pond Road, City Hall Annex  
Gloucester, Massachusetts 01930  
PHONE: 978-281-9771 · Fax: 978-281-9729  
EMAIL: [healthdept@gloucester-ma.gov](mailto:healthdept@gloucester-ma.gov)  
WEBSITE: [www.gloucester-ma.gov](http://www.gloucester-ma.gov)



## CITY OF GLOUCESTER

### **MEMO**

**To:** MAYOR CAROLYN KIRK & COUNCIL PRESIDENT PAUL MCGEARY  
**From:** NOREEN BURKE, PUBLIC HEALTH DIRECTOR  
**Date:** March 19, 2014  
**Subject:** APPLICATION/ACCEPTANCE OF NACCHO GRANT

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Dear Mayor Kirk & Council President McGeary ~

The Gloucester Health Department is happy to offer for review and City Council acceptance, a grant application and award of **\$3500** from the National Association of County and City Health Officials (NACCHO).

The purpose of the grant is to provide funding that expands the capacity of our Civilian Volunteer Medical Reserve Corps (MRC) volunteers. MRC volunteers are regional medical professionals who could be called upon in the event of a public health emergency, such as a pandemic, or to support local and regional vaccine clinics during the winter flu season. The Gloucester Health Department is the host agency for the North Shore Emergency Preparedness Coalition, which oversees the activities of the MRC volunteers in our area.

Please feel free to contact me if your office or Council members have any further questions.

Respectfully

NOREEN BURKE  
HEALTH DIRECTOR

Enc. GRANT COPY  
Cc: File



**City of Gloucester  
Grant Application and Check List**

Granting Authority: State \_\_\_ Federal X Other \_\_\_\_\_

Name of Grant: Medical Reserve Corps Capacity Building Award- Non-Competitive

Department Applying for Grant: HEALTH DEPARTMENT

Agency-Federal or State application is requested from: National Association of County and City Health Officials (NACCHO)

Object of the application: Building the MRC capacity to respond during public health emergency throughout North Shore/Cape Ann.

Any match requirements: No

Mayor's approval to proceed: *[Signature]* 4/2/14  
Signature Date

City Council's referral to Budget & Finance Standing Committee: \_\_\_\_\_  
Vote Date

Budget & Finance Standing Committee: \_\_\_\_\_  
Positive or Negative Recommendation Date

City Council's Approval or Rejection: \_\_\_\_\_  
Vote Date

City Clerk's Certification of Vote to City Auditor: \_\_\_\_\_  
Certification Date

City Auditor:  
Assignment of account title and value of grant: \_\_\_\_\_  
Title Amount

Grant Budget by line item account: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Auditor's distribution to managing department: \_\_\_\_\_  
Department Date sent

NOTE: A copy of all grant paperwork must be submitted to the Auditor's Office

# NACCHO

National Association of County & City Health Officials

December 20th 2013

Dear Carolyn Kirk from Unit 0482 - City of Gloucester, Health Dept.

The National Association of County and City Health Officials (NACCHO) is pleased to inform you that your application for a 2013-2014 Capacity Building Award (CBA) was **approved** for \$3,500.00.

By accepting the CBA funding, you are agreeing to:

- Use your CBA funds as described in your award application and approved budget. Ensure that your budget is expended in accordance with all applicable guidelines, laws and executive orders. Monies under this award **shall not be used** for Food & Beverages, incentives/give-away/swag or promotional items.
- Update your unit's profile on the Division of Civilian Volunteer Medical Reserve Corps (DCVMRC) website, [www.medicalreservecorps.gov](http://www.medicalreservecorps.gov), (including contact information, volunteer numbers, unit activities, and additional unit information) quarterly in alignment with the Federal fiscal calendar (Q1: October 1 - December 31, Q2: January 1 - March 31, Q3: April 1 - June 30 and Q4: July 1 - September 30).
- Participate in a Technical Assistance (TA) Assessments, when requested to do so by a MRC Regional Coordinator.
- Participate in award spending surveys, when requested to do so by NACCHO.
- Use CBA funds only for approved MRC related activities that assist in the development of the unit's capacity and sustainability and/or promote community resiliency as specified in the funding application. If future changes are required you are to submit proposed budget modifications to NACCHO for approval. Include your budget as it was submitted, an explanation of where you are moving money from/to and a date by which you will execute the work as you have proposed in your revision.
- Participate in special MRC projects (e.g., Network Profile Study, evaluations, surveys, etc.).

Please see <http://mrcnaccho.org> for guidance on using the CBA funding. Please keep in mind that:

- **CBA funding must be spent according to the budget description and line item budget submitted with your signed contracts.** Any changes to your proposed budget must be approved by NACCHO first. All budget modification requests must be emailed to [mrc@naccho.org](mailto:mrc@naccho.org) using the prescribed NACCHO budget forms. You should submit a copy of your approved budget, a narrative with a brief explanation of where you are moving monies from/to and a justification for doing so. We strongly recommend you use the "read receipt" feature and keep copies of all communications in your funding file.
- CBA funding is not a grant and therefore there is no deadline for spending down the funds, however, you should plan to spend down your funds in accordance with your CBA application and you should not plan to carry forward the money.

We look forward to your execution of the capacity building activities presented in your application. We strongly recommend that you capture information on how your CBA activities translate into building your unit's capacity or enhancing your community's resiliency through quantifiable metrics and measures and report the information quarterly as required to the DCVMRC. If you have any questions, please contact NACCHO MRC staff at [mrc@naccho.org](mailto:mrc@naccho.org).

Thank you for your support and commitment to the Medical Reserve Corps mission.

Sincerely,



**A Chevelle Glymph, MPH, CPM**

Director, Community Preparedness and Resilience

National Association of County and City Health Officials (NACCHO)



**Guidance on Successfully Submitting your MRC Award Contract:**

Award contracts are due to NACCHO March 28, 2014. No contract extensions will be granted.

Submitting your award contracts to NACCHO:

1. Print **TWO (2)** copies of the contract. Each copy of the contract must be signed with an original signature of the individual authorized to sign contracts as identified in your original application.
2. You must specify your organization's full mailing address (**STREET ADDRESS**). **Note: Contracts and checks cannot be mailed to a PO Box.** Failure to provide a street address will result in non-delivery.
3. You **MUST** sign both the last page of the contract and the Certification of Non-Debarment or Suspension for your contract to be processed.
4. Mail **BOTH** signed copies of the contract and the Certification of Non-Debarment or Suspension to:

**NACCHO MRC Team**

**National Association of County and City Health Officials**

**1100 17<sup>th</sup> St. NW**

**Seventh Floor**

**Washington, DC 20036**

5. Upon receipt of contract documents, assuming there are no errors, award checks and countersigned contracts will be sent via FedEx within 45 business days.

**Requesting Changes:**

1. If you need to make changes to the **contact information** (i.e., Authorized Signer Name/Title, phone, EIN, address) you may do so by crossing out the incorrect information, hand-writing in the corrected information, and initialing next to all changes and submit as previously described.
2. If you have a need a change in the **contract language**, you must submit requested revision(s) in writing to [mrc@naccho.org](mailto:mrc@naccho.org) no later than **January 31, 2014**. No revisions will be made after the specified date and the award will be forfeited.

Program Processing

Received 1/22/14

Checked \_\_\_\_\_

Delivered \_\_\_\_\_

Entered \_\_\_\_\_

Initials \_\_\_\_\_ Date \_\_\_\_\_

National Association of County and City Health Officials

**AGREEMENT**

National Association of County and City Health Officials 1100 17th Street, NW, 7th Floor, Washington, DC  
20036-4636 (202)783-5550 FAX (202)783-1583

CONTRACT # MRC 14 -0482

This Agreement is entered into, effective as of the date of the later signature indicated below (the "Effective Date"), by and between the National Association of County and City Health Officials ("NACCHO"), with its principal place of business at 1100 17<sup>th</sup> St., N.W., 7<sup>th</sup> Floor, Washington, DC 20036, and City of Gloucester, Health Dept. ("Organization"), with its principal place of business at 3 Pond Rd Gloucester Massachusetts 01929 Gloucester S.S.

WHEREAS, NACCHO has received a grant from the Department of Health and Human Services (Grant # 5 MRCSG101005-04-00, CFDA # 93.008) (the "Grant") to build the capacity of local Medical Reserve Corps ("MRC") units;

WHEREAS, pursuant to the terms of the Grant, NACCHO has agreed, among other things, to provide support to MRC units and to encourage these units to provide certain information to the Office of the Surgeon General's Division of the Civilian Volunteer Medical Reserve Corps ("OSG/DCVMRC");

WHEREAS, Organization either houses or is itself an MRC unit that is registered in good standing with the OSG/DCVMRC;

WHEREAS, pursuant to the terms of the Grant, NACCHO desires to provide funding to Organization in exchange for Organization agreeing, among other things, to undertake the activities indicated in their capacity building application or oversee such activities and to provide certain information to the OSG/DCVMRC.

NOW, THEREFORE, NACCHO and Organization, intending to be legally bound, in consideration of the promises and mutual covenants and obligations contained herein, hereby agree as follows:

1. **ORGANIZATION'S OBLIGATIONS:** In consideration for the payment described in Section 3, below, Organization agrees, during the Term of this Agreement, to be an MRC Unit in Good Standing by meeting the following criteria below. If Organization houses an MRC Unit, Organization will ensure that the unit is an MRC Unit in Good Standing by meeting the following criteria below.

1. Have 501c(3) or comparable status or be housed in an organization capable of and willing to receive federal funds on its behalf;
2. Monitors and provide updates to the MRC Unit's profile on the MRC web site no less often than once every three months;
3. Provides the OSG/DCVMRC with regular updates of programs and plans;
4. Actively works towards National Incident Management System ("NIMS") compliance;
5. Agrees to participate in MRC Unit Technical Assistance assessments;

6. Utilizes capacity building award funds for approved purposes, and as indicated in their capacity building award application;
7. Maintains Registered status with the OSG/DCVMRC; and
8. Agrees to complete program/event/activity evaluations provided by NACCHO

2. **TERM OF AGREEMENT:** The term of the Agreement shall be begin on **December 20th, 2013** and shall continue until July 31, 2014 (the "Term").

3. **PAYMENT FOR SERVICES:** In consideration for the agreements by Organization set forth in Section 1, above, NACCHO shall pay Organization Thirty-five hundred Dollars (\$ 3,500.00). Payment will be made before the expiration of the Term of the Agreement.

4. **REVISIONS AND AMENDMENTS:** Any revisions or amendments to this Agreement must be made in writing and signed by both parties.

5. **ASSIGNMENT:** Organization may not assign this Agreement nor delegate any duties herein without the expressed written approval of NACCHO.

6. **INTERFERING CONDITIONS:** Organization shall promptly and fully notify NACCHO of any condition that interferes with, or threatens to interfere with, the successful carrying out of Organization's duties and responsibilities under this Agreement, or the accomplishment of the purposes thereof. Such notice shall not relieve Organization of said duties and responsibilities under this Agreement.

7. **RESOLUTION OF DISPUTES:** The parties shall use their best, good faith efforts to cooperatively resolve disputes and problems that arise in connection with this Agreement. Both parties will make a good faith effort to continue without delay to carry out their respective responsibilities under the Agreement while attempting to resolve the dispute under this section. If a dispute arises between the parties that cannot be resolved by direct negotiation, the dispute shall be submitted to a dispute board for a nonbinding determination. Members of the dispute board shall be the Director or Chief Executive Officer of the Organization, the Executive Director of NACCHO, and the Senior Staff of NACCHO responsible for this Agreement. The costs of the dispute board shall be paid by the Organization and NACCHO in relation to the actual costs incurred by each of the parties. The dispute board shall timely review the facts, Agreement terms and applicable law and rules, and make its determination. If such efforts fail to resolve the differences, the disputes will be submitted to arbitration in the District of Columbia before a single arbitrator in accordance with the then-current rules of the American Arbitration Association. The arbitration award shall be final and binding upon the parties and judgment may be entered in any court of competent jurisdiction.

8. **ENTIRE AGREEMENT:** This Agreement contains all agreements, representations, and understandings of the parties and supersedes and replaces any and all previous understandings, commitments, or agreements, oral or written.

9. **PARTIAL INVALIDITY:** If any part, term, or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law, that part, term or provision shall be restated to effectuate the parties' intentions, and the validity of the remaining portions or provisions shall not be affected.

10. **GOVERNING LAW:** This Agreement shall be governed by and construed in accordance with the laws of the District of Columbia (without regard to its conflict of law rules).

11. **COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS:** Organization's use of funds under this Agreement is subject to the directives of and full compliance with 45 C.F.R. Part 74 (Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Non-Profit Organizations, and Commercial Organizations) and OMB Circular A-110 (Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations). It is the Organization's responsibility to understand and comply with all requirements set forth therein.

12. **DEBARRED OR SUSPENDED ORGANIZATIONS:** Pursuant to OMB Circular A-110, Organization certifies to the best of its knowledge that it is not presently and will execute no subcontract with parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension."

13. **AUDITING:** Organization agrees to permit independent auditors to have access to its books, records and financial statements for the purpose of monitoring compliance with this contract.

14. **NOTICE:** All notices under this Agreement shall be in writing and shall be sent via facsimile and first class mail, postage prepaid, to the addresses below. Either party may update its address by providing written notice to the other party pursuant to the terms of this provision.

**TO NACCHO:**

National Association of County and City Health Officials

Attn: Moira Tsanga

1100 17<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor

Washington, DC 20036

Tel. (202) 507-4272

Fax (202) 783-1583

Email: [mtsanga@naccho.org](mailto:mtsanga@naccho.org)

**TO ORGANIZATION:**

City of Gloucester, Health Dept.

Carolyn Kirk

Mayor

3 Pond Rd

Gloucester Massachusetts 01929

9782819700

National Association of County and City Health Officials

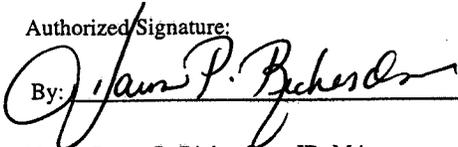
AGREEMENT

National Association of County and City Health Officials 1100 17th Street, NW, 7th Floor, Washington, DC  
20036-4636 (202)783-5550 FAX (202)783-1583

15. AUTHORITY TO BIND PARTY: Each party hereby represents and warrants that the person signing this Agreement on its behalf as the authority to bind such party.

NACCHO:

Authorized Signature:

By: 

Name: Dawn P. Richardson, JD, MA

Title: Senior Director of Grants and Contracts

Organization: National Association of County and City Health Officials

Address: 1100 17<sup>th</sup> Street, NW

7<sup>th</sup> Floor

Washington, DC 20036

Phone: 202-507-4264

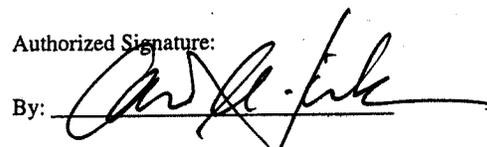
Fax: 202-783-1583

EIN: 52-1426663

Date: 2/26/2014

ORGANIZATION:

Authorized Signature:

By: 

Name: Carolyn Kirk

Title: Mayor

Organization: City of Gloucester, Health Dept.

Address: 3 Pond Rd

Gloucester, Massachusetts 01929

Phone: 9782819700

Fax: 9782819738

EIN: 046001390

Date: 1.14.2014

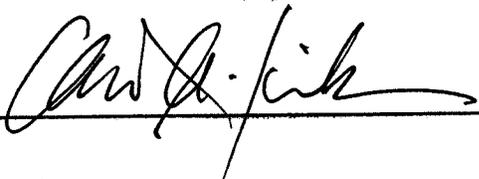
National Association of County and City Health Officials

AGREEMENT

National Association of County and City Health Officials 1100 17th Street, NW, 7th Floor, Washington, DC  
20036-4636 (202)783-5550 FAX (202)783-1583

CERTIFICATION OF NON-DEBARMENT OR SUSPENSION

By my signature I attest that City of Gloucester, Health Dept. has not been debarred or suspended pursuant to OMB Circular A-110 and will not subcontract with parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689 "Debarment and Suspension."

Signature of Authorized Certifying Official 	Title  Mayor
Organization  City of Gloucester	Date Signed  1.14.2014

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Challenge Award | Capacity Building Award | Learning Resources | Forum | About

# MRC Awards Application

Application	Terms & Conditions	Administrative Information	Capacity Building Awards Application Questions	Challenge Awards Application Questions	Application Verification	Sub Applic
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### Applicant's Information\*

**First Name** Karin

**Last Name** Carroll

**E-mail**

**Phone Number**   
Please enter digits only

### Who should NACCHO contact for matters pertaining to the CBA? (If different from the applicant.)

**First Name** Karin

**Last Name** Carroll

**E-mail**

**Verify E-mail**

**Phone Number**   
Please enter digits only

### MRC Unit Information\*

**MRC Unit Number**

**MRC Unit Name**

### Housing/Sponsoring Organization\*

**Legal Name of Sponsoring Organization**

**Employer Identification Number**

### Legal Name of Sponsoring Organization

This is the organization that serves as the fiscal authority for your unit. Legal name must match exact spelling on tax accounts.

### Employer Identification Number

This is the 9 digit number listed on the organization's tax forms.

**Street Number and Name**

**City**

Next

**State** Massachusetts

**Zip Code** 01929

**Authorized Signatory for Organization\***

**First Name** \_\_\_\_\_  
Carolyn

**Last Name** \_\_\_\_\_  
Kirk

**Title** \_\_\_\_\_  
Mayor

**Phone Number** \_\_\_\_\_  
9782819700

**Fax Number** \_\_\_\_\_  
9782819738

**Email** \_\_\_\_\_  
ckirk@gloucester-ma.gov

**Verify E-mail** \_\_\_\_\_  
ckirk@gloucester-ma.gov

**Authorized Signatory for Organization**

This is the person authorized to sign contracts on behalf of the organization or 501(C)3 non-profit.



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Challenge Award | Capacity Building Award | Learning Resources | Forum | About

## MRC Awards Application

Application	Terms & Conditions	Administrative Information	Capacity Building Awards Application Questions	Challenge Awards Application Questions	Application Verification	Sub Applic
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**Indicate how you plan to use the Capacity Building Award to develop your MRC unit and/or enhance its capacity all that apply.):\***

- Administrative Costs and Fees (including Unit Coordinator or support staff salaries and benefits)
- Professional Services Fees (contractors, printing services, accountants, etc.)
- Facilities, Rentals, A/V fees
- Uniform, Equipment, Resources (e.g., "go-kits", computer equipment, medical supplies, etc.)
- Training and Exercises (conference registration fees, CPR, PFA, training manuals, pocket guides, etc.)
- Travel/Transportation Services (airfare, mileage, lodging)
- Recognition, Recruitment, Outreach

### Line Item Budget

Please complete a line item budget based on the spending categories identified above. Note that your grand total cannot exceed the \$3,500 award limit.

#### Section 1: Administrative Costs and Fees

Item	Description	Qty.	Unit Cost/Rate	Total	Remove

Add another item

#### Section 2: Professional Service Fees

Item	Description	Qty.	Unit Cost/Rate	Total	Remove

Add another item

#### Section 3: Facilities, Rentals and AV Fees

Item	Description	Qty.	Unit Cost/Rate	Total	Remove

Add another item

#### Section 4: Uniforms, Equipment and Resources

Item	Description	Qty.	Unit Cost/Rate	Total	Remove

Next

Add another item

**Section 5: Training & Exercises**

Item	Description	Qty.	Unit Cost/Rate	Total	Remove

Add another item

**Section 6: Travel/Transportation Services**

Item	Description	Qty.	Unit Cost/Rate	Total	Remove
Travel/ Mileage	Mileage reimbursement for MRC Program Staff w	3500		3500.00	

Add another item

**Section 7: Recognition, Recruitment and Outreach**

Item	Description	Qty.	Unit Cost/Rate	Total	Remove

Add another item

**Grand total** 3500

The grand total for your Capacity Building Award budget cannot exceed \$:



**CITY OF GLOUCESTER**

**ACCOUNT BUDGET**

DEPARTMENT NAME: Health (Public Helath Emergency Preparedness)

ACCOUNT NAME: NACCHO Grant

FUND NUMBER AND NAME: (N/A FOR NEW FUNE 292073

CFDA # (Required for Federal Grants): \_\_\_\_\_

DATE PREPARED: 3/19/2014

**APPROVED  
AMENDED BUDGET**

OBJECT	ORIGINAL BUDGET	(IF APPLICABLE)	AMENDED REQUEST	REVISED BUDGET
REVENUE (45819)	3500			
				\$0.00
				\$0.00
				\$0.00
Total:	\$0.00	\$0.00	\$0.00	\$0.00
EXPENSE (52000)	\$3,500.00			
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total:	\$3,500.00	\$0.00	\$0.00	\$0.00

DEPARTMENT HEAD SIGNATURE \_\_\_\_\_

DATE ENTERED (AUDIT) \_\_\_\_\_ AUDITING DEPARTMENT INITIALS \_\_\_\_\_

# **ENCLOSURE 8**

March 20<sup>th</sup>, 2014

Dear Mayor Kirk,

Roger Armstrong presented the Committee for the Arts with a proposal to restore the bronze plaques installed at City Hall. Having heard his proposal, which is included with this letter, the Committee for the Arts made a motion to send a letter of recommendation for approval to you and City Council.

The motion reads as follows: "That the Committee for the Arts send a letter of recommendation to Mayor Carolyn A. Kirk to accept the proposed restoration of eight bronze cenotaphs and plaques installed at City Hall."

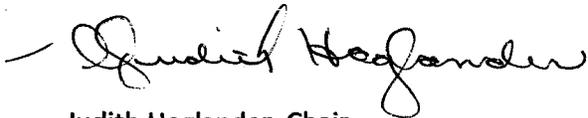
This motion was passed unanimously by the Committee.

As you know, the bronze plaques are in dire need of restoration! They have never been cleaned and restoration will bring forth raised names no longer legible. This is also fitting time wise, with the restoration of the murals now so near completion.

We are thrilled that Roger Armstrong is willing to take on the task of raising the funding and supervising this project. We applaud the generous offer of his time and enthusiastically endorse his proposal!

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Judith Hoglander". The signature is written in black ink and is positioned to the right of a horizontal line.

Judith Hoglander, Chair  
Committee for the Arts

**State of the Art Gallery II**  
18 Pleasant Street  
Gloucester, MA 01930  
Roger Armstrong Cell (978) 395 - 1783  
[www.stateofheartgalleryandsculpturegarden.com](http://www.stateofheartgalleryandsculpturegarden.com)  
[stateofheartgallerv@comcast.net](mailto:stateofheartgallerv@comcast.net)



March 18. 2014  
4 Wonson Street  
Gloucester, MA 01930

Committee For The Arts  
Gloucester, MA 01930  
Committee Chair, Judith Hoglander  
Dear Judith,

As previously discussed with the Committee for the Arts, I propose to restore the eight bronze plaques on the first and second floor of the City Hall of Gloucester. The restoration is long overdue; many of the plaques date back to 1925. The restoration will cost \$9500.00 and will take approximately one-and-one half weeks to complete. The restoration will coincide nicely with the restoration of the beautiful murals which is currently underway. The plaque restoration will be made possible through private donations at no cost to the City or burden to the committee for the Arts in grant seeking.

I am seeking your approval of this proposal in order to proceed to the City Council for their approval. Work should begin directly upon City Council approval.

Sincerely,  
Roger Armstrong,  
Committee for the Arts

March 24, 2014

Dear Elected Official:

I am writing today to let you know that Addison Gilbert Hospital and Lahey Health will hold its fourth community forum to provide updates and news relating to AGH and Lahey Health. As you may know, these forums are part of the conditions set forth by the Massachusetts Department of Public Health Determination of Need office as a requisite in the coming together of Lahey Clinic and Northeast Health System to form Lahey Health in 2012.

I hope that you will be able to attend the forum, which will take place at Cruiseport Gloucester from 6:00 to 7:30 p.m. on Wednesday April 9, 2014. During the forum, we plan to discuss recent updates and developments at both Lahey Health and Addison Gilbert Hospital. Presenters will include Denis Conroy, Chief Executive Officer, Addison Gilbert and Beverly Hospitals and Cindy Cafasso Donaldson, Vice President, Addison Gilbert Hospital.

We are encouraging all local residents and community and business leaders to attend this presentation, which will include a question and answer session. We are looking forward to the opportunity for hospital leadership to engage in this positive discussion as it relates to Lahey Health and Addison Gilbert Hospital.

Please let me know if you have any questions, and I look forward to seeing you on April 9th .

Respectfully,



Gerald B. MacKillop, Jr., MBA  
Director, Community Relations  
Lahey Health

14 MAR 31 AM 11:40  
CITY CLERK  
GLOUCESTER, MA

**ALEXANDER & FEMINO**  
ATTORNEYS AT LAW  
ONE SCHOOL STREET  
BEVERLY, MASSACHUSETTS 01915

LEONARD F. FEMINO  
THOMAS J. ALEXANDER

CITY CLERK  
GLOUCESTER, MA  
14 MAR 20 AM 11:56

TELEPHONE (978) 921-1990  
FAX (978) 921-4553  
LFF@ALEXANDERFEMINO.NET

March 19, 2014

Linda T. Lowe, City Clerk  
Gloucester City Hall  
9 Dale Avenue  
Gloucester, MA 01930

RE: Lone Gull 10K Road Race  
September 14, 2014 – 9:00 A.M.

Dear Ms. Lowe:

I hope you are well. Enclosed herewith please find the Special Events Application for the Lone Gull 10K Road Race scheduled for September 14, 2014.

Would you kindly process this application in the usual course and contact me regarding your questions and for any times to meet with various committees.

Thank you for your attention to this matter.

Very truly yours,

  
Leonard F. Femino

LFF/gsw  
Enclosure  
Cc: Jane McNally  
CCC/BSD

14 MAR 20 11:11:56

CITY OF GLOUCESTER – SPECIAL EVENTS PERMITS

NAME OF EVENT: \_\_\_\_\_ DATE OF EVENT: \_\_\_\_\_

**Special Events**

Permitting is required for most types of special events. 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 also 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 complete** a Special Events Application form in advance, **including written approvals**, (as provided in the application) which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations 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 landlord or property 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 the “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. Vendors will need state or city license before date of event and Health Department approvals;
- Certificate of Insurance listing City as the insured (Certificate Holder).

After the Applicant presents the application to the Special Events Advisory Committee, the applicant is to submit the completed permit form (download at: 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 at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing 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  
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.

Paul McGeary, City Council President & Councilor Greg Verga, Chair, Planning & Development Committee

Completed copy filed: Date: 4/3/14 Initial: LL Copy to Applicant: Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
Fee Paid: \$ ✓ Date: 3/13/14 Initial: LL

**CITY OF GLOUCESTER SPECIAL EVENT APPLICATION**

**SPECIAL EVENTS**

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

Name and Type of Event LONE GULL 10K ROAD RACE

1. Date: September 14, 2014 Time: from 9:00 A.M. to 11:00 A.M.

Rain Date: NONE Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Good Harbor Beach Parking Lot

3. Description of Property: \_\_\_\_\_ Public  Private \_\_\_\_\_

4. Name of Organizer: The Children's Center for  
Contact Person: Communication City Sponsored Event: Yes \_\_\_ No   
Address: Leonard F. Femino  
Address: 6 Echo Ave., Beverly, MA 01913 Telephone: 978-921-1990  
E-Mail: lff@alexanderfemino.net Cell Phone: 978-578-3086  
Day of Event Contact & Cell Phone: Len Femino 978-578-3086  
Official Web Site: www.lonegull10k.com

6. Number of Attendees Expected: 100 Number of Participants Expected 1,200

7. Is the Event Being Advertised? Yes? Where? Cool Running New England Running

7.(a) Is there a fee charged for tickets/attendance for event participation? Yes  No \_\_\_ List all fees if yes. Magazine

8. What Age Group is the Event Targeted to? 18-75

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

10. For Profit Organization: \_\_\_ Non-Profit Organization:  Who will benefit financially from this event?  
The Children's Center for Communication

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

A. Vending: Food  Beverages  Alcohol \_\_\_ Goods \_\_\_ Total No. of Vendors\* \_\_\_  
(\*Local or State license required)

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

C. Games/Rides: Adult Rides \_\_\_ Kiddie Rides \_\_\_ Games \_\_\_ Raffle (requires City 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 10 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. : 14 standard No. : 2 ADA accessible

**FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY**

PARADE \_\_\_\_\_ ROAD RACE  X  WALK-A-THON \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event:

Len Femino 978-578-3086

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:

Len Femino/Jane McNally, 6 Echo Avenue, Beverly, MA 978-927-7070

Ext. 244/978-921-1990

3. Locations of Water Stops (if any):  Approximately 2 and 4 miles

4. Will Detours for Motor Vehicles be required?  No  If so, where and what length of time:

4A. Are street closures required?  Yes  (This is determined by the Police Department)  
 Nautilus Road

5. ~~Parade~~ Formation Location & Time for Participants:  Nautilus Road

6. Dismissal Location & Time for Participants:  Good Harbor Beach Parking Lot

7. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Location of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried(If "Yes", Police approval may be required: Yes:  No

• Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes:  No

8. Name and Address of Insurer:  Marketing Associates Insurance Agency, Inc.   
 150 Wells Avenue, Newton, MA 02459

9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

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
<u>4/3/14</u>	1. Special Events Advisory Committee <u>HT</u>
_____	2. Planning & Development Committee _____
_____	3. Gloucester Police Department <u>Lt Joe McGoets</u> Is Police Detail Required? <u>YES</u> No. of Details <u>TBD</u> Traffic, Parking & Transportation _____
<u>RN</u>	4. Health Department <u>Rosalie Nicastro</u>
<u>PH</u>	5. Building Inspector _____
<u>BE</u>	6. Electrical Inspector <u>NO COMMENT</u>
<u>MC</u>	7. Department of Public Works: <u>WILL ASSIST W/ PARKING LINES</u> Use of City Property: Yes/No Location if yes: <u>GOING LOT</u>
_____	8. Gloucester Fire Department _____ Is a Fire Detail Required? _____ No. of Details _____ EMS _____ Use of Propane: _____ (Attach EMS Memo)
_____	9. Licensing Commission (includes vendors) (Through City Clerk: _____)
_____	10. Other _____

The Departments or Committees 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.

Paul J. [Signature]  
Signature of Applicant

March 17, 2014

## RESPONSIBILITIES OF APPLICANT

1. All members of the organizing committee and concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. The applicant will be responsible for any damage to public property caused by the event.
8. All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.
9. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. Applicant shall also provide a **Certificate of Insurance** prior to approval by the Planning & Development Committee.
10. The City of Gloucester reserves the right to deny the application at any time.

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

Signature of Applicant

March 17, 2014

**ALEXANDER & FEMINO**

ATTORNEYS AT LAW  
ONE SCHOOL STREET  
BEVERLY, MASSACHUSETTS 01915

LEONARD F. FEMINO  
THOMAS J. ALEXANDER

TELEPHONE (978) 921-1990  
FAX (978) 921-4553  
LFF@ALEXANDERFEMINO.NET

March 18, 2014

Mr. Robert Elwell  
24 Louis Avenue  
Gloucester, MA 01930

RE: Lone Gull 10K – September 14, 2014  
Association Eastern Point Residents

Dear Mr. Elwell:

Enclosed you will find a Letter of Indemnification for the Lone Gull 10K race. When I receive our insurance certificates from USATF New England, I will forward a copy to you. I have also attached our private insurance.

I hope that you are well.

Very truly yours,

  
Leonard F. Femino

LFF/gsw  
Enclosure

## THE EIGHTH ANNUAL LONE GULL 10K

### The Children's Center for Communication

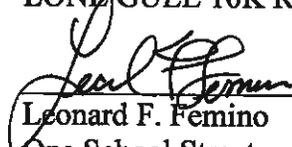
#### Letter of Indemnification and Statement of Conditions: AEPR, Inc. & Eastern Point Residents

The Lone Gull 10K race organization shall indemnify, hold harmless, assume liability for, and defend the AEPR, Inc. and Eastern Point property owners from any and all damages, awards, costs and expenses including, but not limited to, attorneys' fees, court costs, and all other sums which the AEPR, Inc. and Eastern Point property owners may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the sanction issued by the AEPR, Inc. and Eastern Point property owners, on **September 14, 2014** or by any action or omission of the Lone Gull 10K race organization, its members, employees, volunteers, officers or directors in relation to the sanction.

The Lone Gull 10K race committee represents and warrants that it is fully aware and familiar with all conditions that have lead to the AEPR, Inc. granting permission and access to hold the Lone Gull 10K on its roadways. All Lone Gull 10K participants will sign a liability waiver on their respective entry forms and the AEPR, Inc. and all Eastern Point property owners will be included as beneficiaries on those waivers. The Lone Gull 10K race organization agrees not to establish any water stations on Eastern Point, to enforce a "no litter" policy throughout the course, and to provide proper race course marshalling so as to insure and protect the privacy of Eastern Point and its residents.

The race committee agrees to inspect the conditions of the roads in advance and during the race to assure that they are safe for runners to traverse and will indemnify the AEPR, Inc. from any claims arising out of the conditions or of objects on the AEPR, Inc. roads.

LONE GULL 10K RACE DIRECTOR

  
Leonard F. Femino  
One School Street  
Beverly, MA 01915  
978-921-1990

3/18/2014  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
3/17/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marketing Associates Insurance Agency, Inc. 150 Wells Avenue Newton MA 02459		<b>CONTACT NAME:</b> Mary Waishek <b>PHONE (A/C, No, Ext):</b> (617) 964-5340 <b>E-MAIL:</b> mw@telamonins.com <b>FAX (A/C, No):</b> (617) 965-1843	
<b>INSURED</b> Children's Center for Communication, Inc. Beverly School for the Deaf, Inc. 6 Echo Avenue Beverly MA 01915		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Philadelphia Insurance Co <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

COVERAGES      CERTIFICATE NUMBER: CL135711427      REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC		PHPK1020255	5/15/2013	5/15/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMPROP AGG \$ 3,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below		N/A			<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
<<< See Next Page >>>

### CERTIFICATE HOLDER

### CANCELLATION

City of Gloucester  
28 Poplar Street  
Gloucester, MA 01930

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Michael Susco/MARYW

## COMMENTS/REMARKS

City of Gloucester, The Association of Eastern Point Residents, The Lone Gull Coffee House and USA Track and Field (USATF) listed as additional insureds under the commercial general liability policy as required by written contract, as respects The Lone Gull Road Race event occurring on September 14, 2014

## NARRATIVE

### LONE GULL 10K

SEPTEMBER 14, 2014

The Lone Gull course is spectacular and in 2014 it will once again be the New England Championship 10K Road Race which attracts the very best runners in New England and the East Coast. It is located on the back side of Good Harbor Beach in Gloucester, Massachusetts and runs along the back shore area and Eastern Point. More than half the course has views of the ocean. The course is fast with the first turn at 1.4 miles and the last turn is at 1.6 miles from the finish. We have a video of the course on our web page [LoneGull10K.com](http://LoneGull10K.com) provided to us by [Viewtherace.com](http://Viewtherace.com). We provide the following:

We use chip timing.

Awards go five deep in all age groups.

Have two ambulances at the race, one at the start/finish; and one at the far end of the route.

We had a group of communication support staff – ham operator to communicate with the police and fire personnel, and our volunteers had the cell number for the Primary Ambulance should someone need help.

We give splits every mile.

We provide Tech Shirts to the runners, and have women sizes for the ladies.

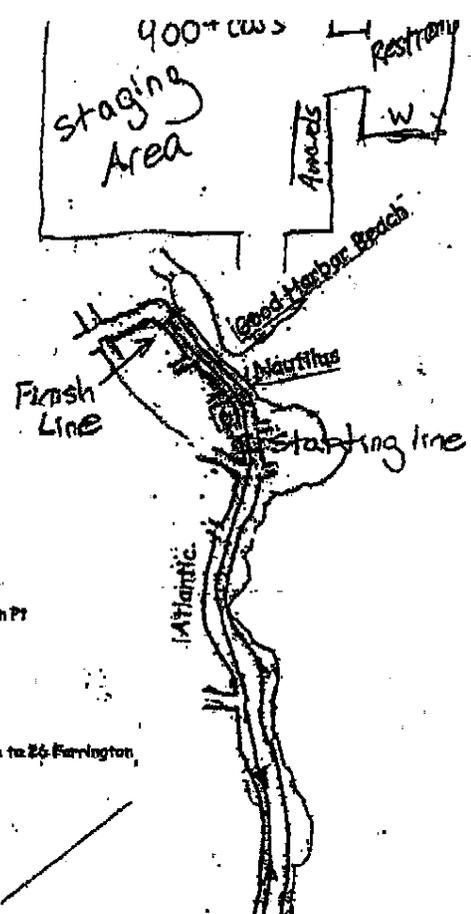
We provide water and sports drinks along with nutrition bars and bananas and oranges at the finish.

At the Tent we provide breakfast: French toast, pancakes, sausages, baked goods and bagels.

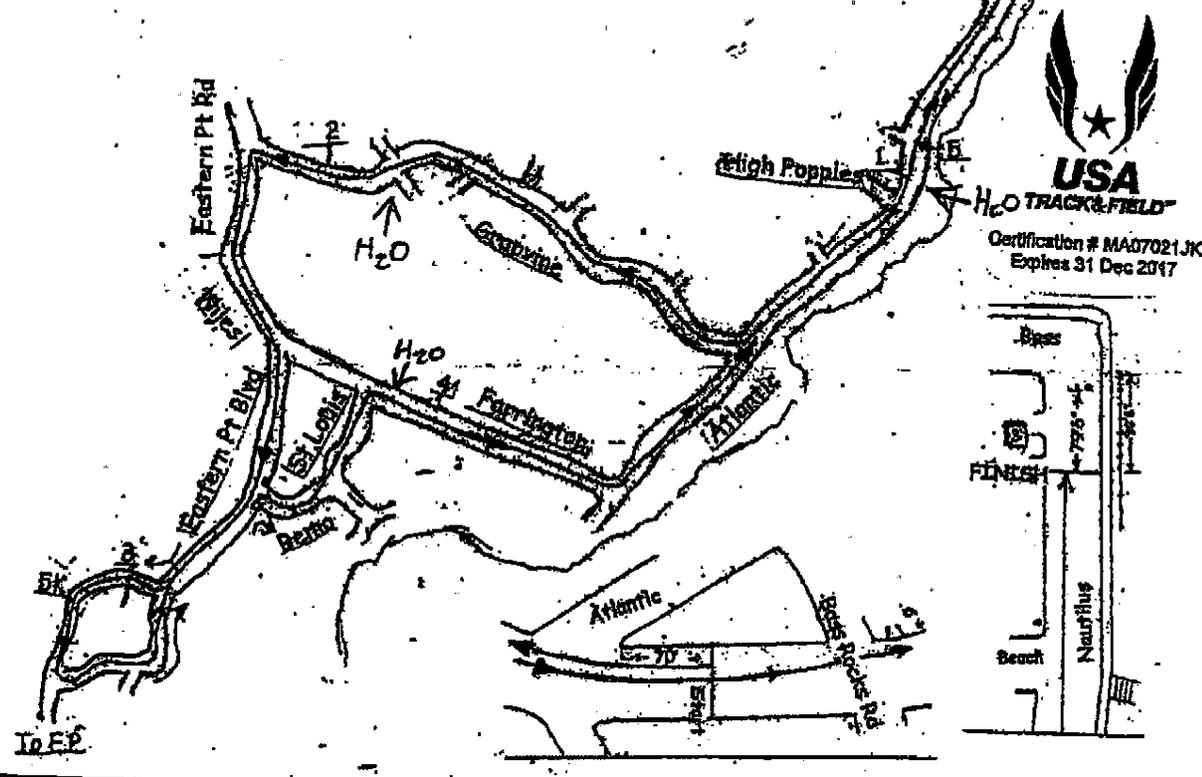
The Children's Center for Communication, a school located in Beverly, Massachusetts founded in 1876 for children with deaf and other severe communication issues. The net proceeds go directly to the school.

# Lone Gull 10K Gloucester MA

Measured July 28-29, 2007 by Steve Vaitones



- Start - Nautilus Rd, 70' uphill from drain @ base of Int. of Nautilus/Atlantic  
Down Nautilus, South on Atlantic, Pass Moorland
- 1 Mile - 171 Atlantic (Ocean View Inn) - 40' post sign at 1<sup>st</sup> entrance  
Right on Grapevine
  - 2 Mile - 4' post entrance to 20 Grapevine Rd (house to set back on right)  
Left on Eastern Pt Rd, becomes E.P. Rd, pass Beach, Bear Rt through steel gate to Eastern Pt  
bear right to do loop near Miles Pond
  - 3 Mile - at gated driveway to 65 Eastern Pt Rd on right  
5K - Past Blaupart entrance, at vertical utility box #22 on the right  
Left on road exiting Eastern Point, post pond, north on Eastern Pt Rd  
Right on 82nd, Left on St. Louis, Right on Farrington Ave.
  - 4 Mile - Farrington - 2<sup>nd</sup> driveway to gray house on right (no number visible), 20' post drive to 26 Farrington  
Continue on Farrington to end. Left on Atlantic (north)
  - 5 Mile - Past Ocean View Inn, middle of driveway into royal suite  
Continue on Atlantic, pass Moorland, Bear Right on Nautilus, up hill, through start
  - 6 Mile - 65' post pole 6106 at Nautilus / Gas Rack Rd. - Go down hill  
Finish - opposite drive to 3 Nautilus, 800' from end of fence on beach side,  
796' from small Gas cover in road before intersection with end of Seas Ave



CITY OF GLOUCESTER – SPECIAL EVENTS PERMITS

NAME OF EVENT: Sidewalk Bazaar DATE OF EVENT: Aug 7, 8, 9 2014

Special Events

Permitting is required for most types of special events. 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 also 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 complete** a Special Events Application form in advance, **including written approvals**, (as provided in the application) which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations 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 x 11 inches and be legible – capable of copy reproduction);
- If the site of the event is privately owned, a letter from the landlord or property 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 the "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. Vendors will need state or city license before date of event and Health Department approvals;
- Certificate of Insurance listing City as the insured (Certificate Holder).

After the Applicant presents the application to the Special Events Advisory Committee, 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 at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance.** Non-compliance with these filing 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  
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.

Paul McGeary, City Council President & Councilor Greg Verga, Chair, Planning & Development Committee

Completed copy filed: Date: 4/3/14 Initial: LTL Copy to Applicant: Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
Fee Paid: \$ 25 Date: 4/3/14 Initial: LTL

CITY CLERK  
GLOUCESTER, MA

14 APR -3 PM 4:36

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event Gloucester Sidewalk Bazaar

1. Date: August 7, 8, 9 Time: from 6AM to 6PM

Rain Date: N/A Time: from N/A to N/A

2. Location: Main St - From Washington to Pleasant

3. Description of Property: Public Street Public [checked] Private

4. Name of Organizer: G.D.A. City Sponsored Event: Yes No [checked]

Contact Person: John Orlando

Address: 71 Western Ave Telephone: 978-283-2277

E-Mail: jorlando@verizon.net Cell Phone: 978-590-0052

Day of Event Contact & Cell Phone: John Orlando - 978-590-0052

Official Web Site: Gloucester Downtown Association.com

6. Number of Attendees Expected: 2000 Number of Participants Expected 150

7. Is the Event Being Advertised? Yes? Where? Newspapers / Social Media

7.(a) Is there a fee charged for tickets/attendance for event participation? Yes No [checked] List all fees if yes.

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

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

10. For Profit Organization: Non-Profit Organization: [checked] Who will benefit financially from this event?

Retail Stores / Restaurants / Non Profit Citizens of Gloucester

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

A. Vending: Food [checked] Beverages [checked] Alcohol N/A Goods [checked] Total No. of Vendors\* 150 + -

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

C. Games/Rides: Adult Rides N/A Kiddie Rides [checked] Games N/A Raffle (requires City permit) Other: Total No.

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

Address: Please Time Party 2009 / Ins. on file

Telephone: 800-451-RR

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.) 5 50 Gallon Dumpsters

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.: N/A standard No.: N/A ADA accessible Public

Toilets Avail

**FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY**

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALK-A-THON \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event:

\_\_\_\_\_  
\_\_\_\_\_

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:

\_\_\_\_\_  
\_\_\_\_\_

3. Locations of Water Stops (if any): \_\_\_\_\_

4. Will Detours for Motor Vehicles be required? \_\_\_\_\_ If so, where and what length of time:

4A. Are street closures required? \_\_\_\_\_ (This is determined by the Police Department)

5. Parade Formation Location & Time for Participants: \_\_\_\_\_

6. Dismissal Location & Time for Participants: \_\_\_\_\_

7. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Location of Viewing Stations: \_\_\_\_\_  
\_\_\_\_\_

• Are Weapons Being Carried(If "Yes", Police approval may be required: Yes: \_\_ No \_\_

• Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: \_\_ No \_\_

8. Name and Address of Insurer: \_\_\_\_\_

9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

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

- |               |   |
|---------------|---|
| <u>4/3</u>    | 1. Special Events Advisory Committee <u>HTL</u>                                       |
| _____         | 2. Planning & Development Committee _____   |
| _____         | 3. Gloucester Police Department <u>Lt Joe White</u>                                   |
|               | Is Police Detail Required? <u>No</u> No. of Details _____                             |
|               | Traffic, Parking & Transportation _____   |
| <u>4/3 RN</u> | 4. Health Department <u>Rosalie Nicastro</u>  |
| <u>AA</u>     | 5. Building Inspector _____   |
| <u>RT</u>     | 6. Electrical Inspector <u>Electrical Inspector to inspect prior to</u>               |
| <u>ML</u>     | 7. Department of Public Works: <u>will supply benches, barricades</u>                 |
|               | Use of City Property: Yes/No Location if yes: _____                                   |
| _____         | 8. Gloucester Fire Department _____   |
|               | Is a Fire Detail Required? _____ No. of Details _____ EMS _____ Use of Propane: _____ |
|               | (Attach EMS Memo)   |
| <u>4/3</u>    | 9. Licensing Commission (includes vendors) (Through City Clerk: <u>HTL</u> )          |
| _____         | 10. Other _____   |

The Departments or Committees 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.

[Signature]  
Signature of Applicant

4-3- \_\_\_\_\_, 2014

**RESPONSIBILITIES OF APPLICANT**

1. All members of the organizing committee and concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. The applicant will be responsible for any damage to public property caused by the event.
8. **All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**
9. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. Applicant shall also provide a **Certificate of Insurance** prior to approval by the Planning & Development Committee. *See insurance letter*
10. The City of Gloucester reserves the right to deny the application at any time.

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

*John C. Orlowski*  
\_\_\_\_\_  
Signature of Applicant

*4-2-14* \_\_\_\_\_, 20 *14*

City Hall  
Nine Dale Ave  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

## *Memorandum*

To: City Council President McGeary and Members of the Gloucester City Council

From: Jim Duggan, Chief Administrative Officer 

Cc: Gloucester Downtown Association

Date: March 27, 2014

Re: **Sidewalk Bazaar Insurance Coverage**

One of Gloucester's annual exciting summer gala's, the Sidewalk Bazaar, is scheduled for August 7<sup>th</sup> thru August 9<sup>th</sup>. The Gloucester Downtown Association (GDA) will be meeting regularly and working with various city departments to make sure this is another successful event.

I have confirmed with the Massachusetts Interlocal Insurance Association (MIIA) that since this is a city sponsored event, it is covered under the city's general liability insurance.

I look forward to seeing you all at the event and if you have any questions, please don't hesitate to contact me.

Thank you

CITY CLERK  
GLOUCESTER, MA

14 APR - 3 PM 4: 38

CITY OF GLOUCESTER - SPECIAL EVENTS PERMITS

NAME OF EVENT: Fishtown Horribly PARADE DATE OF EVENT: July 3 2014

Special Events

Permitting is required for most types of special events. 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 also 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 complete** a Special Events Application form in advance, including written approvals, (as provided in the application) which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations 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 landlord or property 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 the "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. Vendors will need state or city license before date of event and Health Department approvals;
- Certificate of Insurance listing City as the insured (Certificate Holder).

After the Applicant presents the application to the Special Events Advisory Committee, the applicant is to submit the completed permit form (download at: 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 at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing 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  
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.

Paul McGeary, City Council President & Councilor Greg Verga, Chair, Planning & Development Committee

Completed copy filed: Date: 4/13/14 Initial: LTL Copy to Applicant: Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
Fee Paid: \$ 25 Date: 4/3/14 Initial: LTL

14 APR - 3 PM 4: 38

CITY CLERK  
GLOUCESTER, MA

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event Fishtown Horribles PARADE

1. Date: July 3 2014 Time: from 6 pm to 9 pm

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

2. Location: GHS Campus (start/end) \* see attached map

3. Description of Property: high school Public  Private \_\_\_\_\_

4. Name of Organizer: Fishtown Horribles Parade Committee City Sponsored Event: Yes \_\_\_ No

Contact Person: DAVID HARVEY

Address: Glovesku MA Telephone: 978 375 3688

E-Mail: rvdogg101@yahoo.com Cell Phone: \_\_\_\_\_

Day of Event Contact & Cell Phone: \* see attached list

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

6. Number of Attendees Expected: various Number of Participants Expected various

7. Is the Event Being Advertised? Yes ? Where? Local Paper / Grant Circle

7.(a) Is there a fee charged for tickets/attendance for event participation? Yes \_\_\_ No  List all fees if yes.

8. What Age Group is the Event Targeted to? All Ages

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

10. For Profit Organization: \_\_\_ Non-Profit Organization:  Who will benefit financially from this event?  
\_\_\_\_\_

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

A. Vending: Food  Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods  Total No. of ~~16~~ Vendors\* 16  
(\*Local or State license required)

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

C. Games/Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle (requires City 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. : Two standard No. : 1 ADA accessible

**FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY**

PARADE X                      ROAD RACE \_\_\_\_\_                      WALK-A-THON \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event:

DAVID HARVEY                      978 375 3688  
DAVE TUCKER

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:

SAME AS ABOVE  
"                      "                      "

3. Locations of Water Stops (if any): N/A

4. Will Detours for Motor Vehicles be required? Yes If so, where and what length of time: \* see map

4A. Are street closures required? Yes (This is determined by the Police Department) \* see map

5. Parade Formation Location & Time for Participants: GHS Campus                      6pm

6. Dismissal Location & Time for Participants: GHS Campus                      8/9pm

7. Additional Parade Information:

• Number of Floats: VARIOUS

• Location of Viewing Stations: along PARADE ROUTE  
\* see map

• Are Weapons Being Carried (If "Yes", Police approval may be required):    Yes: No X

• Are Parade Marshalls Being Assigned to Keep Parade Moving:                      Yes: X No   

8. Name and Address of Insurer: \_\_\_\_\_

9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

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.

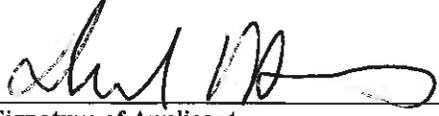
**Approvals Required:** Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of  
Dept. Head/  
Designee

Notes by Department Head or Designee

- 4/3/14
1. Special Events Advisory Committee LTJ
  2. Planning & Development Committee \_\_\_\_\_
  3. Gloucester Police Department St. John McCann  
Is Police Detail Required? Yes No. of Details By Police Dept  
Traffic, Parking & Transportation \_\_\_\_\_
  4. Health Department Pauline Newcastle
  5. Building Inspector R
  6. Electrical Inspector R
  7. Department of Public Works: Mark Celi  
Use of City Property: Yes/No Location if yes: \_\_\_\_\_
  8. Gloucester Fire Department \_\_\_\_\_  
Is a Fire Detail Required? \_\_\_\_\_ No. of Details \_\_\_\_\_ EMS \_\_\_\_\_ Use of Propane: \_\_\_\_\_  
(Attach EMS Memo)
  9. Licensing Commission (includes vendors) (Through City Clerk: \_\_\_\_\_)
  10. Other \_\_\_\_\_
- 4/3/14  
4/3  
4/3 me

The Departments or Committees 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.

  
Signature of Applicant David Harvey

Feb 28, 2014

## RESPONSIBILITIES OF APPLICANT

1. All members of the organizing committee and concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. The applicant will be responsible for any damage to public property caused by the event.
8. **All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**
9. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. Applicant shall also provide a **Certificate of Insurance** prior to approval by the Planning & Development Committee.
10. **The City of Gloucester reserves the right to deny the application at any time.**

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

  
\_\_\_\_\_  
Signature of Applicant

Feb

28, 2017

Notes



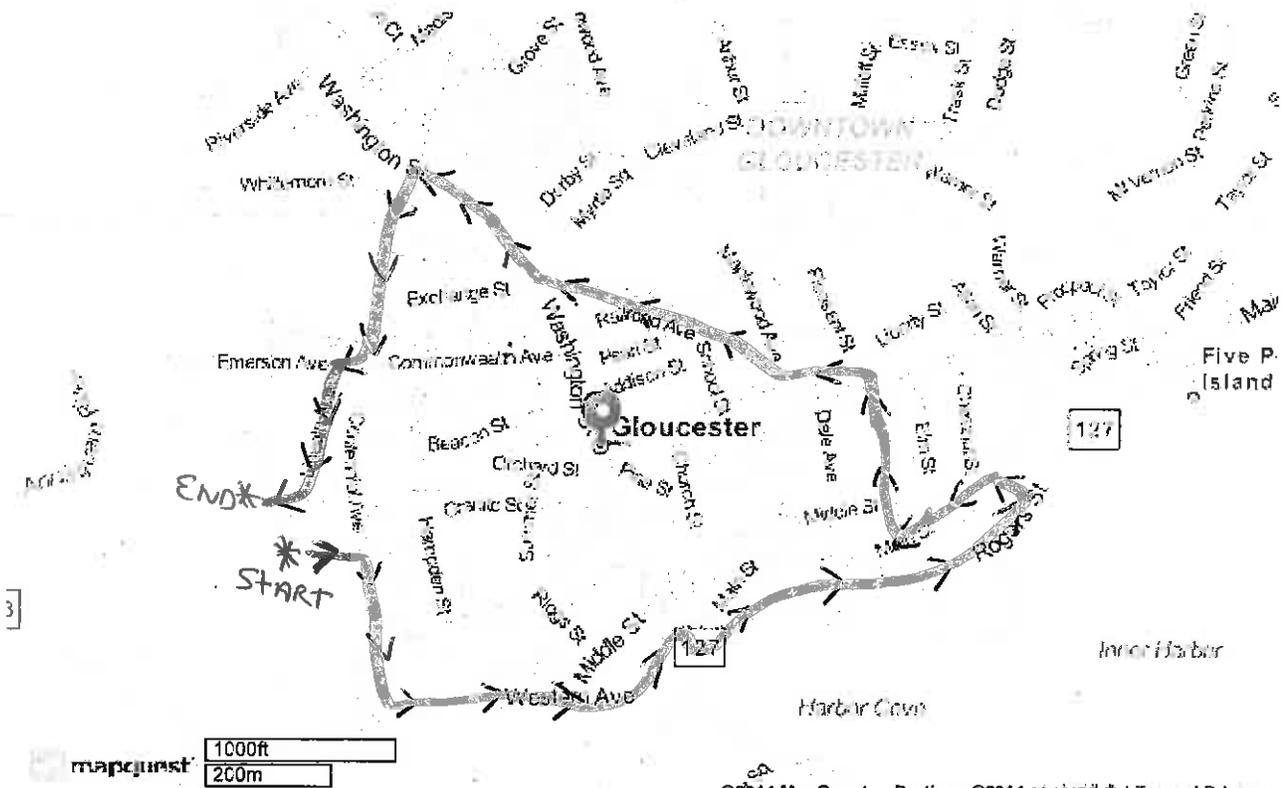
Map of:  
**Gloucester, MA**

FREE NAVIGATION APP

Enter your mobile number

SELECT:  IPHONE  ANDROID

SEND ME THE LINK



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2014 Fishtown Horribles Parade Route:

Time: 6pm kick off  
8pm apprx. end

Staging/Start:

Gloucester High School Campus

Leslie O'Johnson Rd  
Right onto Centennial Ave  
Crossroad with Western Ave, take left  
Right onto Rodgers St  
Left on Manuel F Lewis St  
Left onto Main St  
Right on Pleasant St  
Crossroad with Prospect St, take left  
Right onto Railroad Ave  
Crossroad with Washington St, take Right  
Left onto Centennial Ave  
Right on Emerson Ave  
Left onto Lincoln Ave  
Right onto Leslie O'Johnson Rd

End at Staging area: Gloucester High School Campus

CITY CLERK  
GLOUCESTER, MA

14 APR 2014

CITY OF GLOUCESTER SPECIAL EVENTS PERMITS

NAME OF EVENT: St. Peter's Festa Road Run DATE OF EVENT: 6-26-14

Special Events

Permitting is required for most types of special events. 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 also 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 complete a Special Events Application form in advance, including written approvals, (as provided in the application) which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations 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 landlord or property 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 the "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. Vendors will need state or city license before date of event and Health Department approvals;
- Certificate of Insurance listing City as the insured (Certificate Holder).

After the Applicant presents the application to the Special Events Advisory Committee, 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 at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing 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  
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 & Councillor Greg Verga, Chair, Planning & Development Committee

Completed copy filed Date: 4/3/14 Initial: LTL Copy to Applicant: Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
Fee Paid: \$ 1 Date: 4/3/14 Initial: dtl

14 APR - 3 PM 4: 32  
CITY CLERK  
GLOUCESTER, MA

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event St Peter's Fiesta 5k Road Race

1. Date: June 26, 2014 Time: from 6<sup>30</sup> pm to 7<sup>30</sup> pm

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

2. Location: St. Peter's Square

3. Description of Property: \_\_\_\_\_ Public  Private \_\_\_\_\_

4. Name of Organizer: Cape Ann YMCA City Sponsored Event: Yes \_\_\_ No \_\_\_

Contact Person: Barbara Berry

Address: 71 Middle St Gloucester Telephone: 978-283-0470

E-Mail: berryb@northshoreymca.org Cell Phone: 978-998-9421

Day of Event Contact & Cell Phone: Barbara Berry 978-998-9421

Official Web Site: www.northshoreymca.org

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

7. Is the Event Being Advertised? YES ? Where? Road Racing Websites

7.(a) Is there a fee charged for tickets/attendance for event participation? Yes \_\_\_ No  List all fees if yes.

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

26 Adult  
19 13 & ↓

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

10. For Profit Organization: \_\_\_ Non-Profit Organization:  Who will benefit financially from this event?

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

A. Vending: Food \_\_\_ Beverages \_\_\_ Alcohol \_\_\_ Goods \_\_\_ Total No. of Vendors\* \_\_\_  
(\*Local or State license required)

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

C. Games/Rides: Adult Rides \_\_\_ Kiddie Rides \_\_\_ Games \_\_\_ Raffle (requires City 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 4 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. : \_\_\_\_\_ standard No. : \_\_\_\_\_ ADA accessible

**FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY**

PARADE \_\_\_\_\_

ROAD RACE X

WALK-A-THON \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event:

Barbara Berry 978 998 9471

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:

Barbara Berry 978 998 9471

3. Locations of Water Stops (if any): State Fish Pier (Parker Ave)

4. Will Detours for Motor Vehicles be required? \_\_\_\_\_ If so, where and what length of time:

4A. Are street closures required? \_\_\_\_\_ (This is determined by the Police Department)

5. Parade Formation Location & Time for Participants: \_\_\_\_\_

6. Dismissal Location & Time for Participants: \_\_\_\_\_

7. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Location of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried (If "Yes", Police approval may be required): Yes: \_\_\_ No: \_\_\_

• Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: \_\_\_ No: \_\_\_

8. Name and Address of Insurer: \_\_\_\_\_

9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.



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	<u>Notes by Department Head or Designee</u>
4/3 LTV	1. Special Events Advisory Committee _____
4/3 ✓	2. Planning & Development Committee _____
4/3	3. Gloucester Police Department <u>LT full written</u> Is Police Detail Required? <u>Yes</u> No. of Details <u>T B D</u> Traffic, Parking & Transportation _____
4/3	4. Health Department <u>Rosalee Nicastro 4-3-14</u>
4/3	5. Building Inspector <u>William Arc...</u>
4/3	6. Electrical Inspector <u>William Arc... For Elect insp.</u>
4/3	7. Department of Public Works: <u>Mark S. Co...</u> Use of City Property: Yes/No Location if yes: _____
4/3	8. Gloucester Fire Department _____ Is a Fire Detail Required? _____ No. of Details _____ EMS <input checked="" type="checkbox"/> Use of Propane: _____ (Attach EMS Memo) <u>S. Schulz</u>
_____	9. Licensing Commission (includes vendors) (Through City Clerk: _____)
_____	10. Other _____

The Departments or Committees 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.

Barbara Berg  
Signature of Applicant

4-3, 2014



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/14/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Hays Companies of New England  133 Federal Street 2nd Floor Boston, MA 02110	1-617-723-7775	<b>CONTACT NAME:</b> Michael Boisvert <b>PHONE (A/C, No, Ext):</b> 617.778.5040 <b>FAX (A/C, No):</b> 617.723.5155 <b>E-MAIL ADDRESS:</b> mboisvert@hayscompanies.com
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> YMCA of the North Shore  245 Cabot Street  Beverly, MA 01915	<b>INSURER A:</b> NEW HAMPSHIRE INS CO      NAIC # 23841	
	<b>INSURER B:</b> NATIONAL UNION FIRE INS CO OF PITTS      19445	
	<b>INSURER C:</b> NEW HAMPSHIRE EMPLOYERS INS CO      13083	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:** 38804544      **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		01-LX-004258427-9	12/29/13	12/29/14	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		01-LX-004258427-9	12/29/13	12/29/14	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		29-UD-004659306-9	12/29/13	12/29/14	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
C	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	BCC-600-4000020-2014A	01/01/14	01/01/15	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

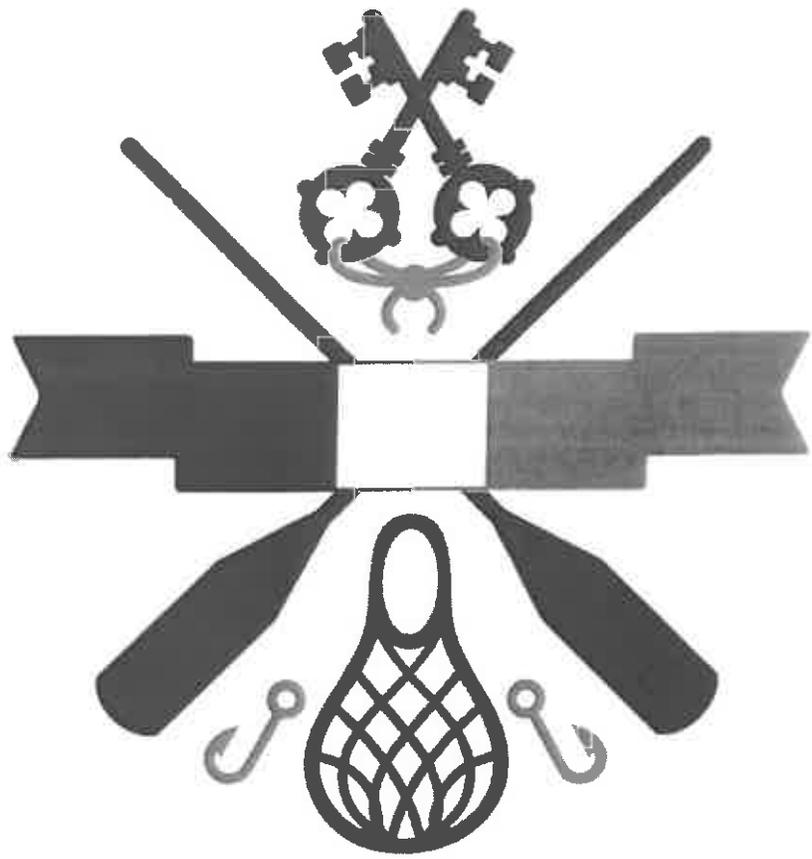
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Evidence of Insurance for:  
 Backshore 5 Mile Road Race - May 9, 2014  
 Fiesta 5K Road Race - June 26, 2014  
 Run the Goose 7K Road Race - September 1, 2014  
 Around Cape Ann 25K Road Race - September 1, 2014

**CERTIFICATE HOLDER**      **CANCELLATION**

City of Gloucester  9 Dale Avenue  Gloucester, MA 01930  USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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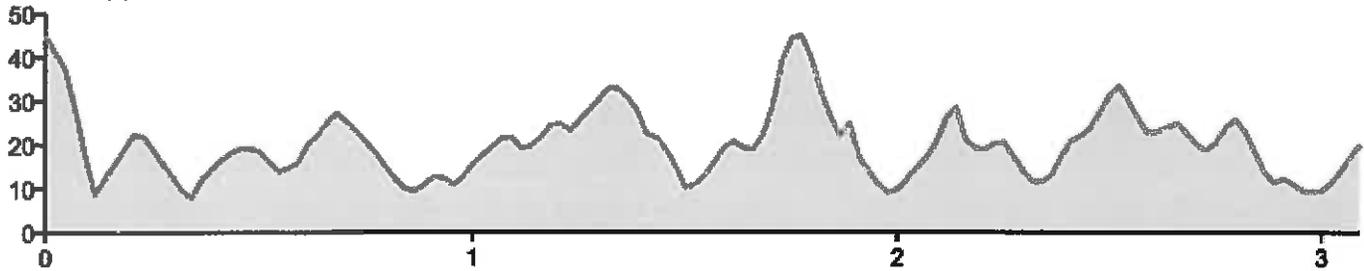


Fiesta No Fish Pier  
Distance: 3.09 mi

mapmyrun



ELEVATION (ft)



Miles

Copyright (c) 2014 MapMyFitness Inc.

	Head northeast on Hough Ave toward Western Ave	0 mi (+0.06 mi)
	Head north on Hough Ave toward Western Ave	0.06 mi (+0 mi)
	Turn right onto Western Ave	0.06 mi (+0.05 mi)
	Head east on Western Ave toward Essex Ave	0.11 mi (+0.11 mi)
	Head east on Western Ave toward Perkins Rd	0.22 mi (+0.11 mi)
	Head east on Western Ave toward Stacy Blvd	0.33 mi (+0.08 mi)
	Head east on Stacy Blvd/Western Ave	0.4 mi (+0.15 mi)
	Head east on Stacy Blvd/Western Ave Continue to follow Western Ave	0.55 mi (+0.07 mi)
	Head northeast on Western Ave toward Angle St	0.62 mi (+0.07 mi)
	Head northeast on Western Ave toward Angle St	0.68 mi (+0.01 mi)
	Turn right onto Angle St	0.69 mi (+0.03 mi)
	Turn left onto MA-127 N	0.72 mi (+0 mi)
	Head northeast on Rogers St toward Washington St	0.72 mi (+0.11 mi)
	Head east on Rogers St toward Hancock St	0.84 mi (+0.08 mi)
	Head east on Rogers St toward Parsons St	0.91 mi (+0.08 mi)
	Head northeast on Rogers St toward Harbor Loop	0.99 mi (+0.1 mi)
	Head northeast on Rogers St toward Manuel F Lewis St	1.1 mi (+0.13 mi)
	Head northeast on Rogers St toward Pew	1.23 mi (+0.1 mi)
	Head northeast on Rogers St toward Prospect St	1.33 mi (+0.04 mi)
	Continue onto Main St	1.37 mi (+0.06 mi)
	Head northeast on Main St toward Herrick Ct	1.43 mi (+0.15 mi)
	Head northeast on Eastern Ave/E Main St Continue to follow E Main St	1.58 mi (+0.08 mi)
	Head east on E Main St toward Parker St	1.66 mi (+0.06 mi)

	Head east on E Main St toward MA-128 S	1.72 mi (+0.02 mi)
	Turn right to stay on E Main St	1.74 mi (+0.04 mi)
	Head southeast on E Main St toward Stanley Ct	1.78 mi (+0.03 mi)
	Head southeast on E Main St toward Amero Ct	1.81 mi (+0.06 mi)
	Head south on E Main St toward Wall St	1.87 mi (+0.02 mi)
	Head west on Wall St toward Harbor View Ct	1.89 mi (+0.02 mi)
	Head west on Wall St toward Parker St	1.91 mi (+0.06 mi)
	Head southwest on Parker St toward State Fish Pier	1.97 mi (+0.03 mi)
	Head north on Parker St toward State Fish Pier	2 mi (+0.04 mi)
	Head northeast on Parker St	2.04 mi (+0.08 mi)
	Head north on Parker St	2.12 mi (+0.01 mi)
	Slight left to stay on Parker St	2.14 mi (+0.03 mi)
	Head west on E Main St	2.16 mi (+0.12 mi)
	Head southwest on Main St toward Scott St	2.29 mi (+0.11 mi)
	Head southwest on Main St toward Herrick Ct	2.4 mi (+0.09 mi)
	Continue onto Rogers St	2.48 mi (+0.03 mi)
	Head southwest on Rogers St toward Pew	2.52 mi (+0.11 mi)
	Head southwest on Rogers St toward Manuel F Lewis St	2.63 mi (+0.08 mi)
	Head southwest on Rogers St toward Manuel F Lewis St	2.71 mi (+0.09 mi)
	Head southwest on Rogers St toward Duncan St	2.8 mi (+0.04 mi)
	Head southwest on Rogers St toward Duncan St	2.85 mi (+0.07 mi)
	Head west on Rogers St toward Hancock St	2.91 mi (+0.05 mi)
	Head west on Rogers St toward Hancock St	2.96 mi (+0.13 mi)
	Destination	3.09 mi (+0 mi)







Deval L. Patrick, Governor  
Richard A. Davey, Secretary & CEO  
Frank DePaola, Administrator



March 26, 2014

John W. McDonald  
Bridge Management Specialist  
First Coast Guard District  
408 Atlantic Avenue  
Boston, MA 02110-3350

Re: Blynman Drawbridge

Dear Mr. McDonald:

I wish to request the Coast Guard's approval to deviate from Coast Guard Regulations concerning the Blynman Drawbridge in accordance with Regulation 117.37, opening or closure of draw for public interest concerns. The Blynman Drawbridge is regulated by Regulation 117.586 and is located on Route 127 (Western Avenue) over the Annisquam River in the City of Gloucester, Massachusetts.

A 5K road race is scheduled in Gloucester on Thursday, June 26, 2014. Please see the attached letter from Barbara Berry, the Road Race Director. Portions of the race route travel along Route 127 crossing over the Blynman Drawbridge. For the safety of the athletes, spectators and support staff, I respectfully request approval to keep the bridge in the closed position from 6:15 PM to 6:45 PM on this day.

If you have any questions concerning this issue, please contact Mr. William Bernard, Assistant Structures Maintenance Engineer, in the Arlington office at 781-641-8300 Ext. 48314.

Sincerely,

Paul D. Stedman  
Acting District Highway Director

Enclosure: Letter from Barbara Berry

CC: Barbara Berry, Road Race Director, Cape Ann YMCA



**Cape Ann YMCA**  
71 Middle Street  
Gloucester, MA 01930  
978.283.0470  
fax 978.283.3114

**Greater Beverly YMCA**  
254 Essex Street  
Beverly, MA 01915  
978.927.6855  
fax 978.927.6530

**Haverhill YMCA**  
81 Winter Street  
Haverhill, MA 01830  
978.374.0506  
fax 978.373.0710

**Ipswich Family YMCA**  
110 County Road  
Ipswich, MA 01938  
978.356.9622  
fax 978.356.0625

**Lynch/van Otterloo  
YMCA**  
40 Leggs Hill Road  
Marblehead, MA 01945  
781.631.9622  
fax 781.639.0190

**Salem YMCA**  
One Sewall Street  
Salem, MA 01970  
978.744.0351  
fax 978.740.9168

**YMCA of the  
North Shore**  
245 Cabot Street  
Beverly, MA 01915  
978.922.0990  
fax 978.922.7602



FOR YOUTH DEVELOPMENT  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

February 27, 2014

Dear Commander Mc Donald,

The Cape Ann YMCA is requesting to have the Blyman Drawbridge is Gloucester closed for a period of 30 minutes in order to hold the 12<sup>th</sup> Annual St. Peter's Fiesta 5K Road Race. Due to the popularity of the event, we are looking to secure a safer "Starting Line" for the more than 1,000 participants of this now, annual Fiesta tradition.

We hope to start the race in Stage Fort Park in 2014. This would require that we close the Blyman Drawbridge for a period of 15 minutes before the race begins and 15 minutes after the race starts.

Please contact me with any questions or concerns.

Best Regards,

Barbara Berry  
Road Race Director  
Cape Ann YMCA  
berryb@northshoreymca

978.283.0470

[www.northshoreymca.org](http://www.northshoreymca.org)



## CITY OF GLOUCESTER 2014

### CITY COUNCIL ORDER

**ORDER:** CC#2014-015  
**COUNCILLOR:** Melissa Cox

**DATE RECEIVED BY COUNCIL:** 04/08/14  
**REFERRED TO:** No Referral Required  
**FOR COUNCIL VOTE:**

**ORDERED** that the Gloucester Code of Ordinances Chapter 22, Sec. 22-287 entitled “Disabled veteran, handicapped parking” be amended by **DELETING**

Millett Street, between #32 and #34, one space

Melissa Cox  
Ward 2 Councillor

\*Note – No referral required and per Sec. 2.11 of the City Charter – a public hearing is required, and per Sec. 22-17(c) of the Gloucester Code of Ordinances the sign can be removed immediately.



**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, March 25, 2014 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present: Chair, Councilor Paul McGeary; Vice Chair, Councilor Sefatia Theken; Councilor Melissa Cox; Councilor Jacqueline Hardy; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whynott; Councilor Paul Lundberg; Councilor William Fonvielle**

**Absent: None**

**Also Present: Linda T. Lowe; Kenny Costa; Mike Hale; Sally Polzin; John Dunn; Fire Chief Eric Smith**

**The meeting was called to order at 7:01 p.m. Councilor Cox departed the meeting at 9:19 p.m.**

**Flag Salute & Moment of Silence.**

**Oral Communications:**

**MaryAnn Albert Boucher**, 93 Mt. Pleasant Avenue, made the following statement (placed on file):

My name is Mary Ann Albert Boucher. I reside at 93 Mt. Pleasant Avenue and I am also part owner of a home at #6 Davis Street Extension. #6 Davis Street Extension sits next to the parking lot at the East Gloucester Elementary School. Davis Street Extension is also, for those who may not know, a dead end street.

My family (my parents) purchased their home, #6 Davis Street Extension back in 1960. Upon my parent's death in 2005, my daughter Kailey and her husband Seth Mione moved into the home and have lived there ever since. Today they live there with their two daughters, Iylan 3, and Ilani 6 months. My brother Jay purchased the home directly next to my parent's home, #4 Davis Street Ext. in 1994 and has lived there with his wife, Jennie ever since.

Approximately 10+ years ago my parents and my brother starting noticing the odor of natural gas seeping from the storm drain that sits outside of their homes. Occasionally, they would call National Grid to report a leak. I believe the company's name at the time was Boston Gas. Anyway, Boston Gas would arrive, check the area and report that all was fine. As the years have passed the odor has been steadily getting stronger. Approximately 2 years ago we all noticed that this odor was more frequent and we would make regular calls to National Grid. Again, they would arrive, probe the drain, check the LEL (low explosive levels) and leave.

The week of September 6, 2013, I was at my daughter's home and the odor was significantly worse than we had ever experienced in the past and has remained significantly worse ever since. No longer could they open their doors and windows without the strong odor of Mercaptan entering their home. It became nauseating to say the least. No longer could they park their cars outside of their home unless they aired them out prior to entering. The odor would consume the interior of the vehicle.

We've made many, many attempts to have National Grid find the problem and fix it...Each time we were told..."there is no problem."

Now here is WHY I AM SO WORRIED - approximately 1-1/2 months ago my 3 year old granddaughter started experiencing respiratory issues that warranted a visit to her pediatrician. We've noticed that in the past year she seemed stuffy quite often, but now it was constant and nothing that her mother and father were trying was helping. Her doctor is concerned that this could be the result of long term exposure to Mercaptan, concerned enough to give her a nebulizer treatment and put her on an inhaler; concerned enough to write a letter in her behalf.

At this point it was clear to us that this could, in fact, be hazardous to our family, surrounding neighbors, as well as the staff and students of the East Gloucester Elementary School and could be the cause for Iylan's respiratory issue. OUR RESEARCH FOR THE LONG TERM AFFECTS OF MERCAPTAN BEGAN:

Mercaptan is put into natural gas to inform us that there is a leak. Leaks don't get smaller, they only get bigger. As the odor gets stronger we can only assume that a leak in the area is getting bigger too. You do NOT have to have gas in your home for an explosion. Gas can travel along sewer lines, water lines, etc.

I have asked National Grid for a report of the complaints made by the residents of the neighborhood in regards to this issue. I've have asked them to send me a hard copy.... I have yet to see it. Mercaptan is not thought to be hazardous at very low levels. However, long periods of exposure can affect the central nervous system, possibly resulting in long term respiratory health problems. We were not willing to wait to see what happens next with our little one. Her bedroom windows sit just 25 feet from this drain. Her sister's bedroom sits approx. 30+ feet from this drain.

Mercaptan is HARZARDOUS.... this IS a HEALTH issue. My family should NOT have to live with this constant odor 24/7. This has been going on for FAR TOO LONG. Four out of the 8 women who have lived on this street (remember, there are only 4 houses on this street) have either died of Cancer or Parkinson's Disease and I too am fighting a form of cancer. Could this exposure be a result??? Who knows!

Since September I have called the Mayor's office, visited the Assessor's office, the Engineering Dept., the Gloucester Fire Dept. (Deputy Tom Aiello and Deputy McCrob), I've spoken with David Santana, Customer Relations for National Grid, 3 times, the DPU, the State Fire Marshall's office, (Code and Compliance Dept.), the Board of Health (Max Shank and Noreen Burke), both State Rep. Ann Margaret Ferrante and Senator Bruce Tarr's office and also my Ward One Councilor, Paul McGeary. I've met with the National Grid's supervisor for this area(Bill Moscka) on several occasions. National Grid has taken the "band aid approach" making a few repairs to the pipes in the past several weeks. Each time we thought it would "do the trick", but the odor is strong, very strong and our problem still remains.

I received a call on March 14th from David Santana, Customer Relations at National Grid. He told me that National Grid had completed their investigation due to the odor and at that time didn't feel that immediate action needed to take place, but that National Grid would replace the services at some point. I asked when? He could not give me an answer. After several more phone calls I was informed that National Grid would PROBABLY be replacing the lines some time in July. How could my family possibly open their doors and windows when the winter weather breaks? What about the 300+ children sitting in classrooms? Would they be exposed to the odor???? What long term affects would this impose on any or all of them? At this point I made the call to the State House. With the help of Senator Bruce Tarr's office, Chief of Staff, A.J. Paglia, as well as their liaison, Joe Newman work is underway.

On March 20th work started to replace ALL gas lines on Davis Street, Davis Street Extension, Chapel Street and a small section of East Main Street.

I am here tonight as a CONCERNED citizen. I've learned so much in the past few months about the condition of our gas lines throughout the city. Most of the cast iron pipes that are being replaced were installed in 1918. I am here tonight to ask the Mayor to form a committee to investigate the conditions of the gas lines in this city and to improve the conditions of these old lines before we have another accident like the one that occurred on Eastern Avenue.

I am here tonight as I am concerned about others in the same situation. just two weeks ago I received a call from a Gloucester resident who has been experiencing the same issues on Bellevue Avenue. They first reported their leak one year ago this coming summer.

I've spoken with others in our community who are experiencing the same Mercaptan smell on a constant basis. What are we waiting for? What is National Grid waiting for?

I applaud Wayne Sargent and State Rep. Ann-Margaret Ferrante in their efforts to seek new guidelines for these gas lines.

I will leave you with one last thought: As of Sunday it was not known as to where the leak is stemming from according to National Grid. Although the LEL levels (low explosive levels) are low in front of #6 Davis Street, there is still a STRONG odor.....odor means a leak WHERE IS IT? WHAT IS THE LEVEL OF MERCAPTAN? IS THIS LEVEL OF MERCAPTAN SAFE TO THE RESIDENTS, CHILDREN AND STAFF attending the school?

Thank you for your time.

**Susannah Altenburger**, 66 Atlantic Street, spoke about the Blynman Bridge and suggested that a possible solution to the continued need for maintenance of that bridge would be the installation of a so-called "Dutch" bridge like those found in the Netherlands. The mechanisms of such bridges are mounted on land, not in the water and are less prone to deterioration, she said. Boaters, she said, would also benefit as the foundations of a Dutch bridge are installed on land, which allows for more width under the bridge.

**Presentations/Commendations:****1 of 2: Sally Polzin, Personnel Director and John Dunn, CFO re: update on GIC Insurance**

**Sally Polzin**, Personnel Director, responded to previously submitted questions through Council President McGeary.

- *Were there any problems bureaucratic or financial during the transition to the GIC health insurance program?* Ms. Polzin said whenever a great deal of data is entered into a system, there are bound to be mistakes. There were some folks had their incorrect zip codes, birth dates, etc, inputted. As soon as GIC was informed, she said, the agency did take care of the problems. She conceded that there had been difficulties until corrections were made.
- *Have the anticipated savings been realized.* She said some savings have been realized but there are a lot of moving parts, so it was unclear what the total amount of savings will be at this time.
- *What groups (health insurers) have people chosen to join?* **Ms. Polzin** said most people comprised of non-Medicare retirees and active employees, migrated to the Harvard Independence insurance program. The breakdown is: Harvard Independence Plan: 167; Tufts Health Plans: 30; Fallon Plans 86.
- *The schools were surprised when more people than expected opted into the GIC health insurance during open enrollment.* **Ms. Polzin** said she believed that to be the case, but she does not work with the School Department.
- *What is the prognosis moving forward?* **Ms. Polzin** noted there is a GIC training session next week she and her staff would attend and if something important came out of the session she would forward that information to the Council. She said in general the GIC has increased the premiums by 1 percent. Because the insurance plans are all slightly different, she noted for budgeting purposes it is viewed as 1 percent for the premium increases, and there are no other increases.
- *Are the union contracts signed?* **Ms. Polzin** said the union contracts were settled last year and are good until June 30, 2016. She pointed out Gloucester is a Section 19 community – a long time ago the city accepted MGL c. 32B, Sec. 19. In doing so, the city coalition bargains with the Public Employee Committee (PEC), she said.
- *Are people generally satisfied with the coverage?* **Ms. Polzin** reported that people on the whole are satisfied with their insurance coverage. Some retirees said their prescription costs have gone up a bit which was expected, and whenever possible doctors switched their patients to generic drugs. There is a fund that will address that issue with the PEC, she pointed out.

**Councilor Theken** asked whether the city is negotiating next year's contract with the GIC and whether the employees would be offered the same plans with the same co-pays and deductibles. **Ms. Polzin** said the only change is the 1 percent increase for premiums, and the plans will remain in place until next July. **Councilor Theken** asked if the retirees are protected with the so-called 90/10 agreement. **Ms. Polzin** confirmed those who were entitled to that insurance payment scheme were grandfathered into the program. **Councilor Theken** said asked what was being done to educate staff for people who are eligible for Medicare and a spouse may not be and that fines are involved for incorrect enrollment. **Ms. Polzin** said the city pays the fine and did not know what the School Department arrangements. She said it is a new issue for her and would be pleased to meet with Councilor Theken to discuss the issue. It is part of the PEC agreement, **Ms. Polzin** said.

**Councilor Hardy** pointed out that she was assigned the wrong primary care physician when changed to the GIC. She said a quick call to the Personnel Department helped her to reach someone in the GIC, where she received excellent customer service to resolve her problem. She said some retirees are not receiving the benefit they used to receive, especially for prescriptions. **Ms. Polzin** said the program for receiving part of the deductible back is no longer available. She said employees and retirees who have billing or prescription issues must talk directly to the insurance provider and not the GIC or the Personnel Department. She asked if any Councilor was under the impression there would be special attention paid to the retirees and there would be a sum of money they would be able to draw upon to even things out. **Ms. Polzin** confirmed there was a fund which is part of the PEC agreement. She noted there is a separate arrangement for retirees and one of the Health Reimbursement Accounts which need to be set up by working with the PEC. She said she has asked for a meeting with the PEC for a while now.

**Councilor Theken** spoke about issues retirees have had with the GIC Fallon Health Insurance Plans.

**Council President McGeary** asked for confirmation that on the city side only one person had joined the GIC health insurance under a spouse's plan. He said he understood that some businesses in the city had their insurance plans change and that a number of dependents had migrated into city employees plans. **Ms. Polzin** said she could

not speak to what may have happened in the School Department, but the city is only aware of this one situation on its books.

**John Dunn**, CFO, said that there were 26 new enrollees on the School side as a result of the open enrollment and one on the city side. Mr. Dunn pointed out, on inquiry by **Council President McGeary** that the original savings estimates were based on the assumption of a stable number of enrollees. **Mr. Dunn** said increased enrollment would affect the amount the city saves by joining the GIC and offered the following information:

It is still early as it has only been three months since the city started with the GIC. There are about 1,500 enrollees.

On the school side the projection is a saving of \$3,700 a month, lower than expected because of the addition of an extra 26 enrollees. Accrued savings on the school side to the end of FY14 would be about \$22,000. Projected savings are based on taking six months' savings and doubling them to estimate savings for a full year.

The city side enrollment situation is different; there is only one additional enrollee. The projected savings for the city side is about \$50,000 a month. The city savings is spread across a number of funds. The General Fund sees the most savings, but savings are realized in enterprise funds and some special revenue funds and grant expenditures. **Mr. Dunn** estimated the savings will be \$300,000 for six months and double for the year.

**Mr. Dunn** noted the premiums for retired Mass. Teachers who were enrolled in the GIC statewide, had previously been assessed to the city through the Cherry Sheet. With the city's enrollment in the GIC, the premium is now paid directly by the city. There is a sizeable increase in premium costs when compared to the Cherry Sheet charge for the current fiscal year. He said he was still investigating the issue. That increase in the cost for the retired teachers could reduce the projected savings of \$50,000 a month. The CFO would update the Council when the investigation is complete.

**Councilor Theken** requested to know the duration of the contract. **Ms. Polzin** said it runs 3 years from January. **Councilor Theken** said it was understood there would be a big savings by converting the city to the GIC insurance program. **Ms. Polzin** said the savings were a moving target in part because it couldn't be predicted which GIC insurer employees would choose.

## **2 of 2: Fire Chief Eric Smith re: Update on Blynman Bridge**

**Fire Chief Eric Smith** reported to the Council on the Blynman Bridge use by the city's emergency vehicles as follows: The Fire Department was granted their overweight permits when responding to and returning from fire calls and ambulance calls. There are strict protocols that have been agreed on with the MassDOT (Mass. Department of Transportation) for communications with the bridge tender. Emergency vehicles can only cross one at a time because of the weights of the vehicles and the total capacity of the bridge. There is also a strict protocol for communication which is important especially because the summer boating season is coming up. The process is underway to assess for the condition of bridge. The Fire Chief and Chief Administrative Officer, Jim Duggan met with Sen. Tarr, Rep. Ferrante, and the MassDOT Highway Director and the administrator of the Highway Division March 24 in Boston. Short-term repairs will start immediately and are expected to take three to six weeks. Those repairs are not likely to increase the weight limit for vehicles allowed to cross the bridge. School buses will still not be able to cross the bridge. MassDOT will appear at the April 8 City Council meeting to make a presentation not only on the Blynman Bridge but on the A. Piatt Andrew Bridge and the MBTA railroad bridge.

**Chief Smith** said he had also pointed out to MassDOT there are other bridges in the city such as the Centennial Avenue Bridge, and he asked MassDOT for weight ratings for the other bridges, and any bridges with issues. With this information, he said, the Fire Department would then be able to formulate their plans. He said MassDOT informed him they were not concerned as these other bridges, like the Centennial Avenue Bridge, are short spans.

**Councilor Cox** noted that the immediate bridge repairs will not allow CATA buses to cross the bridge and expressed her concern that that tour buses will no longer be able to travel on the bridge either. For the city's tourism sector this is going to be a big problem, she said and expressed further concern that bus tours will skip Gloucester entirely having a major financial impact on the city's tourism-dependent businesses. **Chief Smith** said MassDOT has said they have had the same issues raised at their level and are looking to address it. He noted that Centennial Avenue is a viable alternative route. **Councilor Cox** said she had heard otherwise - that the tour operators say they are not able to go over the Centennial Avenue Bridge and make the turn onto the boulevard.

**Councilor Hardy** said although the Centennial Avenue Bridge is a short span, a bus could sit atop that bridge for more than a minute or two when traffic backs up. She recommended that MassDOT do a daytime tour of the city's bridges to see the traffic on the bridges for themselves. **Chief Smith** pointed out that a moving load is more significant than a standing load. The DOT engineers take many factors into account, he said. **Councilor Hardy** said she assumed that the daytime site visits would happen before April 8 Council presentation. **Chief Smith** said

MassDOT has sent crews out for inspections and have a plan for the A. Piatt Andrew and Blynman bridges.

**Councilor Hardy** asked if the Magnolia fire station is still on track to open July 1. **Chief Smith** said the renovation efforts have been accelerated with the station on track to open July 1. He said the work should be wrapped up by mid-June to give the department two weeks to move equipment and supplies into the station.

**Councilor LeBlanc** said the bridge has been worked on several times in recent years with the bridge left up during the repairs. He urged the Chief to be sure MassDOT keeps the Chief in the loop. Chief Smith confirmed that the head of MassDOT told him that the bridge will not be left open in that fashion again and apologized for it.

**Councilor Fonvielle** asked whether what was envisioned was a two-phased project for a quick fix and then much more in-depth repairs. **Chief Smith** said any major replacement or repair of the bridge would require about a three-year permitting process. He said he understood the goal is to keep the bridge operable, and MassDOT will start the permitting process. This bridge was supposed to have been replaced 10 years ago, he pointed out.

**Councilor Hardy** added that for a truck to get through any corner it takes logically placed signage. She said putting a sign 20 feet away from a bridge or a turn is unhelpful and recommended that sign placement be examined. Chief Smith suggested the Council bring that matter up with MassDOT on April 8.

#### **Appointments:**

*Cable TV Advisory Committee (TTE 02/14/17) Ryan Sawyer, Thomas Manning, Grant Harris*

**Councilor Whynott** said that all three candidates for appointment to the Cable TV Advisory Committee are highly recommended by the Ordinances & Administration Committee after an in-depth conversation with each appointee.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appoint Ryan Sawyer to the Cable TV Advisory Committee, TTE 02/14/17.

DISCUSSION: None.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to appoint Ryan Sawyer to the Cable TV Advisory Committee, TTE 02/14/17.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appoint Thomas Manning to the Cable TV Advisory Committee, TTE 02/14/17.

DISCUSSION:

**Thomas Manning**, Edgemoor Road, a retired electrical engineer who is involved in networking, said he believed he could add value by serving on the Cable TV Advisory Committee.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to recommend to the City Council to appoint Thomas Manning to the Cable TV Advisory Committee, TTE 02/14/17.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appoint Grant Harris to the Cable TV Advisory Committee, TTE 02/14/17.

DISCUSSION:

**Grant Harris**, IT Technologist for the School Department for 14 years, said he was a key part of the building the city's fiber network for its own uses in 2007 which was done under the last Comcast contract in 2007. He said he works with the Cable TV Advisory Committee whenever he can. **Council President McGeary** asked about getting high speed internet to the island. **Mr. Harris** said Comcast has fiber on the island for consumers. An underground boring project has been completed which placed conduits for Comcast to move into as well as the city and is hoped

to happen in the next several months. That is a contract issue with the city to get Comcast on board to the new conduits, he noted. **Council President McGeary** asked about FioS from Verizon. **Mr. Harris** said FioS would not happen as it is cost prohibitive. A letter was submitted by Verizon saying they have no plans to expand FioS to anywhere in Gloucester. **Council President McGeary** noted that some municipalities are putting in their own high-speed internet installations. **Mr. Harris** said it is a question of the city wanting to become an ISP (Internet Service Provider). He pointed out that if the city took on that infrastructure, the city would have to go through the Federal Communications Commission. He said, rather, the city is in the position to encourage companies to come forward to do that, but he said he did not recommend the city becoming an ISP.

**Councilor Whynott** recalled Stan Usevicz of Verizon saying that there are no plans to put FioS into the City.

**Councilor Hardy** asked when was the last meeting of the Cable TV Advisory Committee and if the next one is scheduled. **Mr. Harris** said there was a meeting two weeks ago and another is scheduled in one week.

**Councilor LeBlanc** asked about the plans for improving Kyrouz Auditorium's sound, lighting and broadcasting capabilities. **Mr. Harris** said the work is underway. He noted there will be test microphones put into place and the equipment has to be compatible with CATV. He pointed out that the CATV operators are volunteers and that and that any new equipment has to be simple to use. He agreed that sound quality is an issue and is on the list to be improved. **Councilor LeBlanc** said in speaking to a colleague of **Mr. Harris**, he came highly recommended.

**Councilor Cox** recommended some test runs before the city purchases anything for the auditorium. **Mr. Harris** said the city should not purchase any system until it has been tested. As to remote participation equipment, he said that there are parts of the project that are require improvements to the city's network so that the remote participation can happen seamlessly. **Councilor Cox** added her commendation for **Mr. Harris**' work ethic.

**Council President McGeary** said the City Clerk and he have been working with CATV, the IT Director and **Mr. Harris** to see that these systems are improved. He would update the Council when more information is available.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to appoint Grant Harris to the Cable TV Advisory Committee, TTE 02/14/17.**

#### **Consent Agenda:**

##### • **CONFIRMATION OF REAPPOINTMENTS**

1. Cable TV Advisory Committee Robert McGillivray (TTE 02/14/17)
2. Waterways Board David McCauley –At Large Member, Robert Gillis Economic Development Member (TTE 02/14/17)

##### • **MAYOR'S REPORT**

1. Appointment of Director of Veterans' Services/Veterans' Agent Adam Curcuru TTE 02/14/16 (Refer O&A)
2. Memorandum from Harbor Planning Director & completed copy of Study of Dockage in the Designated Port Area (Info Only)
3. Memorandum from General Counsel re: Gloucester/Rockport Intermunicipal Agreement (IMA) for sewer services (Refer P&D)
4. Memorandum from Senior Engineering Aide re: Proposed Street Naming and Numbering Plans (Refer P&D)
5. Special Budgetary Transfer Request (2014-SBT-21) from Police Department (Refer B&F)
6. Special Budgetary Transfer Request (2014-SBT-22) from Police Department (Refer B&F)
7. Special Budgetary Transfer Request (2014-SBT-23) from Police Department (Refer B&F)
8. Special Budgetary Transfer Request (2014-SBT-24) from Police Department (Refer B&F)
9. Special Budgetary Transfer Request (2014-SBT-25) from Police Department (Refer B&F)
10. Special Budgetary Transfer Request (2014-SBT-26) from Police Department (Refer B&F)
11. Special Budgetary Transfer Request (2014-SBT-27) from Police Department (Refer B&F)
12. Special Budgetary Transfer Request (2014-SBT-28) from Police Department (Refer B&F)
13. Special Budgetary Transfer Request (2014-SBT-29) from Police Department (Refer B&F)
14. Supplemental Appropriation-Budgetary Request (2014-SA-63) from the Mayor's Office (Refer B&F)
15. Memorandum from Chief Administrative Officer re: withdrawal of the reappointment of Susan Albiero to the Historical Commission (Info Only)

##### • **COMMUNICATIONS/INVITATIONS**

1. Response to Oral Communications of February 25, 2014 City Council Meeting to Phil Dench (File)
2. Invitation to the 4<sup>th</sup> Annual Community Health Activist Award Breakfast honoring Sefatia Giambanco Romeo Theken (Info Only)

##### • **APPLICATIONS/PETITIONS**

1. Application for License of Flammable and Combustible Liquids, Flammable Gasses and Solids re: 27 Maplewood Avenue (Refer P&D)

##### • **COUNCILORS ORDERS**

##### • **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 03/11/14 (Approve/File)
2. Standing Committee Meetings: B&F 03/20/14 (under separate cover), O&A 03/17/14, P&D 03/19/14, Joint Meeting P&D and Planning Board 03/06/14 (under separate cover) (Approve/File)

#### **Items to be added/deleted from the Consent Agenda:**

**Councilor Cox** asked to remove Item #3, the Gloucester/Rockport Intermunicipal Agreement (IMA) for sewer services under the Mayor's Report. She said that she would like this matter to be referred to the B&F Committee as it deals with revenues. **By unanimous consent of the Council the matter was referred to the B&F Committee.**

**By unanimous consent of the Council the Consent Agenda was accepted as amended.**

**Committee Reports:**

**Budget & Finance: March 20, 2014**

**Budget & Finance Committee Consent Agenda "A"**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed, to accept the Budget & Finance Committee's Unanimous Consent Agenda "A" dated March 25, 2014 as follows:**

**Grant Acceptance:**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A accept a grant from the Massachusetts Council on Aging Grant "Healthy Aging through Healthy Community Design in the amount of \$11,400.**

**Special Budgetary Transfer Requests:**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-19 for \$2,000 (Two Thousand Dollars) from Auditor's Office, Salary/Wage-Permanent Position, Account #101000.10.135.51100.0000.00.000.00.051 to Auditor's Office, Contractual Services, Account #101000.10.135.52000.0000.00.000.00.052 052 for the purpose of additional funds needed to conduct the City's Other Post Employment Benefit (OPEB) Actuarial Study as of June 30, 2013 for required financial reporting purposes as part of Government Accounting Standards Board (GASB) #45.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2014-SBT-20 for \$10,000 (Ten Thousand Dollars) from Auditor's Office, Salary/Wage-Permanent Position, Account #101000.10.135.51100.0000.00.000.00.051 to Auditor's Office, Additional Equipment, Account #101000.10.135.58500.0000.00.000.00.058 for the purpose of funding improvements to the City Auditor's Office.**

**End B&F Consent Agenda "A"**

**B&F Consent Agenda "B"**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to accept the Budget & Finance Committee's Unanimous Consent Agenda "B" dated March 25, 2014 as follows:**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, approve Supplemental Appropriation 2014-SA-50 in the amount of \$10,000 (Ten Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Mayor's Office, Contingency/Emergency, Account # 101000.10.121.57800.0000.00.000.00.057 for the purpose of unforeseen expenditures in the Mayor's Office.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-51 in the amount of \$15,000 (Fifteen Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Auditor's Office, Contractual Services, Account #**

**101000.10.135.52000.0000.00.000.00.052 for the purpose of conducting the City's Other Post Employment Benefit (OPEB) Actuarial Study as of June 30, 2013 for required financial reporting purposes as part of Government Accounting Standards Board (GASB) # 45.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-54 in the amount of \$9,150 (Nine Thousand One Hundred Fifty Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Public Property Maintenance, Salary/Wage-Temporary Position, Account # 101000.10.470.51200.0000.00.000.00.051 for the purpose of funding temporary staffing through June 30, 2014.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-55 in the amount of \$13,545 (Thirteen Thousand Five Hundred Forty Five Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Public Property Maintenance, Salary/Wage-Overtime, Account # 101000.10.470.51300.0000.00.000.00.051 for the purpose of funding overtime through June 30, 2014.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-56 in the amount of \$6,225 (Six Thousand Two Hundred Twenty Five Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Public Property Maintenance, Supplies, Account # 101000.10.470.54000.0000.00.000.00.054 for the purpose of the maintenance of the Harbor walk and purchasing supplies for Newell Stadium.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-59 in the amount of \$50,000 (Fifty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Tourist Commission, Purchased Services, Account # 101000.10.563.53500.0000.00.000.00.052 for the purpose of supporting the Tourist Commission.**

**MOTION: On a motion by Councilor Cox, seconded by Councilor Hardy, the City Council voted 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-62 in the amount of \$270,850 (Two Hundred Seventy Thousand Eight Hundred Fifty Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Capital Project Stabilization Fund-Transfer In from General Fund, Account #850000.10.991.49700.0000.00.000.00.040 to earmark funds for School Department technology.**

**\*\*\*End B&F Consent Agenda "B"\*\*\***

**2014-SA-57 as removed from Consent Agenda "B":**

**Councilor Hardy** asked if this appropriation includes the flags and flag staffs on any of the memorials. **Councilor Cox** said this was more for two events sponsored by the Veterans' Office, and also it includes costs for plantings at the memorial squares. **Councilor Hardy** asked if there has been any discussion at B&F for funding for improvements for the flags and flagstaffs. **Councilor Cox** said there was a request to the Mayor's office that the flags and flag staffs at the high school and at the Blynman Canal at the Bridge Tender's office be replaced. It was her understanding that the DPW was going to ask that they would be replaced, she said. **Councilor Hardy** asked the Councilor Request be reestablished.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-57 in the amount of \$2,000 (Two Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Veterans Services, Public Relations, Account # 101000.10.543.57890.0000.00.000.00.057 for the purpose of the upkeep and improvements to Memorial Squares.**

**2014-SA-61 as removed from Consent Agenda "B":**

**Kenny Costa**, City Auditor explained as follows: The OPEB (Other Post Employment Benefits) Trust Fund is money set aside to pay retiree health insurance premiums, a pay-as-you-go situation where the city only pays 30 percent. The annual actuarial OPEB cost is \$14.8 million, and pay-as-you-go cost (which only pays current obligations) is \$4.4 million creating a gap of \$10.4 million. The city sets money aside for the future when the funds are needed when health insurance premiums rise, and this fund can only be spent on retirees' health insurance premiums. The City Council approved the creation of the trust fund in FY11. This would be the city's fourth contribution. Upon approval of this appropriation it will have a balance of \$205,000, but there is a liability. The \$204 million is an actuarial number if everyone retired on the same day. That number will be refreshed through a new OPEB actuarial study. The liability will decrease because it was based on the costs of the old city health plan not the new GIC health plan. The new actuarial study will determine the decrease in actuarial obligation.

**Councilor Cox** observed that city is not alone and that every municipality is in the same boat. **Mr. Costa** confirmed the problem of funding other post-employment benefits is faced by every community in the country. The city is in the middle of the curve, he said, in terms of its effort to set aside funding.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2014-SA-61 in the amount of \$100,000 (One Hundred Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to OPEB Trust-Transfers In from General Fund, Account #830000.10.991.49700.0000.00.000.00.040 for the purpose of increasing the city's funding of the OPEB Trust Account.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Auditor, to recommend the election of Kenny Costa as the City Auditor for a term of April 2014 to April 2016.

**DISCUSSION:**

**Councilor Cox** said that the B&F Committee is extremely happy with Mr. Costa's work and urged the Council to reelect Mr. Costa.

**Councilor Whynott** said that the O&A Committee also had Mr. Costa before them and highly recommended him for reelection.

**Mr. Costa** said that his department has improved the city's General Ledger. He said he enjoys working with and educating his staff on auditing practices. He said when he first came to the city there was a lot of outsourcing of auditing work, but now his staff is able to close the city's books, and get Free Cash certified as well as working on the financial statement audit. As to goals, he said the department is looking at a new financial system for the city that will fully integrate school and city finances rather than their being two separate systems as is in place now. This, he said will be a large undertaking but something he has done in the past.

**Council President McGeary** said, as the former Chair of B&F, he commended Mr. Costa's effort and that of his staff over the last two years. He pointed out the city's books are in great shape and would vote for Mr. Costa's reelection enthusiastically.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Theken, the City Council voted by ROLL CALL 9 in favor, 0 opposed, pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Clerk, to elect Kenny Costa as the City Auditor for a term of April 2014 to April 2016.**

Upon his reelection of **Mr. Costa** asked that the Council reappoint Aleesha Nunley as the Assistant City Auditor for a term from April 2014 to April 2016.

**MOTION: The City Council voted BY ROLL CALL 9 in favor, 0 opposed pursuant to the Gloucester Code of Ordinances, Chapter 2, Sec. 2-109 concerning the reappointment of the Assistant City Auditor to reappoint Aleesha Nunley as the Assistant City Auditor for a term of April 2014 to April 2016.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2014-SA-58 in the amount of \$50,000 (Fifty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Community Development, Contractual Services, Account # 101000.10.181.52000.0000.00.000.00.052 to fund additional Community Development needs including the Fuller Site Study.

**DISCUSSION:**

**The motion to approve 2014-SA-58 was moved by Councilor Cox, and seconded by Councilor Fonvielle.**

**Council President McGeary** requested that the Council postpone this matter to the next regularly scheduled meeting when city staff will be available to answer questions of the Council. Because the future of the Fuller School is important to the City, he asked this discussion be tabled for the time being.

**By unanimous consent 2014-SA-58 is continued to April 8, 2014.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, §53A accept a grant from the Seaport Advisory Council in the amount of \$5,600,000 for the purpose of the reconstruction project of Stacy Boulevard seawall and repairs at the Blynman Bridge seawall.

**DISCUSSION:**

**Mike Hale**, Public Works Director, said the design of this project started many years ago. He noted all the city's seawalls that had been worked on. He said the Blynman Canal bulkhead and the Stacy Boulevard languished due to lack of funding which will now be in place allowing the repairs to go forward.

**David Smith**, Project Manager for GZA GeoEnvironmental, Inc., made a presentation (on file) on the Blynman Canal and Stacy Boulevard Bulkhead Reconstruction Projects as follows:

Stacy Boulevard bulkhead  $\pm$  1,810 linear feet:

- A review of a timeline starting in 2000 with the inspection of four seawalls/report; including permitting in 2008-2009 by MEPA, by the U.S. Army Corps of Engineers (Dec. 2015/2016), by the state Department of Environmental Protection (DEP) under Chapter 91 of the Mass. General Laws (Aug. 2014), by Gloucester Conservation Commission and Gloucester City Council Special Council Permit; and in 2010 submittal to the state Department of Conservation and Recreation.
- Deterioration of the Stacy Boulevard was described and photographs were shown. There is serious deterioration to the wall with huge voids and stones popping out. Soil has disappeared with the tide and creating sinkholes on the sidewalk.
- The plan for rebuilding the bulkhead for the boulevard is to take it to the concrete base and build it back up, retaining its current look. Railing will be replaced; concrete sidewalks will extend to Stage Fort Park. There will be improvements for park amenities (full description on file).
- At the Fishermen's Wives Memorial which is only 10 feet from the front wall, the bulkhead will extend an additional eight feet into the harbor.
- The wall was last surveyed in 2006/2007. An update will be done via a topographic survey.
- There will be a utility/stakeholder meeting regarding utilities that run under the Boulevard.
- The wall will have the same look but have concrete reinforcement.
- The work is anticipated to take 16 to 18 months.

The Blynman Canal bulkhead reconstruction project  $\pm$  200 linear feet

- The work extends from bridge tenders house to the concrete footing around to the peninsula and along the shoreline. This project started in 2007.
- Damage is significant to the bulkhead and seawall with huge voids. There are more constraints to accomplish the repairs for this project as there is the bridge tenders house and the canal itself. The area

- over the Spooner Tunnel (which runs underneath the bridge) will have steel sheeting placed over it and concrete beneath it to the wall.
- When the wall is stabilized it will be taken down on the land side to prevent water incursion. The wall will have a large concrete footing with stone above. The wall will be rebuilt back to its current height.
  - There will be a restoration of landward park features.
  - There is still work to do with MassDOT and the utility companies who have use of the Spooner Tunnel. There will be baseline monitoring established to assess conditions in the Spooner Tunnel. It is hoped this project will start in the fall with 10 month construction duration.

**Councilor LeBlanc** expressed his concern for the area in front of the Fishermen's Wives Memorial where the water line goes up against the wall has been undermined. Last summer during an installation of landscaping the ocean could be seen from simple holes made to do the plantings. **Mr. Hale** said it is not just in front of the Fishermen's Wives Memorial where that condition exists. He said the voids will be filled in with this project.

**Councilor LeBlanc** asked about the proposed extension in front of the Fishermen's Wives Memorial. **Mr. Hale** said it is an eight foot bump out that will run 330 feet total following a gentle curve. The alternative is to move the memorial, he said. **Councilor LeBlanc** commented on the little beaches on either side of the memorial below the seawall and asked what the integrity of the beach would be after the work is done, citing the condition of Cressy's Beach. **Mr. Hale** said the repaired seawall will have the same footprint and design. He pointed out Cressy's Beach is not protected the same way these small beaches are. He pointed out that the revetment at Cressy's Beach is the reason why it is strewn with stones.

**Councilor Hardy** noted it has been a while since the grant application checklist for the Seaport Advisory Council grant had been updated. She asked if that documentation had changed since 2012. **Mr. Hale** said that documentation did not come through his office but was administered through the Community Development Department.

**Councilor Hardy** noted within the application for the grant is a clause for a handicapped accessible restroom. She asked where it would be located. **Mr. Hale** said the public restroom would likely be installed next to the bridge tender's house in the area which opens towards the pedestrian walkway paralleling the canal.

**Councilor Fonvielle** said he understood there were to be two public restrooms. **Mr. Hale** pointed out prior to this grant there was no proposal for a restroom at all although it had been discussed for four or five years. When Sarah Garcia, Harbor Planning Director, went to the Seaport Advisory Council last fall to present the grant application, the request was made to add in a public restroom, he said, and there is only funding for one restroom.

**Councilor Cox** noted the match for this grant had already been approved by the Council in the form of a loan order for \$1,200,000.

**MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A to accept a grant from the Seaport Advisory Council in the amount of \$5,600,000 for the purpose of the reconstruction project of Stacy Boulevard seawall and repairs at the Blynman Bridge seawall.**

#### **Ordinances & Administration: March 17, 2014**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Clerk, recommends the election of Linda T. Lowe as the City Clerk for a term of April 2014 to April 2016.

#### **DISCUSSION:**

**Councilor Whynott** said that the Committee was pleased with the progress made in the last two years in the City Clerk's office by Ms. Lowe and that it voted unanimously to recommend Ms. Lowe's reelection as City Clerk.

**Linda T. Lowe**, City Clerk, noted that the last two years have been productive in the City Clerk's office. She said the entire staff contributed to the progress, which included:

- The consolidation of the polling places for Ward 2. She said she hoped to consolidate more polling places this year.
- A reorganization of the department and reclassification of positions to reflect the work that the individuals do and bring the job descriptions up to date.

- Installation of new furnishings to improve the professional appearance of the office.
- Working toward her certification through the International Institute of Municipal Clerks, which she hopes to complete within the next year. She said she would encourage the Assistant City Clerk to do the same.
- In her work with the Licensing Commission she helped to create an efficient and fair hearing system for taxi license appeals.
- Creation of the Special Events Advisory Committee and its success in decreasing the load on the Planning & Development Committee.
- Submission of an application to the Capital Improvements Advisory Board with Sarah Dunlap of the Archives Committee to create or renovate a Records/Archives Center for storage of city records.

**Councilor Hardy** noted that Joanne Senos, Assistant City Clerk, who was present, would go forward with her certification efforts as well, and that Ms. Senos does a great job.

**Council President McGeary** agreed that both Ms. Lowe and Ms. Senos do a fine job.

**Councilor Cox** said that the B&F Committee also unanimously voted to reelect Ms. Lowe as City Clerk.

**Councilor Theken** commented that the City Clerk's department has also worked on cross-training of the staff. The reorganization, she said, went smoothly. She lauded the work of Ms. Lowe and Ms. Senos. Every staff member has come together and is moving forward working as a team, she said.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, pursuant to the City of Gloucester City Charter Sec. 2-7(a) concerning the election of the City Clerk, to elect Linda T. Lowe as the City Clerk for a term of April 2014 to April 2016.**

Upon her reelection as City Clerk, **Ms. Lowe** asked that the Council reappoint Joanne Senos as Assistant City Clerk for a term from April 2014 to April 2016.

**Councilor Whynott** recalled when Ms. Senos first applied for the position that she wasn't the successful candidate but two years later when the position reopened, she was successful. He said she has done a fine job.

**Councilor Theken** also acknowledged the Clerk of Committees, Dana Jorgensson, a member of the City Clerk's staff.

**Councilor LeBlanc** expressed his appreciation for the entire City Clerk's office for their daily contributions to the city: Ms. Lowe, Ms. Senos, Ms. Jorgensson, Marie Giambanco, Grace Poirier and Maureen. Nicastro. He said he appreciated what they did for everyone in the city.

**MOTION: The City Council voted BY ROLL CALL 9 in favor, 0 opposed, pursuant to the Gloucester Code of Ordinances, Chapter 2, Sec. 2-63 concerning the reappointment of the Assistant City Clerk to reappoint Joanne Senos as the Assistant City Clerk for a term of April 2012 to April 2014.**

**The Council recessed at 8:58 p.m. and reconvened at 9:03 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Hardy, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that Council Order 2013-051 (LeBlanc) to Amend GCO c. 22 Sec. 22-200-209 "Reserved" and Sec. 22-270 "Parking Prohibited at all times" re: Draw Bridge Tender be withdrawn without prejudice.

DISCUSSION: None.

**MOTION: On a motion by Councilor Hardy, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, that Council Order 2013-051 (LeBlanc) to Amend GCO c. 22 Sec. 22-200-209 "Reserved" and Sec. 22-270 "Parking Prohibited at all times" re: Draw Bridge Tender parking be withdrawn without prejudice.**

**Planning & Development: March 19, 2014**

**Councilor Verga** informed the Council there were no matters from this meeting for Council action this evening.

**Scheduled Public Hearings:**

1. **PH2014-005: Group Free Petition under City Charter Sec. 9-1(b) re: Leash Free Gloucester Beaches Petition which requests the City Council to amend the Code of Ordinances Sec. 4-16a Dogs prohibited on beaches at certain times**

**This public hearing is opened at 9:04 p.m.**

**Council President McGeary** noted by the Council had referred changes in the Animal Control ordinance to the O&A Committee which had in turn appointed an Ad Hoc Committee to study the matter. Recommendations were made to the O&A Committee which are now under discussion, and a City Council public hearing will be held on April 22, 2014. The Council has discharged its duty pursuant to this petition, he said.

**This public hearing is closed at 9:05 p.m.**

**Councilor Hardy** noted that there is a community discussion being held in Lanesville about the proposed dog ordinance amendments, and that there may be a proposal coming forward from an ad hoc Lanesville group of concerned citizens to the Council. The City Council public hearing would take place on the proposed dog ordinance amendments on April 22.

**Public Hearings #3 and #4 were taken after Public Hearing #1.**

2. **PH2014-020: SCP2014-003: East Main Street #49, GZO Sec. 2.3.1(6) conversion to or new multi-family or apartment dwelling, three units**

**This public hearing is opened at 9:19 p.m.**

**Those speaking in favor:**

**Attorney Ralph Pino**, representing Ingrid Echiverria of 49 East Main Street, described the parameters for a Special Council Permit application under GZO Sec. 2.3.1(6), conversion to or new multi-family or apartment dwelling, three dwelling units Assessors Map #54, Lot 76 under Zoning Classification R-5. He said that **Ms. Echiverria** owns #47 East Main St., purchased first, and then purchased #49 East Main Street which thereby creates a common driveway between the two properties that sit side by side. This request is to make legal a third, previously allowed apartment.

**Mr. Pino** related the following: In August 2013 the Zoning Board of Appeals decision (on file) noted that the premise is a lawful two-family dwelling with a currently uninhabited third apartment unit. The premise was previously used as a three-family domicile, according to the Assessor's records, from at least the 1960s through 1989. In 1989 there was an application to divide the lot to #47 and #49 East Main Street which went to the Zoning Board of Appeals in which the then petitioner indicated his intention to use this house as a two-family (photos on file). After 1989 no apparent physical alternation to the premises ever took place, and the basement unit has remained complete with kitchen and bathroom. The current owner/petitioner who purchased the building in 2012 has concluded it would not make economic or construction sense to incorporate the basement apartment unit into another existing apartment unit. He referred eight support letters which he was submitting to the Council (placed on file) in support of the Special Council Permit application.

**Mr. Pino** reviewed the six Special Council Permit criteria as follows:

1. Social, Economic or community needs served by the proposal: The proposal would provide one additional housing rental unit (currently vacant) and utilize what is now simply vacant space in the building without practical means to join it to other units;
2. Traffic flow and safety: The addition of one more apartment unit would be insignificant on East Main Street; there is off-street parking;
3. Adequacy of utilities and other public services: The space was used until 1989 a separate unit and utilities are in place;
4. Neighborhood character and social structure: The neighborhood contains two- and three-family homes and commercial uses;
5. Qualities of the natural environment: There will be no exterior change in the building or site;
6. Potential Fiscal Impact: There would be increased value and tax revenue.

**Mr. Pino** asked for the Council's approval of this Special Council Permit application and to make lawful the third unit.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:23 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant Ingrid Echeiverria-Rivas a Special Council Permit (SCP2014-003) for the property located at East Main Street #49, Assessor's Map 54, Lot 76, zoned R-5, pursuant to Sections 1.8.3 and 2.3.1(6) of the Gloucester Zoning Ordinance to increase the number of dwelling units from two residential units to three residential units as based on the plan submitted with the application entitled, "Boundary Retracement Exhibit," by County Land Surveys, Inc. of Gloucester, Mass., dated February 7, 2013.

**DISCUSSION:**

**Councilor Verga** said that as this was a pre-existing dwelling unit and previously permitted and occupied, and all parameters of the Special Council Permit six criteria under GZO Sec. 1.8.3 had been met, for those reasons the P&D Committee unanimously recommended the application to the Council.

**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 9 in favor, 0 opposed, 1 (Cox) absent, to grant Ingrid Echeiverria-Rivas a Special Council Permit (SCP2014-003) for the property located at East Main Street #49, Assessor's Map 54, Lot 76, zoned R-5, pursuant to Sections 1.8.3 and 2.3.1(6) of the Gloucester Zoning Ordinance to increase the number of dwelling units from two residential units to three residential units as based on the plan submitted with the application entitled, "Boundary Retracement Exhibit," by County Land Surveys, Inc. of Gloucester, Mass., dated February 7, 2013.**

**3. PH2014-021: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Proctor Street #12****This public hearing is opened at 9:08 p.m.****Those speaking in favor:**

**Michael Militello**, 12 Proctor Street, said that the request for the handicapped parking space is for his partner, Ms. Marshall, who lives with him and has a disability. Parking in the immediate area of their home during the day is an issue, and Ms. Marshall at times has to walk two or three blocks to their home upon parking their car. He asked for the Council's support in this matter.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions:**

**Councilor Theken** reminded Mr. Militello that this space can be utilized by any handicapped person with a valid handicapped placard. **Mr. Militello** said that it was understood that the space was not for Ms. Marshall's exclusive use.

On inquiry by **Councilor Hardy**, **Councilor Whynott** said the creation of this handicapped parking space was recommended by the Traffic Commission.

**This public hearing is closed at 9:10 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO c. 22, Sec. 22-287 "Disabled veteran, handicap parking" by adding 1 handicap parking space in front of Proctor Street #12.

**DISCUSSION:**

**Councilor Whynott** said that the O&A Committee agreed with the Traffic Commission to create this handicap parking space at #12 Proctor Street.

**Councilor Cox** encouraged the Council to vote in favor. The Traffic Commission did an extensive study. Proctor Street #12 has no driveway access and approved the space unanimously, she said.

**Councilor Theken** commended Councilor Cox's work with the neighborhood. She noted there are many handicapped spaces being installed of late in the downtown area, but that this was proved to be necessary.

**Councilor Cox** assured the Council that the need for this handicapped space has been thoroughly vetted.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Hardy, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO c. 22, Sec. 22-287 “Disabled veteran, handicap parking” by adding 1 handicap parking space in front of Proctor Street #12.**

**4. PH2014-022: Amend GCO Sec. 22-269 “Stop intersections” re: intersection of Pleasant Street & Prospect Street**

**This public hearing is opened at 9:13 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:14 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22, 269 “Stop Intersections by ADDING a stop sign as follows: “Pleasant Street at its fork in the southeast corner intersecting with Prospect Street just before the driveway at 79 Prospect Street.”

**DISCUSSION:**

**Councilor Whynott** said that the installation of the proposed stop sign at the intersection of Pleasant and Prospect Streets near #79 would be an additional safety precaution and not harm the flow of traffic.

**Councilor Cox** described when driving down Prospect Street towards St. Ann’s Church, the sign would be installed at the angled portion of the roadway to the side of the Spanish War Memorial, where Prospect Street intersects with Pleasant Street. This matter was brought forward by a tenant at 79 Prospect Street, she pointed out. She said the Traffic Commission studied this matter for two months and concluded this stop sign was necessary. She noted a condition of the Traffic Commission was that she speak to the owner of the property to obtain an agreement that in the spring and summer the bushes on the property at the intersection are to be trimmed back for visibility purposes.

**Councilor Hardy** asked that **Councilor Cox** to draw the DPW’s attention to the condition placed by the Traffic Commission.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Sec. 22, 269 “Stop Intersections by ADDING a stop sign as follows: “Pleasant Street at its fork in the southeast corner intersecting with Prospect Street just before the driveway at 79 Prospect Street.”**

**5. PH2014-023: Amend GCO Sec. 16.1 “Grant Applications”**

**This public hearing is opened at 9:38 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:38 p.m.**

MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 16-1 by DELETING Sec. 16-1 in its entirety and ADDING new Section 16-1:

Sec. 16-1. Grant applications.

(a) Prior to a city agency or employee filing any grant application that requires an in-kind or monetary match, on behalf of the city, in excess of \$100,000 or multiple year commitment the total of which is anticipated to exceed

\$100,000, such application shall be submitted to the City Council for approval and referred to its Budget and Finance committee for recommendation. If the application deadline is prior to the next regularly scheduled city council meeting; then the applicant may file the application and seek committee approval at the next regularly scheduled meeting following the deadline.

b) Applications for grants with match requirements below the threshold set forth in (a) above may be submitted without prior approval of the Council, provided that the department or employee applying for the grant must notify the Council in writing of the intention to file such application. Such notification is for information only and no permission by the Council is required to complete the application.

#### **DISCUSSION:**

**Councilor Whynott** said that this grants ordinance went back to 1992 and spoke to its reasons for being put into place.

**Council President McGeary** said that this is a part of his effort is to streamline some of the city procedures. He said getting permission to apply for a grant is a bit of needless overhead as the Council retains the right to grant permission to accept any grant the city receives. He pointed out he wanted to have some provision for vetting a grant that would require a large commitment on the part of the city. The requirement of prior approval on grants requiring city match in excess of \$100,00 was included so that a check is made before someone spends a great deal of time applying for a grant and gathering the necessary documentation. so that before someone spends a great deal of time applying for a grant and gathering the necessary documentation.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Fonvielle, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, to Amend GCO Sec. 16-1 By DELETING Sec. 16-1 in its entirety and ADDING new Section 16-1:**

#### **Sec. 16-1. Grant applications.**

**(a) Prior to a city agency or employee filing any grant application that requires an in-kind or monetary match, on behalf of the city, in excess of \$100,000 or multiple year commitment the total of which is anticipated to exceed \$100,000, such application shall be submitted to the City Council for approval and referred to its Budget and Finance committee for recommendation. If the application deadline is prior to the next regularly scheduled city council meeting; then the applicant may file the application and seek committee approval at the next regularly scheduled meeting following the deadline.**

**b) Applications for grants with match requirements below the threshold set forth in (a) above may be submitted without prior approval of the Council, provided that the department or employee applying for the grant must notify the Council in writing of the intention to file such application. Such notification is for information only and no permission by the Council is required to complete the application.**

#### **For Council Vote:**

##### **1. CC2014-009 (LeBlanc/McGeary/Cox) Council Support of location of Sculpture at Grant Circle**

**Council President McGeary** said that the famous sculptor, David Black, a Gloucester has offered to gift the city by creating a signature sculpture which is of a large scale requiring a prominent place for display. He said he and Councilors Cox and LeBlanc, in whose wards locations for the proposed sculpture has been suggested, felt that Grant Circle as the gateway to the city is an appropriate spot. He pointed out much has to be done before anything can be erected on Grant Circle. He said because it is state property, permission must be gained from MassDOT to even consider the location. The state has asked that the Mayor and the Council signify they favor Grant Circle as a location. The Council is not adopting any particular proposal, design, location within the circle, but are simply saying to the state that the city would countenance Grant Circle as the location for a significant work of art in the city.

**Councilor Theken** said she was very pleased by the idea of a sculpture being placed at Grant Circle. She asked who would pick the design of the sculpture.

**Judith Hoglander**, Chair of the Committee for the Arts, said that the sculptor has made a proposal for two different sculptures. One is called "High Seas" and the other is called "Whitecaps," she noted. She said the sculptures can be made three sizes - the largest is 35 feet by 38 feet and weighs about 1.5 tons. **Council President McGeary** said the proposal would be reviewed by the Committee for the Arts when a formal proposal is submitted by Mr. Black. Right now the Committee, **Ms. Hoglander** said, is seeking an appropriate installation location. She said Mr. Black prefers the sculptures to be installed where people can interact with them but that he understood that because this is a gateway to the city, the sculpture would be representational of the city's artistic endeavors. Mr. Black has now embraced the idea of the location, she said.

**Councilor Whynott** asked if there was consideration for trailer trucks and cars that go through the circle itself and possible damage to the sculpture and to vehicles. **Ms. Hoglander** said it would likely be more damage to a vehicle because this sculpture is not a small piece. A vehicle, she said, would hit the concrete base first. She added this would have to be considered further.

**Councilor Fonvielle** asked about the sculpture's height. **Ms. Hoglander** said there is a 16 foot clearance at the base. She added that the sculpture is donated and funds would be raised for the installation and casting of the sculpture.

**Councilor LeBlanc** said he had the pleasure of spending a morning with Ms. Hoglander and Mr. Black and his family. He noted Mr. Black's sculptures are very abstract, of twisted iron and steel and are tasteful. He noted Mr. Black has sculptures installed all over the world and that for him to offer his sculpture to the city is important.

**Council President McGeary** also endorsed this Council action reiterating this is all in the preliminary stages and that the Committee for the Arts will review this proposal thoroughly as relates to location, size and appropriateness. He said a signature piece of sculpture at the gateway to the city to complement and highlight the Man at the Wheel and be an interesting addition to Gloucester's cityscape.

**MOTION: On a motion by Councilor Hardy, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) absent, the following Resolution:**

**WHEREAS the renowned sculptor, David Black, a Gloucester native, has offered his services to the city at no charge for the creation of a significant civic sculpture to be placed in a place of prominence in our city, and WHEREAS the citizens of the city and visitors to our city would benefit from such a gift, and WHEREAS the proposed sculpture would enrich our cultural and artistic heritage for which the city is justly proud,**

**NOW THEREFORE, the City Council of Gloucester records itself as favoring the location of the proposed sculpture on Grant Circle on Route 128 in the City, and FURTHER that this vote be conveyed to:**

**State Sen. Bruce E. Tarr**

**State Rep. Ann-Margaret Ferrante**

**Mr. Paul Stedman**

**Director, MassDOT-Highway Division District 4**

- 2. CC2014-010 (Lundberg/Theken) Requesting State Apply its share of \$75 million in disaster relief funding for fisheries, provided in 2014 federal omnibus appropriations bill, to direct disaster mitigation to affected fishing businesses**

**Councilor Lundberg** explained that the Mass. Congressional delegation led by Congressman Tierney and Senator Warren were able through the omnibus budget process allocate \$75 million in disaster relief funding for fisheries specifically the northeast multi-species ground fishery based in Gloucester. He said that money is both in the legislative and political intent to go directly to the businesses that have been adversely impacted for economic relief. He and Councilor Theken, he noted, thought it was appropriate that the Council express its support of the affected businesses, and that this money go directly to them in a format that affects both shore side and waterside. He pointed out he and Councilor Theken have also vetted this resolution with the fishing community at large, and they are all in support of this Council action. He said this is a transmission of the Council's intent to hold the legislature accountable.

**Councilor Theken** said that she and Councilor Lundberg went in front of the Seafood Coalition and the Fisheries Commission to discuss this Council action. She said that this is to show fishermen and the fisheries industry that the Council supports them. She pointed out that the City of New Bedford is also waiting for this vote

in order to join Gloucester in voicing its opinion. She said this federal funding not a handout but is money for relief, to diversify fishing vessels, and work with governmental entities to diversify the fisheries.

**Council President McGeary** said he joined in supporting this resolution saying it is important that it is understood this effort has to proceed on two tracks – one of long-term changes in the fisheries and rebuilding the industry for the future, and for need relief for shore side and fishing businesses in the short-term.

**MOTION: On a motion by Councilor Hardy, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 1 opposed, 1 (Cox) absent, the following Resolution:**

**WHEREAS, the Federal Government, in its Omnibus Appropriations Bill for FY2014, has appropriated \$75 Million to help alleviate the economic impacts associated with declared fisheries failures, fishery resources disasters, and State and Federal regulations; and**

**WHEREAS, the \$75 million will be allocated by the Commerce Department to the States with eligible fisheries for distribution to those affected fisheries, including the Northeast Multispecies Groundfish Fishery and its many businesses based in Gloucester; and**

**WHEREAS, those funds are to help alleviate the economic impacts associated with declared commercial fisheries failures, fishery resources disasters, and State and Federal regulations; now therefore be it RESOLVED, that the City Council of Gloucester moves that the State allocate this funding to provide for direct disaster mitigation to affected fishing businesses through immediate financial relief for the economic injury resulting from the fishing disaster, and through programs developed directly by the affected fishing industry to create economic viability of the fishery, and moves that the State not allocate this funding to activities that could be funded by other sources; and be it further;**

**RESOLVED, that a copy of these resolutions be delivered to the General Court.**

**Unfinished Business: None.**

**Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.**

**Councilors' Requests to the Mayor:**

**Councilor Fonvielle** announced an April 6 from 2:00 to 4:00 p.m. there will be a community meeting at the Magnolia Community Center with a panel of business and property owners around Lexington Avenue to update the community on all the great changes taking place and to begin the process of developing a community vision for that area. He said that will be followed by a meeting on April 7 with a community meeting in West Gloucester at the Trinitarian Church that will be more of a Town Hall style meeting.

**Council President McGeary** noted that Councilor Theken is being honored for her years in Human Services and dedication to the community as the Health and Human Services liaison at the Addison Gilbert Hospital. The event recognizing all of Councilor Theken's efforts on the community's behalf is sponsored by the North Shore Health Project, and will take place on Thursday, April 29 at the Gloucester House Restaurant. The Council indicated their appreciation of Councilor Theken with their applause.

The City Council also extended their best wishes for a Happy Birthday to **Councilor Verga**.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:50 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Speaking under Oral Communications: Mary Ann Albert Boucher**, 93 Mt. Pleasant Avenue, a submission of a written statement and a letter from Dr. Brian G. Orr, Pediatrician regarding her granddaughter's chronic respiratory issues
- **SCP2014-003: East Main Street #49**, submission of eight letters from neighbors of the applicant in support of the Special Council Permit application by Attorney Ralph Pino

**BUDGET & FINANCE**

4/3/2014

**MINUTES**

**(UNDER SEPARATE COVER)**

**Ordinances & Administration Committee**  
Monday, March 31, 2014 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
**-Minutes-**

**Present:** Chair, Councilor Whynott; Vice-Chair, Councilor Sefatia Theken; Councilor Jackie Hardy  
**Absent:** None.

**Also Present:** Councilor LeBlanc; Councilor McGeary; Councilor Cox

**The meeting was called to order at 6:00 p.m. There was a quorum of the Council.**

**1. New Appointments:**

*Director of Veterans' Services/Veterans' Agent*                      *TTE 02/14/16*      *Adam Curcuru*

**Adam Curcuru**, Director of Veterans' Services/Veteran's Agent, informed the Committee of the following: He was raised in Gloucester and attended both St. Ann's School and St. John's Prep. Upon graduation he said he joined the Marine Corps. After tours of duty in Iraq Afghanistan, he attended Salem State University and received his bachelor's degree. He then interned with Richard Barbato, the city's former Director of Veterans' Services, who encouraged him to apply for the job of the Director of Veterans' Services/Veterans' Agent.

**Mr. Curcuru** said it is his desire to help veterans of all past wars who have been his inspiration and was why he joined the armed services, but in particular he wanted to help his peers for whom the transition returning to civilian life can be difficult.

**Councilor Theken** recounted that Mr. Curcuru, acting as the veterans' liaison, has worked with her in her professional capacity to ensure there is no duplicate funding of medical insurance support, ensuring the city's veterans are well served. She noted that Mr. Curcuru, for someone as young as he, is a very mature individual. She pointed out that Mr. Curcuru related to her he is happy to stay in Gloucester and has his roots here. She noted he wants to extend outreach programs to the city schools to educate students on the accomplishments of the city's veterans. She said he had also expressed to her that he wants to continue the work Mr. Barbato had started in terms of the broad outreach to Gloucester's veterans. She said she was pleased that Mr. Curcuru has obtained his position having observed him interacting with the city's veterans as an intern. She also noted Mr. Curcuru is fortunate that Lucia Amero has been with the Veterans' Office for some time and provides invaluable assistance to the Director and the city's veterans.

**Councilor Hardy** asked if Mr. Curcuru was familiar with the processes and documentation required by the state for the support program reimbursements. **Mr. Curcuru** said he was familiarized by Mr. Barbato with the processes as to keeping the confidential records during his internship. He noted he had been fortunate to have a few veterans allow him to sit in during their Chapter 115 benefits and compensation claims sessions so that he had an introduction into that process. He added he has already completed and submitted the March Chapter 115 documentation to the state. He assured the Committee he was well aware of the submittal deadlines for the state. He noted he has been pressing forward with some of the more difficult cases he has to handle. He said he has been working with the City Auditor and CFO on the city's portion of veterans' benefits. The City Auditor's office has offered to help him learn BudgetSense which he said he would take advantage of.

**Councilor Whynott** added his approbation of Mr. Curcuru's appointment.

**MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Adam Curcuru as the Director of Veterans' Services/Veterans' Agent, TTE 02/14/16.**

*Planning Board*    *TTE 02/14/19*      *Douglas Cook (Cont'd from 3/17/14)*

**Douglas Cook**, 11 Oaks Avenue, and owner of 33 and 35 Main Street, said he has a background in city planning, architecture and landscape architecture. He said he owns and operates a design/built, landscape design practice on the North Shore. He said he has a keen appreciation for the city and admires everything about it. He wants to participate in the Planning Board as someone who could have good input in the constructive process of making good decisions for the city, he pointed out.

**Councilor Hardy** asked if Mr. Cook had a familiarity with the city's zoning ordinances. He said he has yet to delve deeply into the zoning ordinances, but he had observed several recent meetings and noted that Gregg Cademartori, Planning Director, does an excellent job preparing information for the Board. **Mr. Cook** assured he would read everything presented and if unfamiliar with any information would ask for clarification. He added that he is very interested also in aesthetics and processes, and that one of his strengths is land planning

**Councilors Hardy** and **Whynott** made several suggestions to Mr. Cook as how he might approach reviewing the zoning ordinances.

**Councilor Theken** confirmed with Mr. Cook that he had submitted his certification for the state ethics test. She discussed with Mr. Cook some of her concerns about the Planning Board process from a citizen's perspective briefly. She urged Mr. Cook to be his own person on the Board as did **Councilor Whynott**.

**MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Douglas Cook to the Planning Board, TTE 02/14/19.**

2. *CC2014-012(Cox) Amend GCO Sec. 22-270 "Parking prohibited at all times" & Sec. 22-291 "Tow-away zone re: Prospect Street at its intersection with Railroad Avenue (Cont'd from 03/17/14)*

**Councilor Cox** said the affected area referred to in the Council Order is from Railroad Avenue to the driveway entrance to Ben's Wallpaper and Paint Company at 6 Railroad Ave. She said this would not take away parking for the businesses surrounding the paint store as there is parking in the back of the building and on Railroad Avenue in the immediate vicinity. She pointed out this request didn't come just from that particular property owner, but also came from the Fire Department and Shaw's Supermarket. She said when vehicles are parked so near to the intersection of Railroad Ave. and Prospect St., vehicles are parked completely on the sidewalk or blocking the right-hand turn onto Prospect Street. For a large truck to make that turn under those conditions is nearly impossible. These amendments to the ordinances will remedy that situation, she said.

**MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Chapter 22, Sec. 22-270 "Parking prohibited at All Times" by ADDING "Prospect Street, northerly side, beginning at its intersection with Railroad Avenue for a distance of 115 feet in a westerly direction ending at the parking lot entrance behind #2-6 Railroad Avenue."**

**MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22, Sec. 22-291 "Tow Away Zone" by ADDING "Prospect Street, northerly side, beginning at its intersection with Railroad Avenue for a distance of 115 feet in a westerly direction ending at the parking lot entrance behind #2-6 Railroad Avenue."**

These matters will be advertised for public hearing.

3. *CC2014-013 (Cox) Amend GCO Chapter 22-280 "Fifteen-minute parking" re: Main Street #274 (Cont'd from 03/17/14)*

**Councilor Cox** informed the Committee that Sage Floral Design, located at #274 Main Street, has asked for a 15-minute parking space in front of their business, versus a loading zone, which would continue to allow their customers a place to park, but to also allow their business to load and off-load their goods and receive deliveries. She said these changes will not negatively impact anyone else in that area.

The Committee discussed the matter with Councilor Cox briefly and voted as follows:

**MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 22, Sec. 22-280 "Fifteen-minute parking" by ADDING "Main Street, northerly side, one space in front of #274 Main Street (replacing meter #68).**

This matter will be advertised for public hearing.

**4. CC0214-014 (McGeary) Amend GCO Chapter 22, Art. II, Division 2 "Traffic Commission" by adding new section, Sec. 22-37 re: Commission's authority to reserve parking areas for handicapped persons and disabled veterans; Amending Sections 22-175 and 22-28 (Cont'd from 03/27/14)**

**Councilor McGeary** explained that this is a proposal, after consultation with several Councilors and the Traffic Commission, is an effort to expedite the process of creating handicapped and disabled veterans' parking spaces. This, he pointed out, isn't an effort so much for the convenience of the Council, but it is more for the applicants who have to go to the Ward Councilor who forwards a Council Order that is referred to the Traffic Commission and the O&A Committee and then the Council, which is a lengthy process. He said the idea was to place this process in the hands of the Traffic Commission, letting them be the arbiter, and the list of created handicapped spaces would be incorporated into the ordinance by referencing the Traffic Commission's list as is done with other department regulations. **Councilor McGeary** noted that the Traffic Commission met March 27 and voted to support the ordinance amendment. He said that the Commission did raise a concern about conducting public hearings. Suzanne Egan, General Counsel, he said, informed him that she is fine with a public meeting on the matter of handicapped and disabled veterans' parking spaces rather than a public hearing. Whatever the Commission rules, he pointed out, would stand. He added that as ward councilors, it would be especially helpful to stay on top of the process.

**Councilor Theken** asked what happens should the Traffic Commission turn down an applicant's request, what would be the applicant's recourse. The Committee discussed several instances with handicapped spaces being denied, but **Councilor McGeary** pointed out it was not usual. **Councilor Theken** voiced the need for an appeal process.

**Councilor Whynott** said he agreed there should be an appeal process and suggested the appeal should come to the O&A Committee in case someone is aggrieved.

**Councilor McGeary** said the major part of this effort is to empower the Commission, which under the Code of Ordinance is only an advisory committee. The Commission would be able to deal with this one matter, and over time could be expanded over time to take up matters like the changing of a parking space to a 15 minute parking space. **Councilor Cox** added her approbation for such an expansion of Commission powers.

**Councilor McGeary** agreed with the **Councilors Whynott, Theken** and **Hardy** that if the Council was going to expand the Commissions powers to do more things by regulation it would be prudent to have an appeals process. The Committee also agreed that it would forward the matter to Council with placeholder language and that Councilor McGeary would obtain vetted language from General Counsel for Sec. 22-37 (c) prior to any public hearing.

**MOTION: On a motion by Councilor Theken, seconded by Councilor Hardy, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Gloucester Code of Ordinances, Chapter 22 "Traffic and Motor Vehicles" Article II, Division 2 "Traffic Commission" as follows:**

**By ADDING a new section 22-37:**

**Sec. 22-37. Commission's authority to reserve parking areas for handicapped persons and disabled veterans.**

- (a) The Traffic Commission may, after holding a duly noticed public meeting, promulgate regulations to designate certain parking areas reserved for handicapped person and disabled veterans.
- (b) A request for a handicapped person and disabled veteran parking area shall be filed with the commission through the City Clerk's office. Each request shall be accompanied by proof of a handicapped plate or placard. As a part of the public meeting, the commission shall consider the recommendation of the director of the department of public works, police and fire chief. At the close of the public meeting, the commission may, by majority vote, reserve parking areas as reserved for handicapped persons and disabled veterans. All approved reserved areas shall be published as regulations known as the "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester" and enforced when official signs are in place.
- (c) Appeals. Within 30 days of the Traffic Commission having ruled on a request to establish a handicapped or disabled veteran's parking space, any applicant aggrieved by the decision of the Traffic Commission may appeal the decision to the City Council Committee on Ordinances and Administration by filing notice of appeal with the City Clerk. The decision of the Committee on Ordinances and Administration shall be final.

**By DELETING Sec. 22-175(a) in its entirety and ADDING the following:**

**Sec. 22-175. Parking for disabled veterans, handicapped persons.**

(a) No person shall park a vehicle which does not bear the distinctive number plates or placard authorized by M.G.L. c. 90, §2 for disabled veterans and handicapped persons in any of the duly posted locations maintained in the regulations of the City Traffic Commission as its "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester".

**By DELETING Sec. 22-175(c) in its entirety and ADDING the following:**

Sec. 22-175(c) When a handicapped parking space is no longer required at a specific address; the City Clerk shall be notified by the ward councilor or any other person. Upon verification that the handicapped person or disabled veteran no longer resides in the area or no longer requires the designated parking space, the City Clerk shall notify the Director of the Department of Public Works who will cause the sign to be removed. The regulations entitled List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester shall be updated accordingly.

**By DELETING Sec. 22-287 "Disabled veteran, handicapped parking" in its entirety and ADDING the following:**

**Sec. 22-287 (Disabled veteran, handicapped parking)**

The locations reserved as parking areas for handicapped persons and disabled veterans shall be those approved by the Traffic Commission in accordance with [sections 22-37 and 22-175](#) and published as the "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester" and shall be enforced when official signs are in place giving notice thereof.

These matters will be advertised for public hearing.

**Councilor Whynott**, referring to the dog ordinance amendment language to be brought forward at the Committee's next regularly scheduled meeting for discussion, said he wanted to strongly request the Public Health Department's input on dogs on the beaches. **Councilor LeBlanc**, Chair of the Ad Hoc Dog Ordinance Committee, said that technically the Ad Hoc Committee never asked the Public Health Department for their opinion. The information received by the Ad Hoc Committee from the Public Health Department stemmed from an oral communication made by Phil Dench at a City Council meeting regarding dog feces on beaches and possible health hazards that may result. The Public Health Department forwarded to Mr. Dench and the Ad Hoc Committee some educational materials. He advised the Committee that he was going to meet with the Shellfish Constable, Dave Sargent, the following day to obtain his opinion.

**Councilor Theken** reminded the Committee that a previous city health nurse had done a great deal of research into the health ramifications of dog fecal matter on city beaches and possible health issues that might arise from it and advised that information should still be on file with the Public Health Department.

**MOTION: On a motion by Councilor Whynott, seconded by Councilor Theken, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to strongly request that the Public Health Department submit its input and opinion regarding the proposed dog ordinance amendment, specifically to dogs on city beaches and any health issues that may be faced due to dog fecal matter by Thursday, April 10, 2014.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:40 p.m.**

**Respectfully submitted,  
Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**

Planning & Development Committee  
**Wednesday, April 2, 2014 – 5:30 p.m.**  
1<sup>st</sup> Fl. Council Committee Room – City Hall  
**-Minutes-**

**Present:** Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor Steven LeBlanc  
**Absent:** None.

**Also Present:** Councilor Paul McGeary (entered meeting at 5:40 p.m.); Suzanne Egan

The meeting was called to order at 5:30 p.m.

1. *Revisit of Free Petition in accordance with City Charter Sec. 9-1(b) re: Condition, Restoration and Preservation of Stage Fort Park (Cont'd from 03/05/14)*

This matter is continued to April 16, 2014.

2. *Memorandum and pertinent material from Planning Director re: Land Disposition Committee Recommendations on 6 Stanwood Street (Easement Request by Karen Elliot, 6 Stanwood Street (Cont'd from 03/19/14)*

**Suzanne Egan**, General Counsel, said she has not heard of any new information from either of the parties involved, but knew the attorneys for both parties were negotiating an agreement. **Karen Elliott**, 541 Washington Street, requestor for the easement, confirmed to the Committee that lawyers for each side were still working on an agreement.

This matter is continued to April 16, 2014.

3. *CC2014-007 (Verga) Request amendment to GZO under Sec. 1.11.2(e) to amend “sign ordinance” Sec. 4.3 by adding new definition to Sec. VI for “programmable scrolling sign” and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include “outdoor programmable scrolling signs (Cont'd from 3/19/14)*

**Councilor Verga** said that the Planning Board held a public hearing regarding his Councilor Order request to amend the zoning ordinances under Sec. 2.11.2(e) “sign ordinance,” and Sec. 4.3 to add a new definition to Sec. VI for “programmable scrolling sign” and to amend Sections 4.3.2, 4.3.3 and 4.3.4 to include “outdoor programmable scrolling signs. He said that at the close of that public hearing, the Planning Board discussed the matter and voted to not recommend the zoning ordinance amendments (memo on file). As a result, he recommended that the P&D Committee not recommend the amendments to the zoning ordinance either. **Councilors LeBlanc and Lundberg** indicated their assent.

**MOTION:** On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council Amend GZO Sec. 1.11.2(e) “sign ordinance,” Sec. 4.3 by adding new definition to Sec. VI for “programmable scrolling sign,” and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include “outdoor programmable scrolling signs.

4. *SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 & Sec. 5.25 Hotel Overlay District (Cont'd from 03/19/14)*

**Attorney John Cunningham**, representing Beauport Gloucester LLC (Beauport), reviewed for the Committee matters taken up at the March 6, 2014 Special Joint Meeting of the Planning & Development Committee and the Planning Board by saying that:

**Mr. Cunningham** reviewed that on behalf of Beauport, he made a presentation of the applicant’s requests for modifications to the Special Council Permit on March 6. He noted that the plan modifications center on moving the portions of the hotel above the parking deck back from Commercial Street and moving the seawall further landward which results in additional beach space in front of the hotel. It was noted that at that time the applicant submitted a full set of plans and drawings as well as provided copies of the slides presented at that time (on file).

**Mr. Cunningham** explained that following that meeting, the Planning Board submitted its advisory report, along with responses by various city agencies (on file). The Planning Board recommended the approval of the proposed modifications to the Special Council Permit. He said that the Planning Board also approved modifications under the Site Plan Review portion of the zoning ordinance. Since that meeting, he noted, Beauport has submitted a proposed deed (on file) in connection with the request for modifications. As part of the settlement agreements, Beauport has agreed to propose a revision to the terms of the original deed, which is currently held in escrow, pursuant to the Beach and Development Agreement of April 30, 2013. He said that Beauport believes the changes to the deed are favorable to the city and the public. To show those changes to the Committee, **Mr. Cunningham** submitted a marked up copy of the Approval Not Required Plan (on file), referred to in the deed, to show the location of Parcel 2, which is being deeded to the city.

He explained further that the original deed reserved an easement to build coastal structures on Parcel 2. Under the modified plans in which the hotel and the seawall are being moved back 20 feet, there is sufficient room to construct any coastal structures without using Parcel 2, should it be needed in the future. He said that the easement reserving those rights is deleted from the new proposed deed. He also pointed out that the new deed allows public, in common with others, the use of the sandy portions of Parcel 1, which are not now, or in the future, used for the hotel building, seawall and other improvements, all as shown on the Special Council Permit plan or approved in the future, the sand in front of it will be available in general.

**Councilor Verga** confirmed with **Mr. Cunningham** that Parcel 2 continues to be part of the deed but no longer subject to easements for potential coastal structures. He noted that General Counsel had reviewed the documentation. **Ms. Egan** said that what Mr. Cunningham has conveyed to the Committee was accurate.

**Mr. Cunningham** noted a marked up the Seawall Location Plan dated March 6, 2014, (the tenth sheet in the package) illustrating the approximate area of the additional beach use easement area, after the construction of the proposed hotel and improvements. He said that in the event that in the future additional coastal structures are appropriate and permitted, the area to which the easement applies would be adjusted to reflect that.

He said that Beauport is requesting that the P&D Committee recommend to the City Council the approval of the revised deed as a replacement.

**Mr. Cunningham** pointed out that it was also discussed at the last meeting the opportunity to widen a portion of Commercial Street, as shown generally on the illustration at the joint meeting (on file). Beauport believes that this reduction of the front-yard setback meets all of the standards for a grant of a special permit, he said. He noted the six factors are believed by the applicant to be met under Section 1.8.3 as follows:

- 1) the modification serves the social, economic and community needs as the wider Commercial Street facilitates use by the neighborhood, commercial, and industrial businesses;
- 2) the wider Commercial Street enhances traffic flow and safety, allowing easier passage of large trucks that currently use Commercial Street;
- 3) utilities and other public services are scheduled to be upgraded through a collaboration among the city, state, and the applicant;
- 4) the area character and social structure are an example of a diverse neighborhood that contains residential, commercial, industrial, and hospitality uses which will benefit from the widening of the street and the construction of a new sidewalk;
- 5) the proposed street improvements will have no negative impact on the natural environment;
- 6) and the potential fiscal impacts from the development of the hotel and the concurrent widening of Commercial Street will be positive for the neighborhood, businesses and the City.

**Attorney Cunningham** requested on behalf of Beauport Gloucester, LLC that the Committee recommend to the Council the approval of the Special Council Permit for the reduction of the front-yard setback.

He concluded his remarks by saying that Building Inspector has submitted a letter (on file) following Beauport's acquisition of a property located at 99 Essex Avenue for off-site parking, indicating that it is his determination that the documentation supplied satisfies the Special Permit condition.

#### **1. MODIFICATION OF SPECIAL COUNCIL PERMIT FOR A HOTEL ORIGINALLY GRANTED ON MARCH 13, 2013 AND DECISION DATED MAY 9, 2013:**

**Councilor Lundberg** said that the Committee has carefully reviewed all material forwarded by the City Clerk relative to this application, has held two public meetings on March 6, 2014 and April 2, 2014, at which time a full and complete presentation of the application was made by the applicant, and has received and reviewed a detailed Advisory Report dated March 24, 2014, from the Planning Board. He noted that based on its review, the Planning and Development Committee Finds the following:

- 1) The requested modifications meet the standards under Section 1.5.13, as the interests of the neighborhood and the City are not impaired by the proposed modifications. They are consistent with the original special council permit decision and they do not detract from the protection provided to the neighborhood and the City by the Council's original decision.
- 2) The original Record Plans shall be replaced by the plan set entitled "Plans to Accompany Permit Applications for Beauport Gloucester Hotel Commercial Street Gloucester, Massachusetts," prepared by Beals Associates and Olson Lewis + Architects, dated January 13, 2014 with revisions through March 17, 2014.
- 3) Condition 2 on page 8 of the May 9, 2013 Decision is deleted as the emergency generator has been relocated and is no longer at street level at Fort Square.
- 4) The reference to a walkway across the beach side of the Hotel in condition 8 is deleted and the following is substituted: There shall be public access from Commercial Street to Pavilion Beach as shown on the new Record Plan set.
- 5) The Special Permit issued under Section 5.5.4 is no longer necessary as Section 5.5 has been deleted in its entirety from the Gloucester Zoning Ordinance. This Special Council Permit is deleted from the Decision;
- 6) Special Permit Condition number 24 in Appendix 1 relating to the off-site, valet and tandem parking special permit granted under Section 5.25.5.1 is satisfied by the applicant's acquisition and proposed use of the property at 99A Essex Avenue, Assessors Map 218, Lots 126, 1 and 17. In addition, the Committee concurs in the Building Inspector's determination (dated March 26, 2014 that the Council's decision authorized off-site parking, and that 99A Essex Avenue complies with the provision of the Zoning Ordinance and the Special Condition.
- 7) The deed required under the Beach and Development Agreement dated April 30, 2013 by and between the City and Beauport Gloucester, LLC, which agreement was made a part of the Special Permit as Condition 9 on Page 8 and shown as Appendix 4 shall be replaced by a revised deed, a copy of which is annexed as Exhibit One. The revised deed deletes so much of the escrowed deed as reserved an easement to Beauport Gloucester, LLC for coastal structures on Parcel 2 and adds to the Deed an easement for public use for beach purposes of those portions of Parcel 1 seaward of structures, existing from time to time, all as stated in the revised deed.

**Councilor LeBlanc** noted that the applicant will have the right to construct something on Parcel 1 of the beach and asked what types of structures the applicant would anticipate building. **Mr. Cunningham** said if flood elevations rise, the purpose would be to adjust the height of the seawall, or perhaps a form of egress to the beach.

**Lee Dellicker**, Windover Construction, said in case of storm damage it would apply in order to replace structures.

**Councilor LeBlanc** said that some of the local businesses near 99 Essex Avenue have used that property for overflow parking, he asked that Beauport keep in touch with them regarding any opportunity for those businesses to make arrangements to use any underutilized spaces Beauport may have. **Mr. Cunningham** and **Mr. Delliker** assured the Councilor they had been in touch with the local businesses already.

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council the approval of the requested modifications of the Special Council Permits (SCP2014-004) granted to Beauport Gloucester LLC for a Major Project/Hotel at 47-61 Commercial Street, Map 1, Lot 33, in the Hotel Overlay District pursuant to Sec. 1.5.13 and Section 5.25.**

## **2. APPROVAL OF REPLACEMENT DEED:**

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council as part of the Modification, to approve the Replacement Deed under the Beach and Development Agreement dated April 30, 2013 which is annexed as Exhibit One and to recommend to the City Council a separate vote to approve the easement granted by the applicant in the Replacement Deed.**

## **3. SPECIAL COUNCIL PERMIT FOR FRONT YARD SETBACK:**

**Councilor Lundberg** related the following: That the Hotel Overlay District provides under Section 5.25.4.1 that all buildings and structures permitted pursuant to the HOD shall have a minimum front yard setback of ten (10) feet. The originally approved Hotel complied with this standard. Pursuant to Section 5.25.7, the City Council is

authorized to issue relief for setback non-compliance by the issuance of a special permit. In this instance, the infrastructure improvements planned by the City for the area, including the widening of Commercial Street, the existing truck traffic on Commercial Street, the current narrow layout of Commercial Street and important safety benefits of the proposed sidewalk on this side of Commercial Street warrant the finding that the reduction from 10 feet to 5 feet is in the public interest.

The Planning and Development Committee finds the following: Any adverse effects of the proposed modification to the front yard setback standard do not outweigh the benefits to the City, the zoning district or the neighborhood, and the modification will be in harmony with the general purpose and intent of the Zoning Ordinance. As further grounds, the Committee finds the following:

- 1) the modification serves the social, economic and community needs as the wider Commercial Street facilitates use by the neighborhood, commercial, and industrial businesses;
- 2) the wider Commercial Street enhances traffic flow and safety, allowing easier passage of large trucks that currently use Commercial Street;
- 3) utilities and other public services are scheduled to be upgraded through a collaboration among the city, state and applicant;
- 4) the areas character and social structure are an example of a diverse neighborhood that contains residential, commercial industrial, and hospitality uses which will benefit from the widening of the street and the construction of a new sidewalk;
- 5) the proposed street improvements will have no negative impact on the natural environment; and
- 6) the potential fiscal impacts from the development of the hotel and the concurrent widening of Commercial Street will be positive for the neighborhood, businesses and the city.

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, recommends that the City Council grant a Special Council Permit for a front yard setback of five (5) feet on a portion of Commercial Street, as shown on the Record Plans, for a Hotel to be located on Map 1, Lot 33, pursuant to Section 5.25.7 of the Hotel Overlay District of the Gloucester Zoning Ordinance.**

These matters are advertised for public hearing.

**The draft of the Beach Deed is found at the end of these minutes.**

**The Committee recessed at 5:52 p.m. and reconvened at 5:53 p.m.**

**5. SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) Building Height in Excess of 35 feet (Cont'd from 03/19/14)**

**Attorney Salvatore Frontiero**, representing the applicant, Kathleen Stavis, Trustee and James Stavis, said that at the last meeting the P&D Committee recommended this matter be continued two weeks to give the Stavis' time to alleviate concern regarding this application from neighbors next door. He said in that the interim; there was a meeting at the Stavis' property where the neighbor, Eric Holdsworth, his attorney, Mark Glovsky, did a walkthrough showing where the home would be located approximately. There was a subsequent discussion for settlement of the matter, and he said that some progress was made in that it was agreed there should be plantings and screening on both sides of the properties where it abuts. He said there was a breakdown, however, when requests were made that were deemed unreasonable by the Stavis' regarding provisions for storage areas for personal property, the location of air-conditioning units and provisions for light screening. There is now an impasse between the parties, he said. He asked that despite the impasse as he described, that the Committee move forward the request for a height exception.

**Attorney Mark Glovsky**, representing Mr. and Mrs. Eric Holdsworth, direct abutters to 48 Fort Hill Road, said that in the absence of his clients, said he would wait to speak on the matter at the public hearing.

**Councilor Verga** said that the Committee had heard the review of the overall plan, but had wanted to give both parties time to forge a compromise. He said he did not see a need for another presentation.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, a Special Council Permit (SCP2014-005) for the property**

located at Fort Hill Avenue #48 (Assessor's Map 136, Lot 47), zoned RC-40 (Coastal Residential), pursuant to Gloucester Zoning Ordinance Sections 1.10.1 and 3.1.6(b) for a building height in excess of 35 feet, for a home to be 39 feet (for a total height increase of 4 feet over 35 feet). This permit is made on the basis of the plans and elevations dated November 19, 2013 and as revised 3/19/14 (revision: house location, reduced courtyard) by Castle Del Rio Architects, 15 Meyer Lane, South Hamilton, MA, submitted to the City Clerk on February 26, 2014.

**6. Memorandum from General Counsel re: Gloucester/Rockport Intermunicipal Agreement (IMA) for sewer services**

**Ms. Egan** said that the previous Gloucester/Rockport Waste Water Intermunicipal Agreement (IMA) for sewer has expired, entered into more than 10 years ago and has expired. The Committee would be voting to authorize the Mayor to enter into a new IMA agreement for a 10 year period. She pointed out there are only two changes in the agreement from the last one - if Rockport asks for any increase or any additional houses to use the waste water service, the City Council and the DPW Director are now permitted to make a determination whether it would be beneficial or detrimental to the city. She pointed out that the second change allows for the extension of the season for Long Beach properties that will pay the same rate as all the other users. The Rockport Board of Selectmen has reviewed the IMA and has voted to approve it.

**Councilor Verga** gave an example that if 10 houses were constructed in a development in Rockport's Long Beach, and asked what the process would be for adding the houses. **Ms. Egan** said that would be a modification to the agreement. She pointed out there is a set flow and set number of houses, and said that the agreement doesn't call for an increase of the flow; Rockport hasn't reached that maximum flow. She added that the agreement does say there can be additional users but that the flow can't be increased. Before more users are added, they have to come before the DPW who makes the determination whether there is a detrimental impact, she said.

**Councilor Lundberg** noted there is 35,000 gallons annually allowed. **Ms. Egan** confirmed Rockport is limited to that amount but also that the town is under that limit. **Councilor Verga** observed that if the addition of six houses keeps the flow under 35,000 gallons, the DPW can allow the additional houses to tie in. **Ms. Egan** agreed, saying that would be the case as long as it was determined to be reasonable.

**Councilor Verga** said he would support the IMA, but a former Ward 5 Councilor he observed that the IMA agreement with Rockport and Essex is insulting to some people in West Gloucester who have been told they cannot connect to the city sewer lines. He pointed out examples where homes were literally in front of the Essex Ave. sewer line and were told they couldn't tie in because of the issues with the lower Essex Ave. sewer line. He said the city needs to work on equity for its own citizens.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the Mayor to enter into the inter-municipal agreement entitled, "INTER-MUNICIPAL AGREEMENT FOR WASTEWATER COLLECTION, TREATMENT AND DISPOSAL BETWEEN CITY OF GLOUCESTER, MASSACHUSETTS AND TOWN OF ROCKPORT, MASSACHUSETTS."**

**7. Memorandum from Senior Engineering Aide re: Proposed Street Naming & Numbering Plans**

**Councilor Verga** explained that the Committee is in receipt of a memo from Karen Andrews, Senior Engineering Aide which outlined that under the Code of Ordinances Sec. 21-3 that the P&D Committee needs to make a referral of the streets proposed to be renamed and renumbered to certain city departments for their review and recommendations. The departments have 14 days to respond. They are: Engineering, Fire, Police, Planning and Assessors.

**Councilor McGeary**, referring to the proposed street name change from Gilson Way to My Way, that he was contacted by Ron Gilson who said he has no issue with Gilson Way being renamed.

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to refer to the appropriate departments the proposed street naming and numbering plans from the Engineering Department prior to the April 16, 2014 regularly scheduled meeting.**

**This matter is continued to April 16, 2014.**

**8. *Application for License of Flammable and Combustible Liquids, Flammable Gasses and Solids re: 27 Maplewood Avenue***

The Committee determined, in the absence of the applicant, to move the matter forward to public hearing, noting that this was a transfer of the established license.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council to grant Faye Holding LLC as owner, for Tony's Service Station Inc., a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 27 Maplewood Avenue for the storage of 16,000 gallons of Combustible Liquids—under M.G.L. Chapter 148, Sec. 13 and regulations thereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I, In General and sections thereunder. Said applicant is responsible under GCO Sec. 8.1 requiring that the applicant shall be responsible for payment of fees for advertising for public hearing and postage for legal notices to all abutters.**

This matter is to be advertised for public hearing.

**A motion was made, seconded, and voted unanimously to adjourn the meeting at 6:10 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

**Draft of Beach Deed language submitted by Attorney John Cunningham on behalf of applicant, Beauport Gloucester LLC under SCP2014-004 as follows:**

**Exhibit One**

**DEED**

Beauport Gloucester, LLC, a Massachusetts limited liability company ("Grantor"), for One Dollar (\$1.00) consideration paid, grants to the City of Gloucester, a municipality incorporated under the laws of the Commonwealth of Massachusetts ("Grantee"), all of its right, title and interest in and to that certain parcel of beach and flats in Gloucester, Essex County, Massachusetts (the "Premises") described in Exhibit A, attached hereto and incorporated herein by reference, for use, in common with others entitled thereto, for all purposes for which public beaches are now or hereafter used in the City of Gloucester.

Grantor reserves the perpetual right and easement, as appurtenant to Grantor's Remaining Land, as defined in Exhibit A, to utilize the Premises as a public beach and for all purposes which are not materially inconsistent with the rights of the general public to utilize the Premises as a public beach. No rights reserved by Grantor hereunder shall be exercised in a manner which is materially inconsistent with the general public's rights to utilize the Premises as a public beach, other than as provided herein.

Grantor grants to the Grantee the perpetual right and easement for use, in common with the Grantor and others entitled thereto, for all purposes which public beaches are now or hereafter used in the City of Gloucester, so much of Parcel 1, as lies southwesterly of the structures, improvements and seawalls constructed on Parcel 1 from time to time, subject to Grantor's continuing right to use, maintain, alter, repair, add to, remove, construct, install and replace coastal structures, including but not limited to, retaining walls, seawalls and revetments, as well as access and egress walkways on Grantor's Remaining Land. Grantor's reserved right to construct such coastal structures further southwesterly from the hotel and coastal structures and egress walkways shown on the plans previously approved by the City, pursuant to

which the improvements are to be built, shall be subject to any applicable permitting and approval requirements and be limited to circumstances in which such construction is directed by a governmental authority or flood insurance requirements or where such construction is necessary or appropriate to protect the beach or any structure(s) or part(s) thereof on Grantor’s Remaining Land.

Notwithstanding anything to the contrary herein contained, Grantor, subject to obtaining all required permits therefore, in exercising any of its rights hereunder, shall have the temporary right, from time to time, to bring onto the Premises and/or Grantor’s Remaining Land, such personnel, equipment and materials as may be reasonable necessary or appropriate for Grantor to so exercise its rights. In such instances, the general public’s right to utilize the Premises and/or Grantor’s Remaining Land, or portions thereof, may be temporarily interrupted. In addition, any improvements constructed or installed on the Premises by Grantor which are approved by the Commonwealth of Massachusetts or by the Grantor, or which are required by or mandated by any governmental agency or entity, shall be presumptively deemed not to be materially inconsistent with the general public’s rights to utilize the Premises and/or Grantor’s Remaining Land as a public beach.

For purpose of that Deed, Grantor shall include its employees, guests, invitees and licenses and its successors and assigns.

No other rights to use the Grantor’s Remaining Land are being granted or created, including, but not limited to, any rights by implication or necessity.

WITNESS the execution hereof under seal this            day of            , 2014.

Beauport Gloucester, LLC

By:

Name:

Title:

COMMONWEALTH OF MASSACHUSETTS

On this \_ day of \_\_\_\_\_, 2014 before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which were a \_\_\_\_\_ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Manager for Beauport Gloucester, LLC.

Notary Public \_\_\_\_\_

**Exhibit A to deed from Beauport Gloucester, LLC to the City of Gloucester**

The “Premises” are that certain parcel of land located southwesterly of, but not on, Commercial Street in Gloucester, Essex County, Massachusetts consisting of beach and flats and shown as Parcel 2 on a plan (the “Plan”) entitled “Approval Not Required, Plan of Land, 47-61 Commercial Street, Gloucester, MA” by Coler & Colantino dated January 23, 2013, to be recorded herewith.

Parcel 1 on the Plan is referred to in the Deed to which this Exhibit is attached as “Grantor’s Remaining Land”.

For Grantor’s title to the Premises and Grantor’s Remaining Land, see Deed dated July 7, 2011, recorded with the Essex South District Registry of Deeds in Book 30521, Page 84 and Confirmatory Deed dated July 15, 2011, recorded with said Deeds in Book 30531, Page 311.

DRAFT



## GLOUCESTER CITY COUNCIL 2014 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2014- 024  
**SUBJECT:** Amendment to GZO Section VI "Definitions" for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3 4.3.4 regarding "outdoor programmable scrolling signs"  
**DATE OPENED:** April 8, 2014  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** PB 3/20/14, P&D 2/19/14, 3/19/14, 4/2/14

**AMENDMENT  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1.11, the Gloucester City Council will hold a public hearing on **Tuesday, April 8, 2014 at 7:00 p.m.** in the Fred J. Kyrouz Auditorium, City Hall, 9 Dale Avenue, to consider the following petition to amend to the Zoning Ordinance as follows:

Amend the Gloucester Zoning Ordinance by adding a new definition to Section VI "Definitions" for "programmable scrolling sign"; and amend Sec. 4.3.2 "Regulations Applicable to Signs in Nonresidential Districts", Sec. 4.3.3 "Signs and Murals Permitted in Addition to the Total Maximum Signage allowed in Nonresidential Districts", and Sec. 4.3.4 "Regulations Applicable to Signs in Residential Districts" to include "outdoor programmable scrolling signs" located on public property and on property of non-profit community groups when the signs provide notices that benefit the public.

A copy of the proposed amendments is available for viewing at the Community Development Office, 3 Pond Road, and at the City Clerk's Office, 9 Dale Avenue. At the public hearing, all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Linda T. Lowe,  
City Clerk

AD#13087765  
CAB 3/21, 3/25/14



# CITY OF GLOUCESTER

## PLANNING BOARD

3 Pond Road, Gloucester, MA 01930

Tel 978-281-9781

Fax 978-281-9779

14 MAR 31 PM 2:30  
CITY OF GLOUCESTER MA

Date: March 31, 2014  
To: City Council  
From: Planning Board  
RE: **Planning Board Report on the Proposed Zoning Amendment –  
Outdoor programmable scrolling signs**

The Gloucester Planning Board held a properly advertised public hearing, in accordance with M.G.L. Chapter 40A Section 5 and Section 1.11 of the Gloucester Zoning Ordinance; on the above referenced proposed amendment on March 20, 2014 (draft minutes are attached). The following Council Order was presented to the Planning Board by planning staff:

**Amend the Gloucester Zoning Ordinance by adding a new definition to Section VI for “programmable scrolling sign”.**

**Amend sections 4.3.2., 4.3.3 and 4.3.4 to include “outdoor programmable scrolling signs” located on public property and on property of non-profit community groups when the signs provide notices that benefit the public.**

The Planning Department staff recommended the term “programmable electronic sign” as the more common term that refers to the broad types of programmable signs and provided a definition for the Board. Staff also recommended to the Board that the portion of the amendment allowing programmable electronic signs for non-profits be removed. Non-profit is a building use and not a land use, thus making it difficult to define and difficult to enforce.

At the hearing no one spoke in favor of the proposed amendments; there was limited public testimony in opposition to the proposed amendments. In the testimony there was a concern that the proposed signage could become a distraction to motorists, and that the style of the proposed signage did not fit into the design and general aesthetic of the community.

The Planning Board discussed the proposed amendment and reviewed examples of the type of signage under consideration. The Planning Department staff provided images of examples of programmable scrolling signs. The Board also expressed there may be safety concerns, for the type of signage is designed to attract one’s attention and could distract a motorist. The signs were not considered to fit into the character of the City’s streetscapes. While the programmable signs could provide important information to the public, it was noted that there already exists several effective means of disseminating important information to the public, including the City’s Code Red Emergency Notification System, the blue emergency snow lights, and the gloucester-ma.gov website. Finally, it was also pointed out that, if the amendment is not adopted, there would still be a process for installing such signs either through a special permit or variance as needed. The Board determined that a special permit or variance would be the most appropriate process for approval to install this type of signage.

After closing the hearing, the Planning Board voted unanimously (4-0) to recommend to the City Council not to amend sections 4.3.2 and 4.3.3. and 4.3.4 add the definition to section IV.

**II. PUBLIC HEARINGS**

- A. In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1.11, the Gloucester Planning Board will hold a public hearing on Thursday, March 20, 2014 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall, to consider the following petition amend the Zoning Ordinance:

*Amend the Gloucester Zoning Ordinance by adding a new definition to Section VI for "programmable scrolling sign". Amend sections 4.3.2., 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs" located on public property and on property of non-profit community groups when the signs provide notices that benefit the public.*

Mr. Coogan explained to the board the request to add a new definition to sections 4.3.2., 4.3.3 and 4.3.4 of the Gloucester Zoning Ordinance to include "outdoor programmable scrolling signs" or "outdoor programmable electronic signs". They would be informational signs for the public to be permanently displayed, and it is recommended that they only be allowed on municipal property.

**Public Comment:**

**Bob McDermott 49 Lexington Avenue**

Mr. McDermott stated he was opposed programmable signs as they can be a distraction while people are driving, especially in busy intersections. The internet keeps most people well informed of public events.

Ms. Black asked where the interest arrived from.

Mr. Cademartori stated that Councilor Verga brought it forward as a Council Order upon a constituent request he received. He stated that this type of signage should not be allowed on private property. In the proposal, it says it can be used for community use, which outlined in the memo may be problematic. Once a sign is up it goes with the property, it may be difficult to track ownership status as proposed. The statement that refers to benefiting the public is also too broad, and may mean different things to different people.

Ms. Black stated that if you look at the structure of our community, all of the major departments are in a tight area; City Hall, Police, Fire etc. The signs would not be seen by a majority of the public unless you were near those buildings. Ms. Black asked who would make the decision of what is displayed on the signs?

Mr. McCarl stated he believed it would be better handled on a special permit basis instead of having it as a generally available.

Mr. Henry stated that if the language is limited as presented it would only be utilized for and by the city.

If the provision is granted, an example of public good would be a sign to announce beach traffic and beach lot updates to the public. This may be better handled, as it would be currently, as a variance request.

**Motion: The Planning Board does not support amending the Gloucester Zoning Ordinance by adding a new definition to Section VI for "programmable scrolling sign" in sections 4.3.2., 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs" located on public property and on property of non-profit community groups when the signs provide notices that benefit the public. Further that adequate provisions exist in the current zoning ordinance to address this use.**

**1<sup>st</sup>: Henry McCarl**

**2<sup>nd</sup>: Mary Black**

**Vote: Approved 4-0**

Planning & Development Committee  
**Wednesday, April 2, 2014 – 5:30 p.m.**  
 1<sup>st</sup> Fl. Council Committee Room – City Hall  
 -Minutes-

**Present:** Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor Steven LeBlanc

**Absent:** None.

**Also Present:** Councilor Paul McGeary (entered meeting at 5:40 p.m.); Suzanne Egan

The meeting was called to order at 5:30 p.m.

1. *Revisit of Free Petition in accordance with City Charter Sec. 9-1(b) re: Condition, Restoration and Preservation of Stage Fort Park (Cont'd from 03/05/14)*

This matter is continued to April 16, 2014.

2. *Memorandum and pertinent material from Planning Director re: Land Disposition Committee Recommendations on 6 Stanwood Street (Easement Request by Karen Elliot, 6 Stanwood Street (Cont'd from 03/19/14)*

Suzanne Egan, General Counsel, said she has not heard of any new information from either of the parties involved, but knew the attorneys for both parties were negotiating an agreement. Karen Elliott, 541 Washington Street, requestor for the easement, confirmed to the Committee that lawyers for each side were still working on an agreement.

This matter is continued to April 16, 2014.

3. *CC2014-007 (Verga) Request amendment to GZO under Sec. 1-11.2(e) to amend "sign ordinance" Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs (Cont'd from 3/19/14)*

Councilor Verga said that the Planning Board held a public hearing regarding his Councilor Order request to amend the zoning ordinances under Sec. 2-11.2(e) "sign ordinance," and Sec. 4.3 to add a new definition to Sec. VI for "programmable scrolling sign" and to amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs." He said that at the close of that public hearing, the Planning Board discussed the matter and voted to not recommend the zoning ordinance amendments (memo on file). As a result, he recommended that the P&D Committee not recommend the amendments to the zoning ordinance either. Councilors LeBlanc and Lundberg indicated their assent.

**MOTION:** On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council Amend GZO Sec. 1.11.2(e) "sign ordinance," Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign," and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs."

4. *SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 & Sec. 5.25 Hotel Overlay District (Cont'd from 03/19/14)*

Attorney John Cunningham, representing Beauport Gloucester LLC (Beauport), reviewed for the Committee matters taken up at the March 6, 2014 Special Joint Meeting of the Planning & Development Committee and the Planning Board by saying that:

Mr. Cunningham reviewed that on behalf of Beauport, he made a presentation of the applicant's requests for modifications to the Special Council Permit on March 6. He noted that the plan modifications center on moving the portions of the hotel above the parking deck back from Commercial Street and moving the seawall further landward which results in additional beach space in front of the hotel. It was noted that at that time the applicant submitted a full set of plans and drawings as well as provided copies of the slides presented at that time (on file).

Planning & Development Committee  
**Wednesday, March 19, 2014 – 5:30 p.m.**  
 1<sup>st</sup> Fl. Council Committee Room – City Hall  
 -Minutes-

**Present:** Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor Steven LeBlanc  
**Absent:** None.

**Also Present:** Councilor Paul McGeary

The meeting was called to order at 5:30 p.m.

Agenda Items 1 and 2 are continued to April 2, 2014.

1. *SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 & Sec. 5.25 Hotel Overlay District (Cont'd from 03/06/14)*
- 2. *CC2014-007 (Verga) Request amendment to GZO under Sec. 1.11.2(e) to amend "sign ordinance" Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs (Cont'd from 2/19/14)*
3. *Memorandum and pertinent material from Planning Director re: Land Disposition Committee Recommendations on 6 Stanwood Street (Easement Request by Karen Elliot, 6 Stanwood Street (Cont'd from 03/05/13)*

This matter is continued to April 2, 2014 at the request of General Counsel.

4. *SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) Building Height in Excess of 35 feet*

Overview:

Attorney Salvatore Frontiero, representing the applicant, James and Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, said that the revised request is for a height exception for 38.5 feet. Mr. Frontiero said the Stavis' purchased the property in 2012. Orienting the Committee to a displayed plot of land said the southeast elevation faces the ocean; the northwest elevation faces Drumhack Road, the southwest elevation faces Fort Hill Avenue; and the northeast elevation faces the Holdsworth property, a direct abutter of 48 Fort Hill Avenue. He noted there is a brick gate house on the ocean side (southeast side) of the property. There was a small structure closer to the ocean than the gate house, and another larger structure and a portion of a garage on the existing gate house that were destroyed by a storm some years ago. He pointed out an area of wetlands at the center of the approximately six acre property. He informed the Committee that Federal Emergency Management Agency (FEMA) has proposed to change the flood zone which will change the property's elevation from FEMA elevation 16 to elevation 30.

Mr. Frontiero reviewed that the applicant went before the Zoning Board of Appeals (ZBA) to build a new structure and to keep the gate house for an accessory sleeping dwelling for guests. The original relief from the ZBA to allow the gate house to remain and to build the house by moving it northeasterly within 10 feet from the lot line which would gain three feet in elevation. The house would then be situated two feet above the FEMA proposed 30 foot flood zone. Because of the desire to raise the structure of the house above the 30 foot flood zone, it requires relief in the form of a height exception at 38.5 feet from the City Council through a Special Council Permit.

Criteria:

Mr. Frontiero reviewed that the proposal must be in harmony with the general purpose and intent of the zoning ordinance, and is specific also to height exceptions and said that: The height exception over 35 feet must be consistent with the neighborhood character, will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts.

General Intent, GZO Sec. 1.2.1: The purpose is to promote health, safety, convenience, quality of life, and welfare of the city's inhabitants. It was pointed out there is a need to be safe from flooding, and conservation of resources, and prevention of pollution of the environment. Mr. Frontiero said that the requested height exception is in line with the purposes of the zoning ordinance, as the purpose to protect natural resources is being respected by avoiding the wetlands at the center of the lot. He noted that in terms of safety from flooding, it is proposed that the house is to be constructed on pilings two feet above the flood zone that is to be adopted by FEMA.

Tom Daniel, Community Development Director, spoke of the collaborative effort of the city team not only with the recent success of bringing Mazzetta to Gloucester, but in the development of the Von Tetzchner innovation house in Magnolia and another new business that quietly opened a shop on Commercial Street, while not a large employer, that came from the United Kingdom with a high end smoked fish business. He said this business was attracted to Gloucester because of its fishing heritage. The company is importing their product from England and is currently testing the market here. If successful, they would like to grow the business, he pointed out. Mr. Daniel noted that these three business examples are different, but speaks to the team collaborating with each of these business prospects to find out what their needs are, whether it was finding a site, financing, or connections to bring their product to desired end markets. He also noted that the city team works with existing Gloucester businesses to see what their needs are and how they can expand their businesses, assist with permitting and finding financing if need be.

Councilor LeBlanc said he hoped these new businesses recommend the city and its municipal collaborative team to their other contacts. Mr. Duggan agreed and said that the city is making sure it is inviting and open to the process and business.

Councilor Verga commented that the \$18,000 in lost taxes is well worth the overall investment.

**MOTION:** On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend that the City Council amend the Blackburn Industrial Park Economic Opportunity Area (EOA) to create site specific EOA to be located at 21 Great Republic Drive as shown on Assessors Map 263, Lot 56 for a term of 12 years ending in February 2026.

*Councilors Cox and McGeary left the meeting at 6:00. There was no longer a quorum of the City Council.*

- 3. **CC2014-007 (Verga) Request amendment to GZO under Sec. 1.11.2(e) to amend "sign ordinance" Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs"**

Councilor Verga reviewed briefly with the Committee the intent of his Council Order. He noted that he received a call about a year ago for someone looking scrolling sign like that seen at the Beverly High School. The signs are not prohibited by ordinance, but neither is the signs specifically called out. This Council Order asks that the city through the Planning Board, the Building Inspector, P&D and O&A look into whether these signs that is allowable and focus on the publicly owned properties and community related organizations and the message to the benefit to the community as opposed to have all businesses one after the other using this particular type of signage. It was noted that the Committee would await the recommendation of the Planning Board and so continued the matter until March 19<sup>th</sup>.

**This matter is continued to March 19, 2014.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:02 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**



## GLOUCESTER CITY COUNCIL 2014 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2014- 025  
**SUBJECT:** SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) height exception  
in excess of 35 feet

**DATE OPENED:** April 8, 2014  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** P&D 3/19/14, 4/2/14

48 FORT HILL AVENUE  
**LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**

In accordance with the provisions MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing on **Tuesday, April 8, 2014 at 7:00 p.m. in the Kyrouz Auditorium, City Hall**, relative to the following Special Council Permit application:

**SCP2014-005:** The application of Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, by Attorney Salvatore J. Frontiero, for a Special City Council Permit under GZO Sec. 3.1.6(b) for building height in excess of 35 feet located at 48 Fort Hill Avenue, Assessors Map 136, Lot 47 in the RC-40 (Coastal Residential) District.

At the Public Hearing, all interested persons will have the opportunity to be heard based on the procedures determined by the Council. **All written communications to the Council must be received by the office of the City Clerk no later than 3 business days (excluding holidays and weekends) prior to the scheduled hearing date or any continuation by the Council of such date in order to be considered by the Council as part of the public hearing.**

The complete application is available for review at the office of the City Clerk at City Hall during regular business hours.

By vote of the City Council  
Linda t. Lowe, City Clerk

AD#13087872  
CAB 3/21, 3/28/14

authorized to issue relief for setback non-compliance by the issuance of a special permit. In this instance, the infrastructure improvements planned by the City for the area, including the widening of Commercial Street, the existing truck traffic on Commercial Street, the current narrow layout of Commercial Street and important safety benefits of the proposed sidewalk on this side of Commercial Street warrant the finding that the reduction from 10 feet to 5 feet is in the public interest.

The Planning and Development Committee finds the following: Any adverse effects of the proposed modification to the front yard setback standard do not outweigh the benefits to the City, the zoning district or the neighborhood, and the modification will be in harmony with the general purpose and intent of the Zoning Ordinance. As further grounds, the Committee finds the following:

- 1) the modification serves the social, economic and community needs as the wider Commercial Street facilitates use by the neighborhood, commercial, and industrial businesses;
- 2) the wider Commercial Street enhances traffic flow and safety, allowing easier passage of large trucks that currently use Commercial Street;
- 3) utilities and other public services are scheduled to be upgraded through a collaboration among the city, state and applicant;
- 4) the areas character and social structure are an example of a diverse neighborhood that contains residential, commercial industrial, and hospitality uses which will benefit from the widening of the street and the construction of a new sidewalk;
- 5) the proposed street improvements will have no negative impact on the natural environment; and
- 6) the potential fiscal impacts from the development of the hotel and the concurrent widening of Commercial Street will be positive for the neighborhood, businesses and the city.

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, recommends that the City Council grant a Special Council Permit for a front yard setback of five (5) feet on a portion of Commercial Street, as shown on the Record Plans, for a Hotel to be located on Map 1, Lot 33, pursuant to Section 5.25.7 of the Hotel Overlay District of the Gloucester Zoning Ordinance.**

These matters are advertised for public hearing.

The draft of the Beach Deed is found at the end of these minutes.

The Committee recessed at 5:52 p.m. and reconvened at 5:53 p.m.

→ 5. SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) Building Height in Excess of 35 feet (Cont'd from 03/19/14)

Attorney Salvatore Frontiero, representing the applicant, Kathleen Stavis, Trustee and James Stavis, said that at the last meeting the P&D Committee recommended this matter be continued two weeks to give the Stavis' time to alleviate concern regarding this application from neighbors next door. He said in that the interim; there was a meeting at the Stavis' property where the neighbor, Eric Holdsworth, his attorney, Mark Glovsky, did a walkthrough showing where the home would be located approximately. There was a subsequent discussion for settlement of the matter, and he said that some progress was made in that it was agreed there should be plantings and screening on both sides of the properties where it abuts. He said there was a breakdown, however, when requests were made that were deemed unreasonable by the Stavis' regarding provisions for storage areas for personal property, the location of air-conditioning units and provisions for light screening. There is now an impasse between the parties, he said. He asked that despite the impasse as he described, that the Committee move forward the request for a height exception.

Attorney Mark Glovsky, representing Mr. and Mrs. Eric Holdsworth, direct abutters to 48 Fort Hill Road, said that in the absence of his clients, said he would wait to speak on the matter at the public hearing.

Councilor Verga said that the Committee had heard the review of the overall plan, but had wanted to give both parties time to forge a compromise. He said he did not see a need for another presentation.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, a Special Council Permit (SCP2014-005) for the property**

located at Fort Hill Avenue #48 (Assessor's Map 136, Lot 47), zoned RC-40 (Coastal Residential), pursuant to Gloucester Zoning Ordinance Sections 1.10.1 and 3.1.6(b) for a building height in excess of 35 feet, for a home to be 39 feet (for a total height increase of 4 feet over 35 feet). This permit is made on the basis of the plans and elevations dated November 19, 2013 and as revised 3/19/14 (revision: house location, reduced courtyard) by Castle Del Rio Architects, 15 Meyer Lane, South Hamilton, MA, submitted to the City Clerk on February 26, 2014.

**6. Memorandum from General Counsel re: Gloucester/Rockport Intermunicipal Agreement (IMA) for sewer services**

Ms. Egan said that the previous Gloucester/Rockport Waste Water Intermunicipal Agreement (IMA) for sewer has expired, entered into more than 10 years ago and has expired. The Committee would be voting to authorize the Mayor to enter into a new IMA agreement for a 10 year period. She pointed out there are only two changes in the agreement from the last one - if Rockport asks for any increase or any additional houses to use the waste water service, the City Council and the DPW Director are now permitted to make a determination whether it would be beneficial or detrimental to the city. She pointed out that the second change allows for the extension of the season for Long Beach properties that will pay the same rate as all the other users. The Rockport Board of Selectmen has reviewed the IMA and has voted to approve it.

Councilor Verga gave an example that if 10 houses were constructed in a development in Rockport's Long Beach, and asked what the process would be for adding the houses. Ms. Egan said that would be a modification to the agreement. She pointed out there is a set flow and set number of houses, and said that the agreement doesn't call for an increase of the flow; Rockport hasn't reached that maximum flow. She added that the agreement does say there can be additional users but that the flow can't be increased. Before more users are added, they have to come before the DPW who makes the determination whether there is a detrimental impact, she said.

Councilor Lundberg noted there is 35,000 gallons annually allowed. Ms. Egan confirmed Rockport is limited to that amount but also that the town is under that limit. Councilor Verga observed that if the addition of six houses keeps the flow under 35,000 gallons, the DPW can allow the additional houses to tie in. Ms. Egan agreed, saying that would be the case as long as it was determined to be reasonable.

Councilor Verga said he would support the IMA, but a former Ward 5 Councilor he observed that the IMA agreement with Rockport and Essex is insulting to some people in West Gloucester who have been told they cannot connect to the city sewer lines. He pointed out examples where homes were literally in front of the Essex Ave. sewer line and were told they couldn't tie in because of the issues with the lower Essex Ave. sewer line. He said the city needs to work on equity for its own citizens.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council authorize the Mayor to enter into the inter-municipal agreement entitled, "INTER-MUNICIPAL AGREEMENT FOR WASTEWATER COLLECTION, TREATMENT AND DISPOSAL BETWEEN CITY OF GLOUCESTER, MASSACHUSETTS AND TOWN OF ROCKPORT, MASSACHUSETTS."**

**7. Memorandum from Senior Engineering Aide re: Proposed Street Naming & Numbering Plans**

Councilor Verga explained that the Committee is in receipt of a memo from Karen Andrews, Senior Engineering Aide which outlined that under the Code of Ordinances Sec. 21-3 that the P&D Committee needs to make a referral of the streets proposed to be renamed and renumbered to certain city departments for their review and recommendations. The departments have 14 days to respond. They are: Engineering, Fire, Police, Planning and Assessors.

Councilor McGeary, referring to the proposed street name change from Gilson Way to My Way, that he was contacted by Ron Gilson who said he has no issue with Gilson Way being renamed.

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to refer to the appropriate departments the proposed street naming and numbering plans from the Engineering Department prior to the April 16, 2014 regularly scheduled meeting.**

This matter is continued to April 16, 2014.

Planning & Development Committee  
Wednesday, March 19, 2014 – 5:30 p.m.  
1<sup>st</sup> Fl. Council Committee Room – City Hall  
-Minutes-

**Present:** Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor Steven LeBlanc  
**Absent:** None.

**Also Present:** Councilor Paul McGeary

The meeting was called to order at 5:30 p.m.

Agenda Items 1 and 2 are continued to April 2, 2014.

1. *SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 & Sec. 5.25 Hotel Overlay District (Cont'd from 03/06/14)*
2. *CC2014-007 (Verga) Request amendment to GZO under Sec. 1.11.2(e) to amend "sign ordinance" Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs (Cont'd from 2/19/14)*
3. *Memorandum and pertinent material from Planning Director re: Land Disposition Committee Recommendations on 6 Stanwood Street (Easement Request by Karen Elliot, 6 Stanwood Street (Cont'd from 03/05/13)*

This matter is continued to April 2, 2014 at the request of General Counsel.



4. *SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) Building Height in Excess of 35 feet*

Overview:

Attorney Salvatore Frontiero, representing the applicant, James and Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, said that the revised request is for a height exception for 38.5 feet. Mr. Frontiero said the Stavis' purchased the property in 2012. Orienting the Committee to a displayed plot of land said the southeast elevation faces the ocean; the northwest elevation faces Drumhack Road, the southwest elevation faces Fort Hill Avenue; and the northeast elevation faces the Holdsworth property, a direct abutter of 48 Fort Hill Avenue. He noted there is a brick gate house on the ocean side (southeast side) of the property. There was a small structure closer to the ocean than the gate house, and another larger structure and a portion of a garage on the existing gate house that were destroyed by a storm some years ago. He pointed out an area of wetlands at the center of the approximately six acre property. He informed the Committee that Federal Emergency Management Agency (FEMA) has proposed to change the flood zone which will change the property's elevation from FEMA elevation 16 to elevation 30.

Mr. Frontiero reviewed that the applicant went before the Zoning Board of Appeals (ZBA) to build a new structure and to keep the gate house for an accessory sleeping dwelling for guests. The original relief from the ZBA to allow the gate house to remain and to build the house by moving it northeasterly within 10 feet from the lot line which would gain three feet in elevation. The house would then be situated two feet above the FEMA proposed 30 foot flood zone. Because of the desire to raise the structure of the house above the 30 foot flood zone, it requires relief in the form of a height exception at 38.5 feet from the City Council through a Special Council Permit.

Criteria:

Mr. Frontiero reviewed that the proposal must be in harmony with the general purpose and intent of the zoning ordinance, and is specific also to height exceptions and said that: The height exception over 35 feet must be consistent with the neighborhood character, will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts.

General Intent, GZO Sec. 1.2.1: The purpose is to promote health, safety, convenience, quality of life, and welfare of the city's inhabitants. It was pointed out there is a need to be safe from flooding, and conservation of resources, and prevention of pollution of the environment. Mr. Frontiero said that the requested height exception is in line with the purposes of the zoning ordinance, as the purpose to protect natural resources is being respected by avoiding the wetlands at the center of the lot. He noted that in terms of safety from flooding, it is proposed that the house is to be constructed on pilings two feet above the flood zone that is to be adopted by FEMA.

**Mr. Frontiero** also noted that the height exception is not detrimental to the neighborhood views, overshadowing, and impairment of utilities or other adverse affects. Pointing to the Holdsworth home on the abutting property to the northeast on the newly revised plan (submitted and placed on file), he said that it is further back from the ocean than the proposed home to be built which will not impact the Holdsworth home in any way. Between the Holdsworth property and the Stavis' property he pointed out also that there is a buffer of trees that would block the view of the new house from the Holdsworth property.

Procedural Matters:

**Mr. Frontiero** noted that on March 18 a neighbor appealed the ZBA decision granting a variance for the rear yard setback. It is now proposed by the applicant to comply with the 30 foot rear yard setback. They have moved the driveway to north and northwest portion of the property in order to avoid the wetland to go out to Fort Hill Avenue. He said it is his clients' position that with the amended plan the issue of the ZBA appeal is moot as it was based on the ZBA relief for the rear yard setback which is now cured. He pointed to a single story bump out on the northeast side of the proposed home which will house three to four oil tanks. He asked that the height exception be approved as it is harmony with the zoning ordinance and is not a detriment to the neighborhood. This lot, he said, has as much lower lot coverage than most lots in the neighborhood and is retaining the rural character and avoiding damage by flood but also not encroaching on the wetlands. He noted another challenge to the property is the septic system, **Dan Ottenheimer**, Mill River Consulting, explained that suitable soil for a septic system is found on the northern portion of the property facing Drumhack Road. He said that portion of the lot will be occupied with a leech field, a septic tank and pump line to this area. The house will be connected to city water, he noted.

**Councilor Lundberg** asked about the FEMA flood plain change. **Mr. Frontiero** said that the current flood line is at the southeasterly portion of the property. The flood plain line runs along a wall on the plan at elevation 16. FEMA is proposing to move the flood line to elevation 30 which would move it to the center of the property, which is a significant difference. The original house was just behind that wall, a much larger house, and destroyed by storm wave action.

**Councilor McGeary** said if new flood map says 30 feet, he pointed out to the eye it appeared the house is below elevation 30 and above elevation 16. **Mr. Ottenheimer** reiterated a previous statement that the house is proposed to be built on pilings placing the base floor of the house at elevation 32 thereby raising up the entire structure out of the flood zone which is at elevation 30.

**Attorney Mark Glosky**, Beverly, said he represented Eric and Hilary Holdsworth (who were present), as Drumhack Playhouse Group, LLC. The Holdsworth property directly abuts the 48 Fort Hill Road property, he pointed out. He said that the Holdsworth's have a good relationship with the Stavis' but there had been miscommunication about the project. He explained that originally the Holdsworth's had acquiesced on the proposed home by the Stavis' but hadn't seen site plans, elevation plans nor site plans, and incorrectly assumed the house would be in a different location on the property. He said his clients filed an appeal of the ZBA variance. He said it was intended to give his clients an opportunity to talk to the Stavis' to better understand the project and determine whether there is any adverse affect or not. He said the plan changed as of today, and the house that originally was to have been built 10 feet from the lot line that abuts the Holdsworth property is now 30 feet from that line. He also pointed out that the house is going to be 38.5 feet high which he suggested would have the potential of having a deleterious affect on a view from the Holdsworth's'. He asked this matter be continued in order to have an opportunity to fully understand the Stavis' project and make a determination if there is significant detrimental affect. He concluded his remarks by saying it was hoped his clients and the applicants could resolve this matter within a month in order to be able to go forward in concert.

**Mr. Frontiero** said that the only ZBA relief other than set back in the rear which is no longer needed is to allow the accessory structure (gate house) be closer to street than the primary structure and to allow the accessory structure to be closer to the street which is an existing structure (An earlier ZBA decision of 7/26/13 was not appealed). He reiterated that the building (gate house) is an accessory building for sleeping quarters for guests. The applicants took a primary building and made it an accessory building, he pointed out. Compared to what was there before, he said, what is planned is less intensive use of the property.

**Councilor Verga** briefly conferred with the attorneys who offered different views from Google Earth of the property. At that juncture **Councilor Verga** then asked that the conflicting parties work towards consensus and would continue the matter to the Committee's next regularly scheduled meeting.

**This matter will be continued to April 2, 2014 and is to be advertised for public hearing.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 5:50 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Revised plans for 48 Fort Hill Avenue from Attorney Sal Frontiero on behalf of applicant, Fort Hill Avenue Realty Trust, under SCP2014-005



## GLOUCESTER CITY COUNCIL 2014 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2014-026  
**SUBJECT:** SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 and Sec. 5.25 Hotel Overlay District

**DATE OPENED:** April 8, 2014

**CONTINUED TO:**

**CONTINUED FROM:**

**COMMITTEE:**

Joint Meeting P&D and Planning Board 3/6/14, P&D 3/19/14, 4/2/14

### Legals

#### **NOTICE OF PUBLIC HEARING**

In accordance with Gloucester Zoning Ordinance sections 1.5.13, 5.25, 1.83, 5.7.5 and MGL c40A §9, the Gloucester City Council will hold a public hearing on **Tuesday, April 8, 2014** at 7:00 PM in the Kyrouz Auditorium, City Hall relative to the following:

The application of Beauport Gloucester, LLC for Modification of Special Council Permits previously issued under sections 5.25, 5.7.5 and 5.5.4 for a hotel located in the Hotel Overlay District at 47-61 Commercial Street (Assessor's Map 1, Lot 33) and a new Special Permit to allow reduction in front yard setback to accommodate potential widening of Commercial Street.

At the public hearing, all interested persons will have the opportunity to be heard based on procedures determined by the Council. **All written communications to the Council must be received by the office of the City Clerk no later than 3 business days (excluding holidays and weekends) prior to the scheduled hearing date or any continuation by the Council of such date in order to be considered by the Council as part of the public hearing.**

The complete application is available for review at the office of the City Clerk at City Hall during regular business hours.

By Vote of the City Council  
Linda T. Lowe, City Clerk  
GT - 3/25, 4/1/14



**CITY OF GLOUCESTER  
PLANNING BOARD**  
3 Pond Road, Gloucester, MA 01930

CITY CLERK  
GLOUCESTER, MA  
14 MAR 25 AM 9:11

**Advisory Report**  
**Modifications of Hotel Overlay District Special Permit**  
**and Site Plan Review**  
**submitted by Beauport Gloucester LLC**

**Date:** March 24, 2014  
**To:** City Council  
**From:** Planning Board *EMC*  
**Applicant:** Beauport Gloucester, LLC  
**Property:** 47-61 Commercial Street, Gloucester (Assessors' Map 1, Lot 33)

**INTRODUCTION AND BACKGROUND**

1. Beauport Gloucester, LLC (hereinafter referred to singularly and collectively as the "Applicant") received a hotel special permit issued by the City Council on May 9, 2013. The project is located in the Marine Industrial (MI) and Hotel Overlay District (HOD) that require special permits pursuant to Section 5.25 Gloucester Zoning Ordinance ("GZO").

2. Pursuant to Paragraphs 25 and 26 of the issued special permit, if modifications of the project are desired by applicant, it may request the review and approval by the City Council. On February 20, 2014 the Applicant filed a revised plan set and material in support of proposed modifications of the project. Additionally, on February 25, 2014 the applicant made a similar filing with the Planning Board requesting modification of Site Plan Approval.

A special permit for a hotel must follow the applicable standards and procedures of Section 5.7 Major Project. Such request for review of modified plans, submitted to the City Council, are forwarded to the Planning Board ("The Board") for review and preparation of an advisory report. Under Section 5.8 Site Plan Review the Planning Board has site plan authority for the submission of new uses in the MI district which involve greater than 2,000 sf of new use or a use demanding more than five (5) parking spaces under the GZO. The Board is also authorized to consolidate its site plan review in the case of Major Projects.

3. The Applicant forwarded digital and hard copy of the following to the Gloucester Planning Board:

- \* Special Permit Application for Modification of Hotel Special Permit Dated received 2/20/2014
- \* Site development plans entitled: "Plans to Accompany Permit Applications for Beauport Gloucester Hotel", with revisions thru 3/17/2014 prepared by Beals Associates Inc. Charlestown, MA, Olson Lewis Architects, Manchester, MA, Windover Construction, Manchester, MA, and Copely Wolfe Design Group, Boston, MA.

- \* A Letter of Transmittal, to Linda Lowe from John Cunningham, 2/20/2014
- \* A Letter of Transmittal, to Rick Noonan from John Cunningham, 2/25/2014
- \* Document titled: Attachment to the Modification to City Council Special Permit, prepared by John Cunningham, undated
- \* Memorandum titled: Summary of Revisions to Civil Plans since Local Permit Set dated 2.26.2013, prepared by Beals Associates, dated 2/25/2014

4. The Application and the Special Permit Site Plans were reviewed by the Building Inspector and Planning Director and were determined to satisfy all of the submittal requirements for the filing of a special permit application pursuant to Sections 1.5.2 of the GZO.

5. Pursuant to provisions of the GZO, the Planning Board caused the posting of and held two public meetings at Gloucester City Hall, 9 Dale Avenue, Gloucester.

6. After posting of a public meeting on the review of the Application and plans was commenced on March 6, 2012 in a jointly held meeting between the Planning Board and Planning and Development Standing Committee of the City Council. The review was completed and this report to the City Council was generated on March 20, 2014. Minutes of these meetings are attached as **Appendix A**.

7. The Applicant was represented at both public meetings by John D. Cunningham III, Esq., 59 Middle Street, Gloucester, MA.

8. The Applicant made a full and complete presentation on all aspects of the Application and Site Plan. Specific presentations were made by the Applicant on modifications to the layout of the site plan, location and design of the proposed seawall, building design and massing, environmental and drainage changes, parking, height and access, zoning compliance and other dimensional requirements. There were no proposed changes to the traffic impact, fiscal impact or community benefits presented in the original special permit application.

9. Planning Board was forwarded the reports from the following departments prepared in accordance with Section 5.7.3 of the GZO: Fire Department, Conservation Commission, Health Department, City Building Department, and Department of Public Works/Engineering Department. Department reports are attached as **Appendix B**.

## FINDINGS

### **10. HOD 5.26 standards (Major Project Criteria 5.7.5)**

Pursuant to Section 5.7.5(a-d) a major project special permit for a Hotel substantially follow the criteria and guidelines as further discussed below.

A. Section 5.7.5(a) recommends that access should be from an arterial or collector street via ways servicing not more than ten single-family homes. Commercial Street, which will provide the access, is an arterial street as defined in the Zoning Ordinance and demonstrates compliance with the provision contained within a non-residential zoning district.

B. Section 5.7.5(b) references compliance with the State Environmental Code for onsite wastewater treatment systems. As designed the Project would be served by municipal sewer,

tying into the municipal sewer line on Commercial Street which is proposed to be upgraded and will have adequate capacity. Therefore this provision is not applicable.

C. Section 5.7.5 (c) As outlined, in the Project narratives and Site plans, and confirmed by city staff (and the Planning Board's independent traffic and engineering consultants for those aspects of the project that have remained consistent with the original approved plans), adequate provisions have been made for access, drainage, utilities and accommodate the Project in context of surrounding uses.

1. Access: The hotel will be accessed from Commercial Street which will be substantially upgraded by a utility improvement project to be conducted by the City of Gloucester. Traffic will enter and exit the Site via new access driveways of suitable width and geometry to provide access for hotel patrons and emergency vehicles. Drives have been located on the western portion of the site to minimize the impact to surrounding Commercial Street businesses.

2. Drainage: A stormwater management plan and revisions has been designed to satisfy requirements of the Gloucester Conservation Commission and Department of Environmental Protection under the City Wetland Ordinance and State Wetlands Protection Act. The modified plans have been reviewed by the Department of Public Works which has determined project meets city and state stormwater standards.

3. Utilities: water, sewer and drainlines will be upgraded by a city conducted utility improvement project. The design flows of the proposed uses have been considered and the utility upgrades will provided the needed capacity.

4. Screening: The Project, including parking areas, will incorporate landscape screening in excess of requirements to reduce impacts to surrounding residential and commercial uses.

5. Lighting: The Project will utilize cut-off type parking lot lighting, and low bollard lighting mitigating light spill over to abutting properties and will follow lighting requirements of the Gloucester Code of Ordinances. A lighting plan demonstrating compliance was included in the plan set.

6. Egress: The Project will not require backing into any public way or interior road for ingress or egress. The TIAS submitted with the application demonstrates a safe and adequate circulation pattern for patrons, deliveries, and pedestrian access. The access points and circulation have been modified to the satisfaction of the Fire Department to provide adequate emergency access.

7. Topographic Changes: The existing Site is low lying with little topographic relief. The proposed Project will incorporate grading changes as necessary and included coastal protection structures to protect the proposed use from flood and provide grade and separation for improved stormwater drainage facilities.

8. Existing Trees: The proposed Project will introduce appropriate coastal landscaping to a site that is nearly devoid of vegetation. A Landscape Plan detailing the same has been included in the site plan set. The modified plan now incorporates pilot dune restoration activities and an expanded beach, that will improve the

D. Section 5.7.5 (d) requires that all other provisions of the GZO and all applicable provisions of the State Building Code must be satisfied. The applicant has proposed that offsite parking will be utilized to accommodate peak demands of the multiple proposed uses on the hotel site. Such offsite parking will need to acquire and such relief as provided in the GZO in advance of any building permit for hotel use of the site.

#### **11. Site Plan Review Guidelines Section 5.8.7**

The Planning Board, as provided in Section 5.8 Site Plan Review, has consolidated its Site Plan Review of the Beauport Hotel Project with its Major Project review. The prior approved site plan and supplemental materials were found to be in substantial compliance with the site plan review guidelines of Section 5.8.7. Statements of consistency with the prior design were provided by the applicant along with analyses of the similarities and modifications. The applicant, staff, and Planning Board agree the modified project design is consistent with the site plan review guidelines. The applicant's original review of the project is attached for reference as **Appendix C**. Finally, the notice of the Planning Board's Site Plan Approval is attached as **Appendix D**.

### **RECOMMENDATIONS**

After considering the required factors and guidelines set forth in Section 5.7, 5.25 and 5.8 of the GZO, the Planning Board recommends to the City Council that the modified special permit application is in substantial compliance with the referenced ordinances. The Planning Board recommends in addition to the applicants' recommended modifications of the existing special permit decision, a careful review be conducted to ensure conditions are consistent with the revised plan. In particular those conditions that relate to the beach, the walkways over the beach, and the seawall and its connections with abutting properties and Fort Square. All other conditions related to the plans, construction, and use of the property, included in the original special permit should remain in effect.

## **Appendix A**



**CITY OF GLOUCESTER  
PLANNING BOARD  
MEETING MINUTES**

**March 6, 2014 - 7:00 P.M.**

**Kyrouz Auditorium, City Hall, 9 Dale Avenue, Gloucester  
Richard Noonan, Chair**

**Members Present:** Rick Noonan, Chair, Mary Black Vice Chair, Joe Orlando, Linda Charpentier, Doug Cook, Shawn Henry, Henry McCarl

**Staff:** Gregg Cademartori, Planning Director, Matt Coogan, Senior Planner, Pauline Doody, Recording Clerk

**The meeting was called to order at 7:01 p.m.**

**I. BUSINESS**

A. Approval of Minutes of February 6, 2014

**Mr. Noonan** requested a word correction in section 1 to read "state level returned".

**Motion: To approve the minutes of February 6, 2014**

**1<sup>st</sup>: Mary Black**

**2<sup>nd</sup>: Henry McCarl**

**Vote: Approved 5-0 with Mr. Cook and Mr. Henry abstaining.**

**II. PUBLIC COMMENT - None**

**III. CONSENT AGENDA**

Planning Board to consider the *Site Plan* submitted by 39 Sargent Street LLC for the construction of three storage unit buildings and one contractor storage building at **39 Sargent Street** (Assessors Map 33, Lot 4).

**Presenter: Attorney Debra Eliason, Eliason Law Office, 63 Middle St.**

Attorney Eliason introduced John Judd from Gateway Consultants as the engineer for the project and Eric Lociano, as the manager of the property.

**Attorney Eliason** stated that the applicant has met with city officials and there have been revisions to the plan at their suggestion. The site is zoned general industrial. The major revision is to building D. 4 storage unit buildings will be constructed and they are allowed as of right. There is no off street requirement for parking for storage unit buildings, however, there will be 3 guest parking spaces with one being a handicap space. The proposal is to construct 4 buildings. The lighting has been designed to minimize the impact to the residential abutters. All of the buildings are under the 40 height that is allowed in this zone. Historically, the property has been used as outside storage and the storage will now be brought inside. It will clean up the site and improve the neighborhood. Revisions were also made to accommodate the Fire Department for a better swing of emergency service vehicles. Attorney Eliason stated that the applicant is seeking a waiver of section 5.8.7 subsection G as it relates to drainage.

**John Judd, Gateway Consultants**

**Mr. Judd** explained to the board that the site is 100% paved. Drainage has been implemented behind building D to make an attempt to mitigate offsite sheet flow. The waiver is requested because there is no increase in the impervious area of the property.

**Mr. Cademartori** explained that much of the focus of review was on the utility design and the use of the buildings. The fire department review does have fairly limited access with only 20 feet of frontage and the concern was whether or not the original alignment would allow any of the larger fire apparatus to access the site. The hydrant location and the access to the site are satisfactory to the fire chief. Prior to the issuance of a building permit, the sprinkler system must be designed by a fire protection engineer. The final design of water utility for the hydrants and the suppression system needs to be refined prior to issuance of permit. Prior to

occupancy the water utility system is to be certified and tested and as built plans and drainage plans be submitted to the city

Mr. Noonan stated there are 5 conditions presented in the memo with only building D to be sprinkled.

**Motion: To grant a waiver from section 5.8.7 G for a submission of a full drainage analysis.**

**1<sup>st</sup>: Mary Black**

**2<sup>nd</sup>: Shawn Henry**

**Vote: Approved 7-0**

**Motion: Approval of the site plan review submitted by 39 Sargent Street LLC with a plan revision date through 3-4-14 with stated conditions**

**1<sup>st</sup>: Henry McCarl**

**2<sup>nd</sup>: Linda Charpentier**

**Vote: Approved 7-0**

## **JOINT MEETING WITH CITY COUNCIL PLANNING AND DEVELOPMENT STANDING COMMITTEE**

**Members Present:** Councilor Greg Verga, Chair, Councilor Paul Lundberg, Vice Chair, Councilor Steve Leblanc

**Also Present:** Councilor Paul McGeary, Councilor William Fonvielle, Councilor Melissa Cox, Councilor Jackie Hardy, Councilor Sefathia Romeo-Theken

### **II. SITE PLAN REVIEW & MAJOR PROJECT SPECIAL PERMIT REVIEW**

In accordance with Sections 5.7.5, 5.8 and 5.26 of the Gloucester Zoning Ordinance, the Planning Board to review the modified City Council Special Permit application under the provisions of Major Project and Site Plan Review, submitted by Beauport Gloucester, LLC for a hotel development at 47-61 Commercial Street (Assessors Map 1, Lot 33).

Councilor Gregg Verga, Chair of the Planning & Development Committee introduced the committee members and stated for the record that there was a quorum of the City Council present.

Mr. Noonan opened the joint meeting.

**Presenter: Attorney John Cunningham**

**Attorney Cunningham** stated that the original hotel design has been modified and upon the approval of the revised plans all appeals will be dismissed and the project can move forward. The modified plans are a better design for neighboring needs. The plan modifications fall in 2 categories: additional setbacks from Commercial St for the hotel levels above the parking deck and moving the seawall further landward. The changes have affected the original building design. The height is the same and the tower is the same, however it is integrated into the building. The seawall has been moved 10' landward which allows an increased area of beach/sand and replaces the concrete walkway. The number of rooms has decreased from 101 to 96.

A power point presentation was given to show the hotel changes. The footprint is essentially the same.

- Lobby area extended
- Parking layout meets all of standards
- Utilities have been moved to an upper level
- Seawall has been moved back- Pavillion Beach will be 20' wider
- Hybrid dune pilot project
- Generator has been relocated to the Commercial St side and moved to an upper level.
- Commercial St sidewalk to facilitate to commercial traffic ; A special permit is being requested authorized by section 5.25.7 to reduce front yard setback from 10' to 5' to allow for roadway widening. The concept is to give more space for commercial traffic.
- Roof will have asphalt shingles. Pool is smaller and is in roof area.

An agreement was made with the Port Community Alliance to propose to the City that the deed to the beach held in escrow, be amended to eliminate the reserved easement beyond the property line /building line. There are ongoing discussions with the Mortillaro's concerning the metal building. If the parcel is acquired, it would not be used to expand the hotel building, but to enhance loading dock and traffic flow. A condition of the special permit is to provide ample overflow valet& employee parking. Mr. Cunningham explained that 50 spaces are required for parking off site and negotiation to purchase a property at 99 Essex Ave is currently being pursued. He asks City Council to acknowledge, upon the delivery of a copy of the deed to the building inspector, that the provision of overflow parking be satisfied. The project would be started in late spring.

**Mr. Cadmartori** explained that the plan modification have been submitted to all appropriate departments. Feedback from the various departments has not yet been received for discussion at tonight's meeting.

**Planning & Development**

**Councilor Verga** asked if construction jobs will be open to local workers

**Lee Dellicker, Windhover Development**

**Mr. Dellicker** stated that there is every intent in giving priority to qualified local people.

**Mr. Noonan** asked for more information regarding the Hybrid Dune Pilot Program.

**Mr. Dellicker** stated there has been a difference of opinion whether the dune was the right solution for the project. A compromise was reached with the PCA to create a 20x30 area of dune to see if a dune better protects the beach than the seawall.

**Councilor Verga** asked the Planning & Development Committee to vote to advertise for public hearing.

**Motion: To advertise for public hearing.**

**1<sup>st</sup>: Steve LeBlanc**

**2<sup>nd</sup>: Paul Lundberg**

**Vote: Approved 3-0**

**Motion: Planning & Development to adjourn**

**1<sup>st</sup>: Paul Lundberg**

**2<sup>nd</sup>: Steve LeBlanc**

**Vote: Approved 3-0**

**Motion: Planning Board to continue the review of the modified City Council Special Permit application under the provisions of Major Project and Site Plan Review, submitted by Beauport Gloucester, LLC for a hotel development at 47-61 Commercial Street (Assessors Map 1, Lot 33) to March 20, 2014.**

**1<sup>st</sup>: Henry McCarl**

**2<sup>nd</sup>: Linda Charpentier**

**Vote: Approved 7-0**

**III. CONTINUED PUBLIC HEARINGS**

In accordance with MGL Chapter 40A, Section 9, and City of Gloucester Zoning Ordinance, Sections 1.8.3 and 5.21, Gloucester Planning Board to hold a public hearing to consider the application from Stoneleigh Gardens, LLC for a *Common Driveway* Special Permits at **253-255 Magnolia Avenue** (Assessors Map 207, Lots 46 & 47).

**Mr. Cademartori** stated this application will most likely be withdrawn.

**Motion: To continue the public hearing to consider the application from Stoneleigh Gardens, LLC for a Common Driveway Special Permits at 253-255 Magnolia Avenue (Assessors Map 207, Lots 46 & 47) to March 20, 2014.**

**1<sup>st</sup>: Mary Black**  
**2<sup>nd</sup>: Doug Cook**  
**Vote: Approved 7-0**

**IV. Other Business**

1. CPA Update

Mr. Orlando stated he has attended one meeting and there is another on the 25<sup>th</sup>.

**V. ADJOURNMENT**

**Motion: To Adjourn**

**1<sup>st</sup>: Henry McCarl**

**2<sup>nd</sup>: Joe Orlando**

**Vote: Approved 7-0**

**VI. NEXT MEETING**

***Next regular meeting of the Planning Board March 20th, 2014***

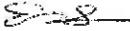
## **Appendix B**



CITY OF GLOUCESTER FIRE DEPARTMENT  
8 SCHOOL ST.  
GLOUCESTER, MA 01930  
978-281-9760



Memorandum

**TO:** Gregg Cademartori  
**FR:** Chief Eric Smith   
**RE:** Beauport Hotel project  
**DT:** 3-13-14

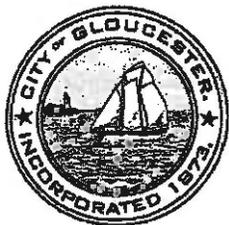
**cc:** DC A. McRobb,

Mr. Gregg Cademartori,

Under Section 5.7.3 of the Zoning Ordinance the Fire Department has been requested to provide a written report to the City Council as to the compliance of the Beauport Gloucester LLC hotel project, to be located on Commercial Street, with the Fire Departments areas of concern. This office has been forwarded plans, which have been reviewed with the assistance of the city's technical consultants. The Department initially issued memorandum dated October 16, 2012 in association with the original submission with our initial findings and recommended changes to ensure the project will provide adequate access for emergency vehicles, equipment and personnel, and adequate infrastructure to support emergency responses. The Department reports that after review of the now modified Beauport Gloucester LLC hotel plan with revision through February 5<sup>th</sup> 2014, is consistent with satisfying the Department's concerns. The Department will reserve the right to review and confirm final design plans when submitted through the building and inspection process. A required third party code compliance review is also required by the Fire Department with regard to life safety. Please do not hesitate to contact us with any questions or concerns with this report.



Fire Chief Eric L. Smith



**CITY OF GLOUCESTER**  
**Conservation Commission**  
**3 Pond Road Gloucester MA 01930**  
978-281-9781  
f 978-281-9779

March 13, 2014

To Linda Lowe,

At the February 19, 2014 meeting the Commission voted to approve a minor modification the local Order for DEP#28-2232 for the Beauport Hotel at 47 Commercial St. The approved modification request included eliminating a walkway, moving the seawall further landward, changes to the shape of the face of the wall, changes to the buried wall supports and the addition of a pilot dune project.

I have attached the narrative submitted by the applicant along with our approval.

Sincerely,

Lisa Press

# BEALS ASSOCIATES INC.

2 THIRTEENTH STREET CHARLESTOWN, MA 02129  
PHONE: 617-242-1120 FAX: 617-242-1190

## Attachment B – Project Narrative

The proposed Beauport Gloucester Hotel design plans have undergone minor modifications as a result of the negotiated settlement of several permit appeals. The modified project will result in reductions to the amount of work in the Coastal Beach Buffer Zone and will be located further back from the limits of the Coastal Beach as defined on the approved ANRAD plan for the project site. The modified project will remain entirely within Land Subject to Coastal Storm Flowage, as with the original project design.

The revised plans show the following specific modifications:

- The 10' wide concrete walkway along Pavilion Beach has been eliminated resulting in the relocation of the seawall landward by 10'±. The seawall now aligns with the edge of the parking lot and the building face. This relocation increases the size of the beach.
- The two access ramps to the beach have been similarly moved back and relocated and remain ADA compliant. The easterly ramp to the beach has been redesigned to a switchback design to minimize any potential for storm waves to flow onto Fort Square and toward neighboring buildings.
- The stairway from the hotel aligns with the new seawall location.
- The seawall in its new location has been configured with buried armor stone, an angled face to the wall rather than the vertical face, a pile supported wall structure in front of the hotel and revised end connections.
- The stormwater management system on the site is unchanged and flows to the municipal system will be unchanged or slightly less. The storm drain connection to the City's Fort Square storm drain has been relocated to run beneath the building instead of under the now removed walkway.
- In an area measuring approximately 10' x 20' along the face of the seawall in front of the parking area, a site has been designated for a pilot project in which American beach grass will be planted over a core of sand encapsulated in coconut fabric that will help dune propagation.
- The generator has been moved from the originally proposed Fort Square location to Commercial Street near the loading dock.

**CITY OF GLOUCESTER, CONSERVATION COMMISSION  
MINOR MODIFICATION RESPONSE**

Applicant: Beauport Gloucester, LLC  
Owner: 47 Commercial Street

Project Address: 47 Commercial St Map: 1, Lot: 33

Order of Conditions # 28-2232 Date Order of Conditions was Issued: March 12, 2013

Modifications Plans Title General Seawall Sections and Details C6.2

Date and drafter Fairbanks Engineering, February 3, 2014

Accepted modification: Changes to the seawall top, placement, pilings and pilot dune project

At their February 19, 2014 meeting, The Gloucester Conservation Commission voted to:

Accept the proposed minor modification. You may proceed with your project as described with the above referenced minor modification as an accepted change to your original Order of Conditions, which is also referenced above.

Accept the proposed minor modification with the following Conditions:

\_\_\_\_\_  
\_\_\_\_\_

You may proceed with your project as described with the above referenced minor modification, with the above referenced Condition(s), as an accepted change to your original Order of Conditions, which is also referenced above.

Please contact the Commission for any further changes to your proposed project.

Deny the proposed minor modification (see below). Please file for to Amend your Order of Conditions.

Deny the proposed minor modification (see below). Please file for an Request for Determination.

Deny the proposed minor modification (see below). Please file a new Notice of Intent.

Reason for Denial \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Agent or Clerk: *Ana Pen* Date: Feb 26, 2014

Please call the Community Development Office (978-281-978) with any questions.



# CITY OF GLOUCESTER



**Public Health**  
Prevent. Promote. Protect.

Health Department  
3 Pond Road, City Hall Annex  
Gloucester, Massachusetts 01930  
PHONE: 978-281-9771 · Fax: 978-281-9729  
EMAIL: [healthdept@gloucester-ma.gov](mailto:healthdept@gloucester-ma.gov)  
WEBSITE: [www.gloucester-ma.gov](http://www.gloucester-ma.gov)

## Memo

**To:** Linda Lowe, Gloucester City Clerk

**From:** Noreen Burke, Director, Gloucester Health Department  
Max Schenk, Manager - Environmental Health, Gloucester Health Department

**Date:** March 12, 2013

**Subject:** Proposed Roadwork and Redevelopment Project for the Beauport Hotel

---

Dear City Clerk Lowe:

Per the request of your memo of August 14, 2012 and the requirement of Gloucester Zoning Ordinance section 5.73 the following are the Health Department's comments for the above referenced, proposed project:

- Given the activity involved, measures must be taken to ensure proper rodent control is used in the neighborhood to prevent infestation of adjacent properties during the roadwork, demolition and construction phases of the project. A pest control plan must be submitted to, and approved by, the Health Department prior to start of work.
- The requirements of the Gloucester Board of Health Demolition Regulations must be followed. These include, but are not limited to, having asbestos and pest surveys performed with any issues mitigated before demolition, and ensuring that there is a water source on site with sufficient pressure to mist the demolition area to help prevent dust particulates from leaving the work zone.
- Given the size of the building being removed, particulate monitors must be placed around the site, per the manufacturer's recommendations, and the results recorded daily.
- Control of any water runoff from the site must comply with the Gloucester Conservation Commission Order of Conditions in regards to retention, treatment and discharge.
- All waste generated at any phase of the project must be removed and disposed of in a fashion that complies with local, state and federal regulations. Proper chain of custody documentation for any materials deemed hazardous must be maintained and available on site for review upon request.

Please feel free to contact our staff with any questions.

Respectfully,

Noreen Burke, MPP

Cc: File

3 Pond Road  
Gloucester, MA 01930

Ph# 978-281-9774

Fax# 978-282-3036

**CITY OF  
GLOUCESTER**

# Memo

**To:** City Clerk Linda Lowe  
**Cc:** Gregg Cademartori  
**From:** Bill Sanborn, Inspector of Buildings  
**Date:** March 19, 2014  
**Re:** **Beauport Hotel Project**



---

In accordance with Section 5.7.3 of the City's Zoning Ordinance, as the Inspector of Buildings, I have been requested to provide a written report to the City Council as to the compliance of the above mentioned project. Amended plans for this project have been submitted for my review as to zoning compliance. I understand that the applicant has applied to modify their Special Permit that was granted on May 9, 2013 by city council. The plans presented to this office are in general compliance; however the Building Department will reserve the right to review final plans and specifications for both zoning and building code compliance. The applicant has suggested that parking be provided in the project's proposed underground garage and surface lot, in order to meet peak demands associated with the multiple uses of the property, they will provide additional off-site parking. Any such identified location for off-site parking will require a special permit from the City Council. This office will not issue a building permit for a hotel or its accessory uses if approved, until such time when a special permit is place. I would also like to mention that if a building permit application is submitted to this office, it would be a requirement that the plans and specifications be reviewed by a third party plan review consultant to assure code compliance to the Massachusetts State Building Code including flood resistant construction. Please contact me if this office can be of any further assistance.

Public Works  
28 Poplar Street  
Gloucester, MA 01930



TEL 978-281-9785  
FAX 978-281-3896  
mhale@ci.gloucester.ma.us

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS

To: Councilor Greg Verga, Chair  
Planning & Development Committee

From: Michael B. Hale, A.I.C.P.  
Director of Public Works

Date: March 19, 2014

RE: Beauport Gloucester Hotel Project: 47-61 Commercial Street  
Gloucester Zoning Ordinance Section 5.7.3 Report as to the Adequacy of Utilities to  
Serve the Proposed Hotel Project

---

In accordance with the provisions of the City of Gloucester Zoning Ordinance found in Section 5.7.3, it is the opinion of the City of Gloucester Department of Public Works that the public infrastructure required to serve the needs of the proposed 96 room hotel and appurtenant facilities at the above referenced location will be adequate upon the reconstruction of the City's Public Infrastructure at The Fort.

The City Council has approved the financing plan for the Public Infrastructure Project that includes the use of funds from a *MassWorks* grant, Water & Sewer Retained Earnings funds, and certain funds to be gifted to the City by the Developer.

The City is has retained AECOM, a well-known engineering firm; develop the plans, specifications, and bidding documents required for the "The Fort Public Infrastructure Replacement Project".

The City anticipates that construction on the infrastructure replacement project will begin in the June-July 2014 time frame.

The Department of Public Works has also reviewed the modified site plans for the proposed 96 room hotel designed by Beals Associates, Inc. of Charlestown, MA. The initial review memorandum (3/13/2014) from my office was addressed by Beals Associates, Inc. in a *Response to Comments* letter dated 3/17/2014. The Department of Public Works is in agreement with the responses from Beals (memo dated 3/18/2014) and finds the plans acceptable. A few minor comments have been agree upon and will be addressed in the final construction documents.

**Please feel free to contact this Office if you have any questions.**

**Copy: G. M. Cademartori, Acting Director of Community Development/Planning Director  
P. G. Keane, P.E., City Engineer  
L. Press, Conservation Agent  
W. Sanborn, Building Inspector/Zoning Enforcement Officer  
File**

## Appendix C

**Beauport Gloucester Hotel- Site Plan Review Guidelines**  
**January 17, 2013**

JAN 17 2013

5.8.7 Review Guidelines and Approval

Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant to promote these objectives. New building construction or other site alternation shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design on building form, grading, egress points, and other aspects of the development, so as follows:

- A. A reasonable effort shall be made to conserve and protect natural features that are of some lasting benefit to the site, it environs and the community at large.

*The upland site at 47-61 Commercial Street is devoid of natural features as it is fully covered by an unused industrial building and associated pavement. The hotel will have a substantially reduced footprint to reduce its massing and to create a more pleasing building. The plans call for set backs from lot lines and installation of new sidewalks and appropriate landscaping. A design objective of the hotel is the enhancement of public access to Pavilion Beach.*

- B. Slopes, which exceed 10 (10%) percent, shall be protected by appropriate measures against erosion, runoff, and unstable soil, trees and rocks.

*The site is generally flat and there are no slopes exceeding ten percent.*

- C. Measures shall be taken to stabilize the land surface from unnecessary disruption. Such stabilization measures shall be the responsibility of the property owner.

*A new revetment/seawall is proposed to increase protection from storm water. Appropriate improvements and construction methods have been specified to stabilize the site, including the construction of the new revetment/seawall.*

- D. The placement of buildings, structures, fences, lighting, signs, and fixtures on each site shall not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.

*The hotel has been designed and sited so that the traffic circulation and access to the hotel's entrance occur on the site. The hotel is set back from lot lines and appropriately screened from adjacent properties.*

- E. Adequate illumination shall be provided to parking lots and other areas for vehicular and pedestrian circulation.

*The lighting plan submitted shows that adequate illumination will be provided for parking (both enclosed and outdoor) as well as for the sidewalks and pedestrian accesses.*

- F. All illumination shall be directed and/or shielded so as not to shine beyond the perimeter of the site or interfere with traffic.

*The data submitted confirm that the lighting is designed to avoid shining beyond the site or interfering with traffic.*

- G. All areas designed for vehicular use shall be paved with a minimum of either a three (3") inch bituminous asphalt concrete, a six (6") inch Portland cement: concrete pavement, or other surface, such as brick, cobblestone or gravel, as approved by the Department of Public Works.

*All pavement will meet the standards set forth.*

- H. All parking spaces shall be arranged and clearly marked in accordance with the design and layout standards contained in Section 4.14 of the Zoning Ordinance.

*The parking layout plan conforms to the design and layout standards of the City's Zoning Ordinance (section 4.1.4).*

- I. All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical and telephone lines, shall, whenever practicable, be placed underground.

*Water, sewer and natural gas will all be underground in the adjacent public ways and on the site. National Grid representative have stated that the 3-phase power must remain on above-ground poles on Commercial Street.*

- J. All surface runoff from structures and impervious surfaces shall be disposed of on site; but in no case shall surface water drainage be across sidewalks or public or private ways.
- K. In no case shall surface water runoff be drained directly into wetlands or water bodies.

- L. Drainage systems shall be designed to minimize the discharge of pollutants by providing appropriately designed vegetated drainage channels and sedimentation basins that allow for adequate settling of suspended solids and maximum infiltration.
- M. Dry wells, leaching pits and other similar drainage structures may be used only where other methods are not practicable.
- N. Oil, grease, and sediments traps to facilitate removal of contaminants shall precede all such drainage structures.
- O. All calculations shall be for a one hundred (100) year storm.
- P. Drainage design shall be in accordance with Department of Public Works regulations as amended.

*The Stormwater Management Report by Beals Associates, Inc. submitted with the application, details the plans for on-site handling of surface water runoff and drainage. The existing site and building have very limited storm drainage facilities.*

- Q. In the MI district development proposals shall comply with the standards and requirements with regard to the placement and dimensions of structures as regulated by G.L. c.91 and 310 CMR 9.00 et seq.

*The proposed site improvements will comply with the provisions of MGL c. 91 as determined by DEP based on information to be submitted by the applicant.*

- R. Pedestrian safety and vehicular safety to and from the site shall be maximized provided it does not interfere with the proposed use.

*The hotel site has been designed so that pedestrians are safe and vehicular traffic can move safely through the site as shown on the traffic and parking plans submitted.*

- S. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

*The design of the hotel uses familiar architectural elements and building materials as well as incorporating setbacks, sloped roofs and building eels to create a functional and attractive beachfront hotel building.*

- T. Ensure compliance with the provisions of this Zoning Ordinance.

*Provisions of the Zoning Ordinance are adhered to in the design and through the submission of a major project Special Council Permit Application under Sections 5.25 and 5.5.4.*

- U. Promote orderly and reasonable internal circulation within the site so as to protect public safety and not unreasonably interfere with access to a public way or circulation of pedestrian or vehicular traffic on a public way.

*The design provides for orderly and reasonable traffic flow on the site, while providing enhances handicap-accessible access and safety for pedestrians and users of Pavilion Beach.*

## **Appendix D**



**City of Gloucester**  
Planning Division  
Gloucester Massachusetts, 01930

CITY CLERK  
GLOUCESTER, MA  
14 MAR 25 AM 9:11

File Number: **SPR-2014-02**

TO: Linda Lowe, City Clerk

DATE: March 24, 2014

---

**NOTICE OF SITE PLAN APPROVAL**

In accordance with Section 5.8 of the Gloucester Zoning Ordinance, On March 20, 2014, the Gloucester Planning Board voted unanimously (4-0) to approve the modified Site Plan submitted by Beauport Gloucester, LLC to develop a new hotel at 47-61 Commercial Street (Assessors Map 1 Lot 33) in accordance with the plans submitted and on file as follows:

**Plans approved:**

- 1) Site development plans entitled: "Plans to Accompany Permit Applications for Beauport Gloucester Hotel", with revisions thru 3/17/2014 prepared by Beals Associates Inc. Charlestown, MA, Olson Lewis Architects, Manchester, MA, Windover Construction, Manchester, MA, and Copely Wolfe Design Group, Boston, MA.

**Conditions:**

- a) The project shall be built in accordance with the above referenced plans. Any material deviation from the approved plans shall require authorization prior to construction.

cc: file

Planning & Development Committee  
 Wednesday, April 2, 2014 – 5:30 p.m.  
 1<sup>st</sup> Fl. Council Committee Room – City Hall  
 -Minutes-

**Present:** Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor Steven LeBlanc

**Absent:** None.

**Also Present:** Councilor Paul McGeary (entered meeting at 5:40 p.m.); Suzanne Egan

The meeting was called to order at 5:30 p.m.

1. *Revisit of Free Petition in accordance with City Charter Sec. 9-1(b) re: Condition, Restoration and Preservation of Stage Fort Park (Cont'd from 03/05/14)*

This matter is continued to April 16, 2014.

2. *Memorandum and pertinent material from Planning Director re: Land Disposition Committee Recommendations on 6 Stanwood Street (Easement Request by Karen Elliot, 6 Stanwood Street (Cont'd from 03/19/14)*

Suzanne Egan, General Counsel, said she has not heard of any new information from either of the parties involved, but knew the attorneys for both parties were negotiating an agreement. Karen Elliott, 541 Washington Street, requestor for the easement, confirmed to the Committee that lawyers for each side were still working on an agreement.

This matter is continued to April 16, 2014.

3. *CC2014-007 (Verga) Request amendment to GZO under Sec. 1.11.2(e) to amend "sign ordinance" Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs (Cont'd from 3/19/14)*

Councilor Verga said that the Planning Board held a public hearing regarding his Councilor Order request to amend the zoning ordinances under Sec. 2-11.2(e) "sign ordinance," and Sec. 4.3 to add a new definition to Sec. VI for "programmable scrolling sign" and to amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs." He said that at the close of that public hearing, the Planning Board discussed the matter and voted to not recommend the zoning ordinance amendments (memo on file). As a result, he recommended that the P&D Committee not recommend the amendments to the zoning ordinance either. Councilors LeBlanc and Lundberg indicated their assent.

**MOTION:** On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 0 in favor, 3 opposed, to recommend that the City Council Amend GZO Sec. 1.11.2(e) "sign ordinance," Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign," and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs.

4. *SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 & Sec. 5.25 Hotel Overlay District (Cont'd from 03/19/14)*

Attorney John Cunningham, representing Beauport Gloucester LLC (Beauport), reviewed for the Committee matters taken up at the March 6, 2014 Special Joint Meeting of the Planning & Development Committee and the Planning Board by saying that:

Mr. Cunningham reviewed that on behalf of Beauport, he made a presentation of the applicant's requests for modifications to the Special Council Permit on March 6. He noted that the plan modifications center on moving the portions of the hotel above the parking deck back from Commercial Street and moving the seawall further landward which results in additional beach space in front of the hotel. It was noted that at that time the applicant submitted a full set of plans and drawings as well as provided copies of the slides presented at that time (on file).

Mr. Cunningham explained that following that meeting, the Planning Board submitted its advisory report, along with responses by various city agencies (on file). The Planning Board recommended the approval of the proposed modifications to the Special Council Permit. He said that the Planning Board also approved modifications under the Site Plan Review portion of the zoning ordinance. Since that meeting, he noted, Beauport has submitted a proposed deed (on file) in connection with the request for modifications. As part of the settlement agreements, Beauport has agreed to propose a revision to the terms of the original deed, which is currently held in escrow, pursuant to the Beach and Development Agreement of April 30, 2013. He said that Beauport believes the changes to the deed are favorable to the city and the public. To show those changes to the Committee, Mr. Cunningham submitted a marked up copy of the Approval Not Required Plan (on file), referred to in the deed, to show the location of Parcel 2, which is being deeded to the city.

He explained further that the original deed reserved an easement to build coastal structures on Parcel 2. Under the modified plans in which the hotel and the seawall are being moved back 20 feet, there is sufficient room to construct any coastal structures without using Parcel 2, should it be needed in the future. He said that the easement reserving those rights is deleted from the new proposed deed. He also pointed out that the new deed allows public, in common with others, the use of the sandy portions of Parcel 1, which are not now, or in the future, used for the hotel building, seawall and other improvements, all as shown on the Special Council Permit plan or approved in the future, the sand in front of it will be available in general.

Councilor Verga confirmed with Mr. Cunningham that Parcel 2 continues to be part of the deed but no longer subject to easements for potential coastal structures. He noted that General Counsel had reviewed the documentation. Ms. Egan said that what Mr. Cunningham has conveyed to the Committee was accurate.

Mr. Cunningham noted a marked up the Seawall Location Plan dated March 6, 2014, (the tenth sheet in the package) illustrating the approximate area of the additional beach use easement area, after the construction of the proposed hotel and improvements. He said that in the event that in the future additional coastal structures are appropriate and permitted, the area to which the easement applies would be adjusted to reflect that.

He said that Beauport is requesting that the P&D Committee recommend to the City Council the approval of the revised deed as a replacement.

Mr. Cunningham pointed out that it was also discussed at the last meeting the opportunity to widen a portion of Commercial Street, as shown generally on the illustration at the joint meeting (on file). Beauport believes that this reduction of the front-yard setback meets all of the standards for a grant of a special permit, he said. He noted the six factors are believed by the applicant to be met under Section 1.8.3 as follows:

- 1) the modification serves the social, economic and community needs as the wider Commercial Street facilitates use by the neighborhood, commercial, and industrial businesses;
- 2) the wider Commercial Street enhances traffic flow and safety, allowing easier passage of large trucks that currently use Commercial Street;
- 3) utilities and other public services are scheduled to be upgraded through a collaboration among the city, state, and the applicant;
- 4) the area character and social structure are an example of a diverse neighborhood that contains residential, commercial, industrial, and hospitality uses which will benefit from the widening of the street and the construction of a new sidewalk;
- 5) the proposed street improvements will have no negative impact on the natural environment;
- 6) and the potential fiscal impacts from the development of the hotel and the concurrent widening of Commercial Street will be positive for the neighborhood, businesses and the City.

Attorney Cunningham requested on behalf of Beauport Gloucester, LLC that the Committee recommend to the Council the approval of the Special Council Permit for the reduction of the front-yard setback.

He concluded his remarks by saying that Building Inspector has submitted a letter (on file) following Beauport's acquisition of a property located at 99 Essex Avenue for off-site parking, indicating that it is his determination that the documentation supplied satisfies the Special Permit condition.

#### **1. MODIFICATION OF SPECIAL COUNCIL PERMIT FOR A HOTEL ORIGINALLY GRANTED ON MARCH 13, 2013 AND DECISION DATED MAY 9, 2013:**

Councilor Lundberg said that the Committee has carefully reviewed all material forwarded by the City Clerk relative to this application, has held two public meetings on March 6, 2014 and April 2, 2014, at which time a full and complete presentation of the application was made by the applicant, and has received and reviewed a detailed Advisory Report dated March 24, 2014, from the Planning Board. He noted that based on its review, the Planning and Development Committee Finds the following:

- 1) The requested modifications meet the standards under Section 1.5.13, as the interests of the neighborhood and the City are not impaired by the proposed modifications. They are consistent with the original special council permit decision and they do not detract from the protection provided to the neighborhood and the City by the Council's original decision.
- 2) The original Record Plans shall be replaced by the plan set entitled "Plans to Accompany Permit Applications for Beauport Gloucester Hotel Commercial Street Gloucester, Massachusetts," prepared by Beals Associates and Olson Lewis + Architects, dated January 13, 2014 with revisions through March 17, 2014.
- 3) Condition 2 on page 8 of the May 9, 2013 Decision is deleted as the emergency generator has been relocated and is no longer at street level at Fort Square.
- 4) The reference to a walkway across the beach side of the Hotel in condition 8 is deleted and the following is substituted: There shall be public access from Commercial Street to Pavilion Beach as shown on the new Record Plan set.
- 5) The Special Permit issued under Section 5.5.4 is no longer necessary as Section 5.5 has been deleted in its entirety from the Gloucester Zoning Ordinance. This Special Council Permit is deleted from the Decision;
- 6) Special Permit Condition number 24 in Appendix 1 relating to the off-site, valet and tandem parking special permit granted under Section 5.25.5.1 is satisfied by the applicant's acquisition and proposed use of the property at 99A Essex Avenue, Assessors Map 218, Lots 126, 1 and 17. In addition, the Committee concurs in the Building Inspector's determination (dated March 26, 2014) that the Council's decision authorized off-site parking, and that 99A Essex Avenue complies with the provision of the Zoning Ordinance and the Special Condition.
- 7) The deed required under the Beach and Development Agreement dated April 30, 2013 by and between the City and Beauport Gloucester, LLC, which agreement was made a part of the Special Permit as Condition 9 on Page 8 and shown as Appendix 4 shall be replaced by a revised deed, a copy of which is annexed as Exhibit One. The revised deed deletes so much of the escrowed deed as reserved an easement to Beauport Gloucester, LLC for coastal structures on Parcel 2 and adds to the Deed an easement for public use for beach purposes of those portions of Parcel 1 seaward of structures, existing from time to time, all as stated in the revised deed.

Councilor LeBlanc noted that the applicant will have the right to construct something on Parcel 1 of the beach and asked what types of structures the applicant would anticipate building. Mr. Cunningham said if flood elevations rise, the purpose would be to adjust the height of the seawall, or perhaps a form of egress to the beach.

Lee Dellicker, Windover Construction, said in case of storm damage it would apply in order to replace structures.

Councilor LeBlanc said that some of the local businesses near 99 Essex Avenue have used that property for overflow parking, he asked that Beauport keep in touch with them regarding any opportunity for those businesses to make arrangements to use any underutilized spaces Beauport may have. Mr. Cunningham and Mr. Dellicker assured the Councilor they had been in touch with the local businesses already.

**MOTION:** On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council the approval of the requested modifications of the Special Council Permits (SCP2014-004) granted to Beauport Gloucester LLC for a Major Project/Hotel at 47-61 Commercial Street, Map 1, Lot 33, in the Hotel Overlay District pursuant to Sec. 1.5.13 and Section 5.25.

## 2. APPROVAL OF REPLACEMENT DEED:

**MOTION:** On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council as part of the Modification, to approve the Replacement Deed under the Beach and Development Agreement dated April 30, 2013 which is annexed as Exhibit One and to recommend to the City Council a separate vote to approve the easement granted by the applicant in the Replacement Deed.

## 3. SPECIAL COUNCIL PERMIT FOR FRONT YARD SETBACK:

Councilor Lundberg related the following: That the Hotel Overlay District provides under Section 5.25.4.1 that all buildings and structures permitted pursuant to the HOD shall have a minimum front yard setback of ten (10) feet. The originally approved Hotel complied with this standard. Pursuant to Section 5.25.7, the City Council is

authorized to issue relief for setback non-compliance by the issuance of a special permit. In this instance, the infrastructure improvements planned by the City for the area, including the widening of Commercial Street, the existing truck traffic on Commercial Street, the current narrow layout of Commercial Street and important safety benefits of the proposed sidewalk on this side of Commercial Street warrant the finding that the reduction from 10 feet to 5 feet is in the public interest.

The Planning and Development Committee finds the following: Any adverse effects of the proposed modification to the front yard setback standard do not outweigh the benefits to the City, the zoning district or the neighborhood, and the modification will be in harmony with the general purpose and intent of the Zoning Ordinance. As further grounds, the Committee finds the following:

- 1) the modification serves the social, economic and community needs as the wider Commercial Street facilitates use by the neighborhood, commercial, and industrial businesses;
- 2) the wider Commercial Street enhances traffic flow and safety, allowing easier passage of large trucks that currently use Commercial Street;
- 3) utilities and other public services are scheduled to be upgraded through a collaboration among the city, state and applicant;
- 4) the areas character and social structure are an example of a diverse neighborhood that contains residential, commercial industrial, and hospitality uses which will benefit from the widening of the street and the construction of a new sidewalk;
- 5) the proposed street improvements will have no negative impact on the natural environment; and
- 6) the potential fiscal impacts from the development of the hotel and the concurrent widening of Commercial Street will be positive for the neighborhood, businesses and the city.

**MOTION:** On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, recommends that the City Council grant a Special Council Permit for a front yard setback of five (5) feet on a portion of Commercial Street, as shown on the Record Plans, for a Hotel to be located on Map 1, Lot 33, pursuant to Section 5.25.7 of the Hotel Overlay District of the Gloucester Zoning Ordinance.

These matters are advertised for public hearing.

The draft of the Beach Deed is found at the end of these minutes.

The Committee recessed at 5:52 p.m. and reconvened at 5:53 p.m.

**5. SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) Building Height in Excess of 35 feet (Cont'd from 03/19/14)**

Attorney Salvatore Frontiero, representing the applicant, Kathleen Stavis, Trustee and James Stavis, said that at the last meeting the P&D Committee recommended this matter be continued two weeks to give the Stavis' time to alleviate concern regarding this application from neighbors next door. He said in that the interim, there was a meeting at the Stavis' property where the neighbor, Eric Holdsworth, his attorney, Mark Glovsky, did a walkthrough showing where the home would be located approximately. There was a subsequent discussion for settlement of the matter, and he said that some progress was made in that it was agreed there should be plantings and screening on both sides of the properties where it abuts. He said there was a breakdown, however, when requests were made that were deemed unreasonable by the Stavis' regarding provisions for storage areas for personal property, the location of air-conditioning units and provisions for light screening. There is now an impasse between the parties, he said. He asked that despite the impasse as he described, that the Committee move forward the request for a height exception.

Attorney Mark Glovsky, representing Mr. and Mrs. Eric Holdsworth, direct abutters to 48 Fort Hill Road, said that in the absence of his clients, said he would wait to speak on the matter at the public hearing.

Councilor Verga said that the Committee had heard the review of the overall plan, but had wanted to give both parties time to forge a compromise. He said he did not see a need for another presentation.

**MOTION:** On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, a Special Council Permit (SCP2014-005) for the property

**8. Application for License of Flammable and Combustible Liquids, Flammable Gasses and Solids re: 27 Maplewood Avenue**

The Committee determined, in the absence of the applicant, to move the matter forward to public hearing, noting that this was a transfer of the established license.

**MOTION:** On motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council to grant Faye Holding LLC as owner, for Tony's Service Station Inc., a License of Flammable and Combustible Liquids, Flammable Gases and Solids for the property at 27 Maplewood Avenue for the storage of 16,000 gallons of Combustible Liquids—under M.G.L. Chapter 148, Sec. 13 and regulations thereunder as well as Gloucester Code of Ordinances, Chapter 8, Fire Prevention and Protection, Article I, in General and sections thereunder. Said applicant is responsible under GCO Sec. 8.1 requiring that the applicant shall be responsible for payment of fees for advertising for public hearing and postage for legal notices to all abutters.

This matter is to be advertised for public hearing.

A motion was made, seconded, and voted unanimously to adjourn the meeting at 6:10 p.m.

Respectfully submitted,

Dana C. Jorgenson  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

Draft of Beach Deed language submitted by Attorney John Cunningham on behalf of applicant, Beauport Gloucester LLC under SCP2014-004 as follows:

**Exhibit One  
DEED**

Beauport Gloucester, LLC, a Massachusetts limited liability company ("Grantor"), for One Dollar (\$1.00) consideration paid, grants to the City of Gloucester, a municipality incorporated under the laws of the Commonwealth of Massachusetts ("Grantee"), all of its right, title and interest in and to that certain parcel of beach and flats in Gloucester, Essex County, Massachusetts (the "Premises") described in Exhibit A, attached hereto and incorporated herein by reference, for use, in common with others entitled thereto, for all purposes for which public beaches are now or hereafter used in the City of Gloucester.

Grantor reserves the perpetual right and easement, as appurtenant to Grantor's Remaining Land, as defined in Exhibit A, to utilize the Premises as a public beach and for all purposes which are not materially inconsistent with the rights of the general public to utilize the Premises as a public beach. No rights reserved by Grantor hereunder shall be exercised in a manner which is materially inconsistent with the general public's rights to utilize the Premises as a public beach, other than as provided herein.

Grantor grants to the Grantee the perpetual right and easement for use, in common with the Grantor and others entitled thereto, for all purposes which public beaches are now or hereafter used in the City of Gloucester, so much of Parcel 1, as lies southwesterly of the structures, improvements and seawalls constructed on Parcel 1 from time to time, subject to Grantor's continuing right to use, maintain, alter, repair, add to, remove, construct, install and replace coastal structures, including but not limited to, retaining walls, seawalls and revetments, as well as access and egress walkways on Grantor's Remaining Land. Grantor's reserved right to construct such coastal structures further southwesterly from the hotel and coastal structures and egress walkways shown on the plans previously approved by the City, pursuant to

which the improvements are to be built, shall be subject to any applicable permitting and approval requirements and be limited to circumstances in which such construction is directed by a governmental authority or flood insurance requirements or where such construction is necessary or appropriate to protect the beach or any structure(s) or part(s) thereof on Grantor's Remaining Land.

Notwithstanding anything to the contrary herein contained, Grantor, subject to obtaining all required permits therefore, in exercising any of its rights hereunder, shall have the temporary right, from time to time, to bring onto the Premises and/or Grantor's Remaining Land, such personnel, equipment and materials as may be reasonable necessary or appropriate for Grantor to so exercise its rights. In such instances, the general public's right to utilize the Premises and/or Grantor's Remaining Land, or portions thereof, may be temporarily interrupted. In addition, any improvements constructed or installed on the Premises by Grantor which are approved by the Commonwealth of Massachusetts or by the Grantor, or which are required by or mandated by any governmental agency or entity, shall be presumptively deemed not to be materially inconsistent with the general public's rights to utilize the Premises and/or Grantor's Remaining Land as a public beach.

For purpose of that Deed, Grantor shall include its employees, guests, invitees and licensees and its successors and assigns.

No other rights to use the Grantor's Remaining Land are being granted or created, including, but not limited to, any rights by implication or necessity.

WITNESS the execution hereof under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Beauport Gloucester, LLC

BY: \_\_\_\_\_

Name:  
Title:

COMMONWEALTH OF MASSACHUSETTS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014 before me, the undersigned notary public, personally appeared \_\_\_\_\_ proved to me through satisfactory evidence of identification, which were a \_\_\_\_\_ to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Manager for Beauport Gloucester, LLC.

Notary Public \_\_\_\_\_

**Exhibit A to deed from Beauport Gloucester, LLC to the City of Gloucester**

The "Premises" are that certain parcel of land located southwesterly of, but not on, Commercial Street in Gloucester, Essex County, Massachusetts consisting of beach and flats and shown as Parcel 2 on a plan (the "Plan") entitled "Approval Not Required, Plan of Land, 47-61 Commercial Street, Gloucester, MA" by Coler & Colantino dated January 23, 2013, to be recorded herewith.

Parcel 1 on the Plan is referred to in the Deed to which this Exhibit is attached as "Grantor's Remaining Land".

For Grantor's title to the Premises and Grantor's Remaining Land, see Deed dated July 7, 2011, recorded with the Essex South District Registry of Deeds in Book 30521, Page 84 and Confirmatory Deed dated July 15, 2011, recorded with said Deeds in Book 30531, Page 311.

DRAFT

Planning & Development Committee  
 Wednesday, March 19, 2014 – 5:30 p.m.  
 1<sup>st</sup> Fl. Council Committee Room – City Hall  
 -Minutes-

**Present:** Chair, Councilor Greg Verga; Vice Chair, Councilor Paul Lundberg; Councilor Steven LeBlanc  
**Absent:** None.

**Also Present:** Councilor Paul McGeary

The meeting was called to order at 5:30 p.m.

Agenda Items 1 and 2 are continued to April 2, 2014.

- 1. *SCP2014-004: Commercial Street #47-61, Modification of Special Council Permit (SCP2012-010) under GZO Sec. 1.5.13 & Sec. 5.25 Hotel Overlay District (Cont'd from 03/06/14)*
2. *CC2014-007 (Verga) Request amendment to GZO under Sec. 1.11.2(e) to amend "sign ordinance" Sec. 4.3 by adding new definition to Sec. VI for "programmable scrolling sign" and amend Sections 4.3.2, 4.3.3 and 4.3.4 to include "outdoor programmable scrolling signs (Cont'd from 2/19/14)*
3. *Memorandum and pertinent material from Planning Director re: Land Disposition Committee Recommendations on 6 Stanwood Street (Easement Request by Karen Elliot, 6 Stanwood Street (Cont'd from 03/05/13)*

This matter is continued to April 2, 2014 at the request of General Counsel.

4. *SCP2014-005: Fort Hill Avenue #48, GZO Sec. 3.1.6(b) Building Height in Excess of 35 feet*

Overview:

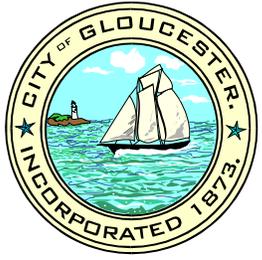
Attorney Salvatore Frontiero, representing the applicant, James and Kathleen Stavis, Trustee of Fort Hill Avenue Realty Trust, said that the revised request is for a height exception for 38.5 feet. Mr. Frontiero said the Stavis' purchased the property in 2012. Orienting the Committee to a displayed plot of land said the southeast elevation faces the ocean; the northwest elevation faces Drumhack Road, the southwest elevation faces Fort Hill Avenue; and the northeast elevation faces the Holdsworth property, a direct abutter of 48 Fort Hill Avenue. He noted there is a brick gate house on the ocean side (southeast side) of the property. There was a small structure closer to the ocean than the gate house, and another larger structure and a portion of a garage on the existing gate house that were destroyed by a storm some years ago. He pointed out an area of wetlands at the center of the approximately six acre property. He informed the Committee that Federal Emergency Management Agency (FEMA) has proposed to change the flood zone which will change the property's elevation from FEMA elevation 16 to elevation 30.

Mr. Frontiero reviewed that the applicant went before the Zoning Board of Appeals (ZBA) to build a new structure and to keep the gate house for an accessory sleeping dwelling for guests. The original relief from the ZBA to allow the gate house to remain and to build the house by moving it northeasterly within 10 feet from the lot line which would gain three feet in elevation. The house would then be situated two feet above the FEMA proposed 30 foot flood zone. Because of the desire to raise the structure of the house above the 30 foot flood zone, it requires relief in the form of a height exception at 38.5 feet from the City Council through a Special Council Permit.

Criteria:

Mr. Frontiero reviewed that the proposal must be in harmony with the general purpose and intent of the zoning ordinance, and is specific also to height exceptions and said that: The height exception over 35 feet must be consistent with the neighborhood character, will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts.

General Intent, GZO Sec. 1.2.1: The purpose is to promote health, safety, convenience, quality of life, and welfare of the city's inhabitants. It was pointed out there is a need to be safe from flooding, and conservation of resources, and prevention of pollution of the environment. Mr. Frontiero said that the requested height exception is in line with the purposes of the zoning ordinance, as the purpose to protect natural resources is being respected by avoiding the wetlands at the center of the lot. He noted that in terms of safety from flooding, it is proposed that the house is to be constructed on pilings two feet above the flood zone that is to be adopted by FEMA.



**CITY OF GLOUCESTER  
FOR COUNCIL VOTE 2014**

**DATE RECEIVED BY COUNCIL: 03/25/14**  
**CONTINUED FROM: 03/25/14**  
**FOR COUNCIL VOTE: 04/08/14**

**Budget and Finance Standing Committee Report of March 20, 2014  
continued from City Council Meeting of March 25, 2014**

**Supplemental Appropriation 2014-SA-57:** Mr. Duggan explained that this was a request originally put forward by former Councilor Ciolino through the Council's list of items it wanted to see funded through free cash. Councilor Cox briefly discussed with Mr. Duggan whether the funds should be transferred to the Veterans' Office or the DPW. It was noted these funds would be used for plantings and signage for the approximately 12 memorial squares in the city. Councilor Cox noted there are people already waiting to volunteer to assist the city with this beautification effort and discussed with Mr. Duggan several possible ways to accomplish the improvements.

**MOTION:** On a motion by Councilor Fonvielle, seconded by Councilor McGeary, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2014-SA-57 in the amount of \$2,000 (Two Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Veterans Services, Public Relations, Account # 101000.10.543.57890.0000.00.000.00.057 for the purpose of the upkeep and improvements to Memorial Squares.

→ **Supplemental Appropriation 2014-SA-58:** Mr. Duggan explained there is a weekly standing meeting with the Planning Director, Community Development Director, General Counsel, the Mayor and himself addressing the future opportunities at the Fuller site. He said now under discussion is how best to respond to the request for the use of the Fuller site submitted by the Cape Ann YMCA as a potential location for their facility. He reviewed for the Committee that the YMCA will submit a master plan for the location and cited some examples possible uses including: a YMCA facility, offices, some retail space, a small number of housing units above the retail portion in order to create a village-like atmosphere. He noted that discussions have been high level thus far. He pointed out that in the meantime in order for the city to do its due diligence there is a need to survey the existing conditions and do, preliminary engineering, and do legal research. Mr. Duggan added that the establishment and location of a public safety facility at the Fuller site would be factored into the study as well. He said this is an opportunity that won't come along again for some time.

It was noted that a previously approved free cash appropriation for a study for the public safety building was for the specific purpose of a response-time analysis study. He added that the Owner's Project Manager said the fields may not be the optimal location for the building, but a better location might be somewhere else on the Fuller site.

Councilor McGeary asked what the goal of the Fuller site study is for \$50,000. Mr. Duggan said the basic goal is for the city to accomplish its due diligence. He reiterated that this study would survey existing conditions, perform preliminary engineering and legal work that has to be done because there are small pieces of the property that Sam Park, the Gloucester Crossing developer, controls through conditions agreed upon some time ago. He explained there is a small triangular piece of property that once Mr. Park's construction financing turns into permanent financing, is to be turned over to the city. The city has to confirm that the construction financing has become permanent.

Councilor Fonvielle suggested that if the auditorium in the former Fuller School were demolished in the developing of the parcel it would be a loss to the city, and he asked whether preserving this important community asset had been explored. Mr. Duggan said there are no promises in that regard. Unfortunately, due to lack of attention and maintenance it may not be possible, to preserve the auditorium, he said. Councilor Fonvielle responded that the concert hall might have issues coexisting in the same area as the public safety building, but he reiterated the auditorium is a community resource that is not comparable to anything else available in the city.

On inquiry by Councilor Cox, Mr. Duggan said if another developer wants to submit a master plan in response to the city's Request For Proposal (RFP) the city would assess it.

Councilor McGeary said he hoped this RFP would be an open process and not tailored to a particular non-profit organization as all options need to be explored. Mr. Duggan agreed and said that there may be another development team that would be interested. There is an on-going discussion whether the property will be leased or sold, he noted.

Councilor Cox engaged in a discussion with Mr. Duggan regarding the fact that of the School Committee had declared the Fuller School surplus, but that the City Council had not yet accepted it and how that process should proceed.

**MOTION:** On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve Supplemental Appropriation 2014-SA-58 in the amount of \$50,000 (Fifty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Community

**Development, Contractual Services, Account # 101000.10.181.52000.0000.00.000.00.052 to fund additional Community Development needs including the Fuller Site Study.**

**Supplemental Appropriation 2014-SA-59:** Mr. Duggan said that the Tourism Commission will be recommending uses for this \$50,000 free cash appropriation. The Commission is expected to recommend funding for the Schooner Festival at \$2,500 and fund advertising and additional commercial production for video advertisement, website maintenance, a video monitor for the welcoming center and other initiatives investing in the city's tourism infrastructure.

Councilor McGeary reminded Mr. Duggan that he preferred to see the Commission spend its money on impactful investments. Mr. Duggan pointed out that the television ads cost \$20,000 to produce plus the cost air time. Councilor Cox, Council liaison to the Commission, said the Commission is looking to do a survey of local inns, motels and hotels to determine where the visitors to the city are coming from and how they heard about the city. This, she said, is needed in order to target advertising.

Councilor McGeary suggested hiring a marketing or public relations firm with this money which he said would serve the Tourism Commission in a better way. Mr. Duggan said the Community Development Department recently hired a Senior Project Manager for the Visitor-Based Economy, Carol Thistle, who will oversee the Welcome Center. He said she has already done a lot of outreach to the Chamber of Commerce, the Direct Marketing Organization (Discover Gloucester) and other tourism promotion entities in the city.

Councilor Cox asked for patience for one more year to allow Ms. Thistle to get acclimated and to come back during the next budget season or next round of free cash to give the Committee her ideas on what should be done to promote the city's visitor-based economy. Mr. Duggan added that the five-year tourism plan is going to be developed by the Tourism Commission with the assistance and guidance of Ms. Thistle. Councilor Cox said that this newly composed Tourism Commission is already doing great work and has already accomplished quite a bit. Councilor Fonvielle agreed that the development of a survey that Councilor Cox put forward was a very good development tool for the Tourism Commission.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2014-SA-59 in the amount of \$50,000 (Fifty Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to Tourist Commission, Purchased Services, Account # 101000.10.563.53500.0000.00.000.00.052 for the purpose of supporting the Tourist Commission.**

**Supplemental Appropriation 2014-SA-61:** Mr. Costa explained that this \$100,000 free cash transfer is specifically for a trust fund to offset retiree health insurance costs. By state statute the funds cannot be used for any other purpose. This transfer is intended to build up the city's reserves. He noted this account was created by the city three years ago.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor Fonvielle, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2014-SA-61 in the amount of \$100,000 (One Hundred Thousand Dollars) from the General Fund-Undesignated Fund Balance ("Free Cash"), Account #101000.10.000.35900.0000.00.000.00.000 to OPEB Trust-Transfers In from General Fund, Account #830000.10.991.49700.0000.00.000.00.040 for the purpose of increasing the city's funding of the OPEB Trust Account.**

**Supplemental Appropriation 2014-SA-62:** Dr. Richard Safier, Superintendent of Schools said providing students with Chromebook computers that is an opportunity to transform the nature of teaching and learning through the creation of a one-to-one digital learning environment. He explained the following: That this initiative is not just about purchasing computer hardware and software, but establishing a whole infrastructure. This will require the addition of some personnel as well working with the schools and staff in order to provide the requisite professional development. This request, initiated by the Mayor, is entirely independent of the School District's free cash request that was voted by the Council recently to be utilized for a variety of necessary district purposes. This program is the beginning of a multi-year initiative to bring the high school and middle school into the digital age. The \$270,000 will be placed in an account that would preserve the funds for the specific use of the digital initiative.

Dr. Safier said the money will pay for the first phase of the program and establish a one-on-one environment for Grade 8 students. There will be some professional development with the ninth grade teachers, and in September