



GLOUCESTER CITY COUNCIL  
**Planning & Development Committee**  
Wednesday, October 8, 2014 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**

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

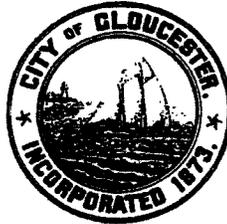
1. *Memorandum from Administration re: Options for the Fuller property RFP*
2. *Memorandum from Community Development Director re: Land Disposition Application-Varian request to purchase easement on a portion of Great Republic Drive*
3. *SCP2014-010: Railroad Avenue #33, Map 24, Lot 58 – Modification of September 16, 2003 City Council permit granted pursuant to Sections 1.4.2.2, 2.3.1(4)(b) and 3.2.1(4) of the 1999 Zoning Ordinance as amended through 2003 (GZO 2008 Sec. 1.5.3(c), 2.3.1(8) and 3.1.6(b))*
4. *Renewal of Special Permit pursuant to MGL Ch. 148, §56 and Sec. 22-153 re: Richard Pratt Outdoor Parking Permit at 2 Beachland Avenue*
5. *CC2014-039 (Verga) Request P&D & O&A Standing Committees review the positions of Harbor Planning Director and the Executive Director of the Fisheries Commission*

**COMMITTEE**  
**Councilor Greg Verga, Chair**  
**Councilor Paul Lundberg, Vice Chair**  
**Councilor Steven LeBlanc**

CC: Mayor Kirk  
Linda T. Lowe  
Salvatore DiStefano, Sr.  
Tom Daniel  
Gregg Cademartori  
Bill Sanborn  
Sally Polzin

**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 Ave  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

MEMORANDUM

**TO:** Gloucester City Council  
**FR:** Mayor Carolyn A. Kirk  
**RE:** Options for Fuller RFP  
**DT:** September 15, 2014

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Councilors,

The Administration presents this memo to move forward with the disposition of the Fuller property. We have taken the steps necessary to request that the Council accept the School Committee's vote to declare the parcel surplus and therefore vote to authorize the disposition of the parcel.

To review the steps taken to date:

- A. In 2007 the School Committee adopted the Plan for Effective Learning Communities which called for moving the elementary school children from the Fuller School Building. In 2008, the School Committee decided to close the building. Thereafter in January of 2013, the School Committee declared the parcel surplus;
- B. Since that time, the Administration has moved forward to study the feasibility of locating and constructing a public safety facility on the site. The preliminary figures show that it will cost approximately \$40-50 million dollars to construct the public safety building and municipal office building. A response time analysis is being undertaken to determine if the site is a proper location for a public safety facility. Early findings from the response time analysis for moving the FD HQ from current central station to this site show no improvements in response times overall – just trade-offs from one part of the city to others.

The cost estimate of constructing municipal office space alone is approximately \$17.5 million dollars. Using \$47.5 million as an estimate for both this and the combined public safety facility, debt service would average about \$4.0 million annually in the first 7 years of the 20 year term. This is based on the current interest rate scenario, and it is expected that rates will begin to slowly trend up beginning about a year from now. To put that \$4.0 million in perspective, the general fund currently supports \$8.0 million of debt service in the current Fiscal Year so this would represent a 50% increase over the current year budget.

As current levels of debt service run off over the next three years, we will be using that capacity to absorb the costs of the West Parish project. In all likelihood, any significant new project is at least ten years out before we can begin to afford it without some type of override.

- C. In addition, we have obtained an existing conditions survey clearly showing the property boundaries.

The administration would like to set out a framework for collaborating with the City Council to take the next steps.

1. First, we ask that the Council accept the School Committee's declaration that the parcel is surplus and that it is no longer needed for school purposes and to authorize the sale of the property under certain terms and conditions.
2. Secondly, we ask that the Council collaborate with the Administration to allow it to submit to Council for its review an RFP for the disposition of the parcel by the Council meeting of October 28, 2014.

In designing the RFP, the Council may establish the terms and conditions of the disposition of the property. *There are two options as to how an RFP may be framed, either a broad RFP which sets out the city's interest as preferences which will be considered in the evaluation process or a narrowly constricted RFP tailored to specifically meet the needs of the city.* This could include subdividing the property prior to the issuance of the RFP. As we have seen through our past experience with broad requests, we will likely garner more responses with a higher price than with a narrow request. With either option the city still has the authority to accept the proposal which aligns with the city's interests.

In terms of a timeline and working backwards in terms of the City Council approval process, we anticipate that a broad RFP which sets out the city's interest as preferences could be released by November 14 with responses due January 1, 2015.

A more narrowly constricted RFP which in all likelihood would require a subdivision of the property and Planning Board approval in addition to City Council approval could be released by February 1, 2015 with responses due by March 1, 2015.

The Administration looks forward to working collaboratively with the City Council on moving forward with the disposition of the Fuller property.

Thank you.

City Hall Annex  
Three Pond Road  
Gloucester, MA 01930



Tel 978 281-9781  
Fax 978 281-9779  
tdaniel@gloucester-ma.gov

**CITY OF GLOUCESTER**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**TO:** Carolyn Kirk, Mayor  
**FROM:** Tom Daniel, Community Development Director *TD*  
**RE:** Land Disposition Application: Varian Request to Purchase Easement  
**DATE:** September 4, 2014

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On June 11, 2014, the City received a request to purchase an easement from Varian as owner of land at 35 Dory Road and 30 Blackburn Drive. The request is to purchase an easement abutting its properties and running across/underneath Great Republic Drive. The easement would allow Varian to construct and maintain a nitrogen utility line which would be used for transmission of nitrogen to Varian's abutting properties.

Consistent with the Code of Ordinances section 2-3(b), the Land Disposition Committee (LDC) met on July 14, 2014 to review this request. Attendees were City Planner Gregg Cademartori, Purchasing Agent Donna Compton, City Solicitor Suzanne Egan, Public Works Director Mike Hale, Assessor Gary Johnstone, Health Inspector Max Schenk, and Fire Chief Eric Smith.

The LDC reviewed the materials submitted to the City Clerk. Questions arose about elements of the proposal because the materials did not provide enough information on the utility profile, layout, or rationale for size of easement.

The LDC agreed that signage would need to be installed on Great Republic Drive indicating where the nitrogen line is located and what specifically is being carried by the line. This signage should be reviewed and approved by the Director of Public Works and the Fire Chief.

The LDC further agreed that additional information would need to be provided so that the Public Works Director could determine if the plan was acceptable. Supplemental materials were provided, and the Public Works Director approved the plans on August 19, 2014.

The LDC recommends the City grant the easement as described in the application with the condition that signage be installed in Great Republic Drive indicating the location of the nitrogen line. The signage must be reviewed and approved by the Public Works Director and Fire Chief before being installed.



**OFFICE OF THE CITY CLERK**  
9 Dale Avenue • Gloucester, Massachusetts 01930  
Office (978) 281-9720 Fax (978) 282-3051

June 12, 2014

**MEMORANDUM**

To: Mayor Carolyn Kirk

From: Linda T. Lowe *dtl*

Re: Request from Varian for Utility Easement at Great Republic Drive and Referral to Land Disposition Committee

Under the Code of Ordinances sec. 2-3 "Disposition of Real Estate" we are providing you with a Request to Purchase an Easement recently received on behalf of Varian as owner of land at 35 Dory Rd. and 30 Blackburn Drive. Varian is requesting to purchase an easement abutting its properties and running across /underneath Great Republic Drive in Blackburn Industrial Park. The easement would allow Varian to construct and maintain a nitrogen utility line which would transmit nitrogen to Varian's abutting properties. The easement area contains +/-2046 s.f.

Prior to being considered by the City Council this request must, by Code of Ordinances sec 2-3(b), be reviewed by the Land Disposition Committee under the direction of the Planning Director. In addition under sec.2-3(d) (2) the petitioner must "provide a detailed statement setting forth the need for the easement" and "a copy of a plan indicating the location and approximate metes and bounds of the grant." These documents have been provided by Varian with their application together with a draft of a proposed easement.

By this memo we have also referred this request to the Planning Director, Gregg Cademartori for the LDC review and recommendation. Upon completion of the Committee recommendation we ask that you please forward the request, together with the required documentation to the Council in an upcoming Mayor's Report.

Thank you.

Enclosures : Varian Request to Purchase Easement on City Owned Land at Great Republic Drive

Copy to: Joanne Senos, Asst. City Clerk  
Gregg Cademartori, Planning Director  
Joel Favazza, Attorney for Varian



**CITY OF GLOUCESTER**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 3 Pond Road, 2nd Floor • Gloucester, MA 01930  
 TEL 978-281-9781  
 FAX 978-281-9779

CITY CLERK  
 GLOUCESTER, MA  
 14 JUN 11 PM 3:17

**UTILITY**

**REQUEST FOR A GRANT OF EASEMENT IN CITY OWNED LAND**  
 (Code of Ordinance, Section 2.3)

**APPLICANT INFORMATION**

1. Name of applicant: Varian Semiconductor Equipment Associates, Inc.
2. Address of applicant: c/o Seaside Legal Solutions, PO Box 1172, Gloucester, MA 01931
3. Telephone number: 978-627-4500

**PARCEL INFORMATION**

1. Street address: Great Republic Road
2. Map and lot(s): ~~na~~ 263 (Ab lot #)
3. Size of Parcel: ~~na~~ 2046 SF
4. Current zoning: Business Park (BP)
5. Intention of purchase: Applicant is requesting an easement for a nitrogen utility line to be used for the transmission and furnishing of nitrogen gas from the Applicant's property located at 35 Dory Road to the Applicant's property located across the street at 30 Blackburn Drive (Building 4). The pipe would be run perpendicular to and underneath Great Republic Drive per the attached plan.
6. Is applicant an abutter? Yes -- on both sides of Great Republic Road.
7. Location of abutting parcel: 35 Dory Road and 30 Blackburn Drive (Building 4).  
 Map and lot: 263-30 and 262-24

*[Signature]*  
 Applicant's signature

JUNE 9, 2014  
 Date

**For City Clerk Only**

Sent to: Mayor .....	Date <u>6/12/14</u>
Planning Director, (Land Disposition) .....	Date <u>6/12/14</u>
Planning & Development .....	Date _____
City Council .....	Date _____

CITY OF GLOUCESTER LAND DISPOSITION SHEET

BASE MAP NUMBER \_\_\_\_\_ ADDRESS Portion of Great Republic Drive

ASSESSOR MAP & LOT(S): 263 (no lot number)

BOOK & PAGE: 16280/234 DATE UPDATED: \_\_\_\_\_

LAND COURT CASE: \_\_\_\_\_ LAND COURT MAP #: \_\_\_\_\_

ZONING: Business Park CATEGORY: \_\_\_\_\_

ACREAGE: 2046 SF ASSESSED VALUE: \_\_\_\_\_

PRESENT USE: Roadway

USE RESTRICTIONS: \_\_\_\_\_

MANAGEMENT AGENCY: \_\_\_\_\_

EXISTING BUILDING: \_\_\_\_\_ ASSESSED VALUE: \_\_\_\_\_

Condition: \_\_\_\_\_

Leased to: \_\_\_\_\_

Rent: \_\_\_\_\_

UTILITY SERVICE

Water: \_\_\_\_\_

Sewer: \_\_\_\_\_

Gas: \_\_\_\_\_

Electric: \_\_\_\_\_

PHYSICAL CHARACTERISTICS:

See attached plans and proposed Grant of Easement language.

SEASIDE LEGAL  
SOLUTIONS

P.O. BOX 1172  
GLOUCESTER, MA 01931  
PHONE/FAX 978-627-4500  
SEASIDELEGALSOLUTIONS.COM

June 11, 2014

Linda Lowe  
City Clerk  
Nine Dale Avenue  
Gloucester, MA 01930

14 JUN 11 PM 3:17  
CITY CLERK  
GLOUCESTER, MA

RE: REQUEST FOR DISPOSITION OF CITY LAND (EASEMENT)  
GREAT REPUBLIC DRIVE

Dear Linda:

This office represents Varian Semiconductor Equipment Associates, Inc. ("Varian"). I have enclosed a request for disposition of city land pursuant to Section 2.3 of the Code of Ordinances in relation to Varian's multiple facilities in the Blackburn Industrial Park.

Specifically, Varian is requesting an easement be granted allowing it to construct and maintain an underground nitrogen gas line perpendicular to and underneath Great Republic Drive so as to connect a proposed nitrogen generation plant with the facility in which the nitrogen is to be used.

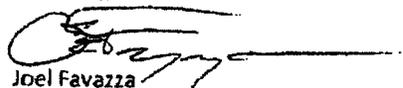
The nitrogen gas, which is inert and non-flammable (and makes up roughly 80% of the air we breathe), will be used in conjunction with highly sensitive machinery. As is shown in the attached plans, the nitrogen gas will be transported in a three-inch copper pipe, within a 6-inch insulated PVC pipe, which is then incased in concrete and laid at a varying depth below the surface of the road.

Currently, liquid nitrogen is delivered by truck approximately every other day, most of which is converted to and used as a gas for processing wafers in an oxygen-free environment and for cleaning equipment. In order to increase the efficiency of its operations, Varian has decided to build the proposed plant so it can cover most of its nitrogen needs through on-site nitrogen generation. In addition to generating the nitrogen gas, Varian needs a safe way to transport the nitrogen to the facilities in which it will be utilized.

Improving operational efficiencies is critical to maintaining Varian's production capacity and ability to remain a leading developer and manufacturer of equipment for semiconductor transistor manufacturing. This will also substantially cut down on the number of liquid nitrogen deliveries to Varian's facility each month.

If you have any questions or concerns, please contact my office. Thank you for your attention to this matter.

Sincerely,



Joel Favazza

JF/fea  
Enc.  
cc: Rick Johnson



GLOUCESTER, MA

14 JUN 11 PM 3: 18

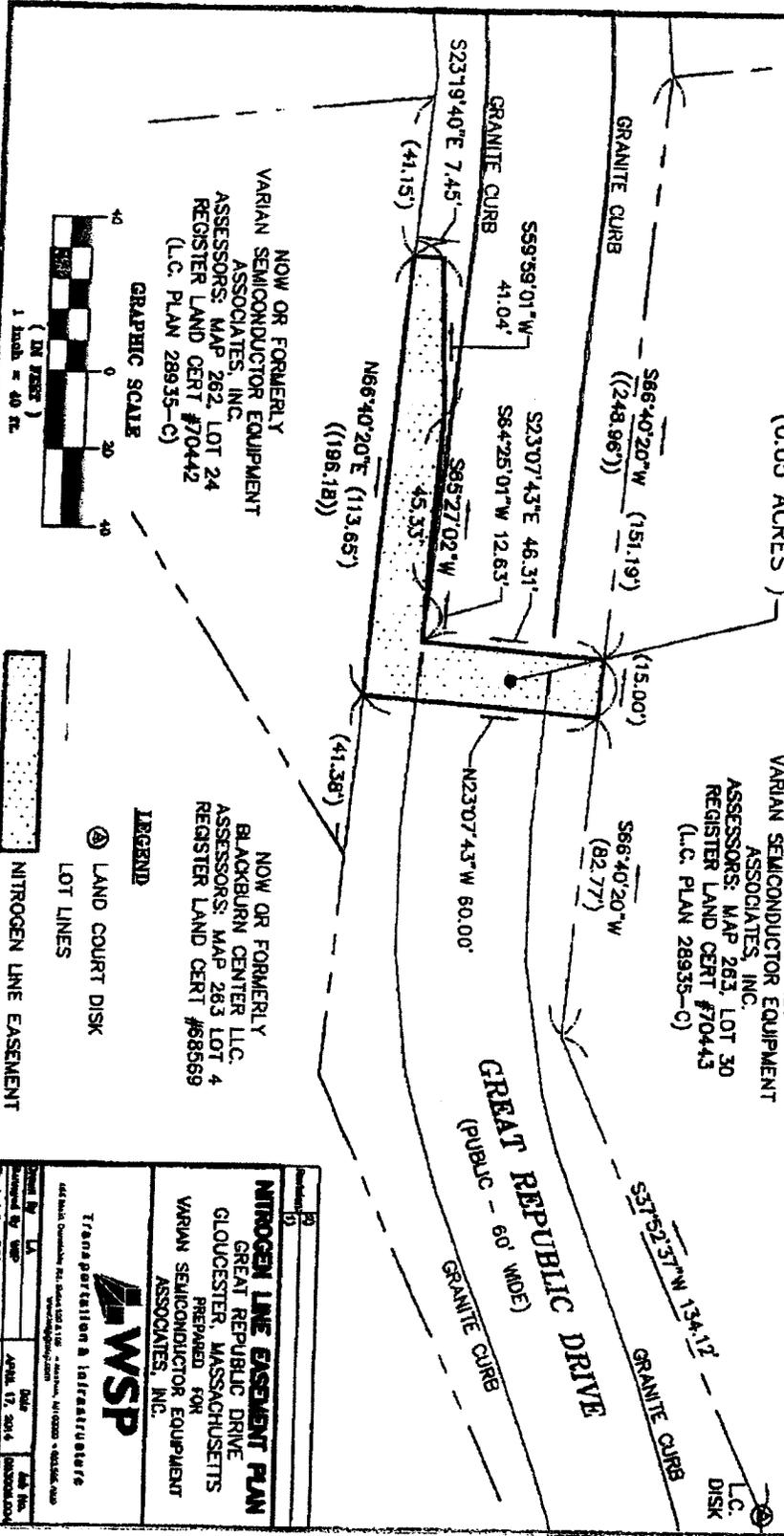
NITROGEN LINE  
EASEMENT AREA:  
2,046 S.F.  
(0.05 ACRES )

NOW OR FORMERLY  
VARIAN SEMICONDUCTOR EQUIPMENT  
ASSOCIATES, INC.  
ASSESSORS: MAP 263, LOT 30  
REGISTER LAND CERT #70443  
(L.C. PLAN 28935-C)

NOW OR FORMERLY  
VARIAN SEMICONDUCTOR EQUIPMENT  
ASSOCIATES, INC.  
ASSESSORS: MAP 262, LOT 24  
REGISTER LAND CERT #70442  
(L.C. PLAN 28935-C)

NOW OR FORMERLY  
BLACKBURN CENTER LLC  
ASSESSORS: MAP 263, LOT 4  
REGISTER LAND CERT #68569

- NOTES**
1. THIS PLAN WAS PREPARED FROM AN ACTUAL ON-THE-GROUND FIELD SURVEY CONDUCTED BY WSP BETWEEN JANUARY 25, 2006 - FEBRUARY 17, 2006 AND APRIL 16, 2014.
  2. THE HORIZONTAL COORDINATE SYSTEM SHOWN HEREON REFERENCES NAD 1983. (MASSACHUSETTS STATE PLANE COORDINATE SYSTEM)



- LEGEND**
- ⊙ LAND COURT DISK
  - LOT LINES
  - NITROGEN LINE EASEMENT

<p><b>NITROGEN LINE EASEMENT PLAN</b> GREAT REPUBLIC DRIVE GLOUCESTER, MASSACHUSETTS PREPARED FOR VARIAN SEMICONDUCTOR EQUIPMENT ASSOCIATES, INC.</p>	
<p>Transposition &amp; Interpretations 445 North Oronoque Rd., Suite 102A, 11B • Milisno, MA 01930 • 401.556.4000 www.wspinc.com</p>	<p><b>WSP</b></p>
<p>Drawn by: LA Checked by: GJM Date: APRIL 17, 2014 Scale: 1" = 40'</p>	<p>Map No. Sheet No. 1 of 1</p>

Property Address: Great Republic Road, Gloucester, MA (Southern Essex District)

CITY CLERK  
GLOUCESTER, MA

14 JUN 11 PM 3:18

GRANT OF EASEMENT

The CITY OF GLOUCESTER, a Massachusetts municipality having an usual place of business at 7 Dale Avenue, Gloucester, Massachusetts (hereinafter referred to as the "Grantor"), for consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, grants to Varian Semiconductor Equipment Associates, Inc., with its usual place of business at 35 Dory Road, Gloucester, Massachusetts 01930 (hereinafter referred to as the "Grantee") and its successors and assigns, with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, use, maintain and operate an underground nitrogen utility line (the "Nitrogen Utility Line") and related pipes, conduits, manholes and other necessary appurtenances under Great Republic Road in the City of Gloucester, Essex County, Massachusetts in the approximate area (the "Easement Area") shown on a plan of land entitled, "Nitrogen Line Easement Plan, Great Republic Drive, Gloucester, Massachusetts" prepared by WSP Transportation and Infrastructure, dated April 17, 2014, and recorded herewith (the "Plan").

The Nitrogen Utility Line shall consist of a 3" copper nitrogen carrier pipe in a 6" PVC insulated jacket, and will be constructed underground within a trench, substantially in accordance with the sketch of the Nitrogen Pipe Trench Section at Great Republic Drive as shown on a site plan entitled, "Varian Semiconductor / Applied Materials, Inc., Nitrogen Generation Plant, 35 Dory Road, Gloucester, MA 01930," last updated March 20, 2014, and prepared by Symmes, Maini, and McKee Associates (the "Site Plan"), a reduced copy of which is attached hereto as Exhibit A. The final definitive locations of the Nitrogen Utility Line and the Easement Area shall become established by and upon the installation and construction thereof by the Grantee. Promptly after the installation of the Nitrogen Utility Line is complete, Grantee shall, at its sole cost and expense, prepare and record an "as built" plan showing the actual installed location of the Nitrogen Utility Line and manhole(s) and the Easement Area. The easement for the Nitrogen Utility Line shall be in the actual installed location, and the Easement Area shall be established and fixed as the area beginning at the center and extending outward 7.5 feet on each side of the Nitrogen Utility Line, all as shown on the as built plan. The easement granted herein shall be appurtenant to Grantee's property located at 35 Dory Road (the "Dory Road Property") and 30 Blackburn Drive (the "Blackburn Drive Property"), which are more particularly described in Exhibit B attached hereto, and shall be used for the transmission and furnishing of nitrogen gas from the Dory Road Property to the Blackburn Drive Property.

The easement for the Nitrogen Utility Line is granted with the further perpetual right and easement from time to time without further payment therefor, to pass and repass over, across and upon Great Republic Road as is reasonable and necessary in order to install, construct, remove, reconstruct, repair, replace, add to, use, maintain and operate the Nitrogen Utility Line, and to make such other excavation or excavations as may be reasonably necessary, in the opinion and judgment of the Grantee, its successors and assigns, and Grantor also grants to Grantee the perpetual right and easement at any time and from time to time to keep the Easement Area clear of tree roots, branches, shrubs, brush, bushes, structures, objects and surfaces that may, in the opinion of the Grantee, its successors and assigns, interfere with the safe and efficient operation and maintenance of the Nitrogen Utility Line and any other appurtenances thereto. However, Grantee, its successors and assigns, upon completion of such excavation work, will properly

backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If the Easement Area, the approximate location of which is shown on the Site Plan, is unsuitable for the purposes of the Grantee, its successors and assigns, then the location of the Easement Area may be changed to another area mutually satisfactory to both the Grantor and the Grantee herein. If the location of the Easement Area is relocated, the new location shall be shown on an amended site plan to be recorded with the Southern Essex District Registry of Deeds. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Easement Area and Nitrogen Utility Line may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is agreed that the Nitrogen Utility Line shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns shall pay all taxes assessed thereon.

This Grant of Easement (and the Easement Area described herein) is intended to benefit those parcels of land owned by Grantee and more particularly described in the following deeds recorded with the Southern Essex Registry of Deeds in: Book 15593, Page 451, filed also in the Land Court Department as Document No. 355942 and a portion of the premises described therein thereby registered by Certificate of Title No. 70443; Book 15593, Page 435, filed also in the Land Court Department as Document No. 355938 and a portion of the premises described therein thereby registered by Certificate of Title No. 70442; Book 23138, Page 504; and Book 25124, Page 105. And also the parcel of land owned by Grantee and more particularly described in Certificate of Title No. 77466. For Grantor's title, see Order of Taking dated February 27, 1997 and filed with said Registry District as Doc. No. 327734 on Certificate of Title No. 70443. No new boundaries were created by this document.

[signature page follows]

Executed as a sealed instrument as of this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

City of Gloucester

\_\_\_\_\_  
By:  
Its:

**COMMONWEALTH OF MASSACHUSETTS**

Essex, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned notary public, personally appeared \_\_\_\_\_ of the City of Gloucester, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License or personal knowledge, 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.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

**Exhibit A**

**Reduced Copy of the Site Plan**

**[insert copy]**



Exhibit B

**35 DORY ROAD AND 30 BLACKBURN DRIVE  
GLOUCESTER, MASSACHUSETTS**

The following parcels comprise the Grantee's property at 35 Dory Road and 30 Blackburn Drive:

Parcel I:

The land situated in Gloucester in the County of Essex and Commonwealth of Massachusetts, bounded and described as follows:

FIRST PARCEL:

- NORTHWESTERLY by Old Rockport Road four hundred eight and 40/100 (408.40) feet;
- NORTHEASTERLY by land now or formerly of City of Gloucester seven hundred ninety and 47/100 (790.47) feet;
- SOUTHEASTERLY by lands now or formerly of George C. Nugent and of Shirley F. Woodger six hundred twenty-eight and 71/100 (628.71) feet; and
- SOUTHWESTERLY by lot 4, as shown on plan hereinafter mentioned, six hundred eighty and 42/100 (680.42) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 28935-B, drawn by Tibbets Engineering Corporation, Surveyors, dated November 28, 1969, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 39850 in said Registry, and the above described land is shown as lot 3, on last mentioned plan.

SECOND PARCEL:

- NORTHERLY by Old Rockport Road six hundred seventy-five and 42/100 (675.42) feet;
- NORTHEASTERLY by lot 3, as shown on plan hereinafter mentioned, six hundred eighty and 42/100 (680.42) feet;
- SOUTHERLY by land now or formerly of Shirley F. Woodger one hundred seventy-eight and 98/100 (178.98) feet;

SOUTHEASTERLY by said Woodger land and by land now or formerly of Leon Rosenbloom six hundred eighty-nine and 68/100 (689.68) feet;

SOUTHWESTERLY by lots 10, 9 and 8, as shown on said plan, two hundred fifty-two and 39/100 (1052.39) feet; and

NORTHWESTERLY by lot 17 (Road C), as shown on said plan, one hundred thirty-six and 41/100 (136.41) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 28935-C, drawn by Tibbetts Engineering Corp., Surveyors, dated April 1, 1970, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 40377 in said Registry, and the above described land is shown as lot 7, on last mentioned plan.

THIRD PARCEL

NORTHWESTERLY by Lot 7 on a plan hereinbefore mentioned by two courses measuring a total distance of two hundred seventy and 14/100 (270.14) feet;

NORTHERLY by said Lot 7 and by Lot 3 on said plan by four courses measuring a total distance of four hundred twenty-four and 80/100 (424.80) feet; and

SOUTHEASTERLY by Parcel B on said plan six hundred thirty-four and 38/100 (634.38) feet.

Being a portion of Parcel A shown as "Unregistered Area = 0.96 Acres" on a plan entitled "Division of Land in Gloucester, Mass., for Gloucester Industrial Development Commission (Dev.), Shirley F. Woodger and Robert F. Brown (Owners)" dated April 4, 1977 by Tibbetts Engineering Corp.

Meaning and intending to describe the premises described in the deed recorded with the Southern Essex District Registry of Deeds in Book 15593, Page 451 and filed with the Southern Essex District of the Land Court as Document No. 355942 creating Certificate of Title No. 70443 ("Third Parcel" being unregistered land and not included in Certificate No. 70443).

Parcel II:

FIRST PARCEL

The land situated in Gloucester in the County of Essex and Commonwealth of Massachusetts, bounded and described as follows:

- SOUTHWESTERLY on a curving line by lot 18, shown as Blackburn Drive, as shown on plan hereinafter mentioned, on two courses measuring together one hundred four and 94/100 (104.94) feet;
- NORTHWESTERLY by lot 9, as shown on said plan, three hundred thirty-five (335) feet;
- NORTHEASTERLY by lot 7, as shown on said plan, one hundred seventy-two and 39/100 (172.39) feet;
- SOUTHEASTERLY by land now or formerly of Leon Rosenbloom three hundred twenty-four and 44/100 (324.44) feet; and
- SOUTHWESTERLY by lot 21, as shown on said plan, two hundred twenty-eight and 32/100 (228.32) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 28935-F, drawn by Parsons and FAIA Inc., Surveyors, dated January 18, 1985, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 54403 in said Registry, and the above described land is shown on lot 20 on last mentioned plan.

SECOND PARCEL

- WESTERLY by Lot 10A as shown on the plan mentioned herein before and by land of Varian Associates, Inc., four hundred twenty-two and 44/100 (422.44) feet;
- NORTHEASTERLY by other land of McNiff, forty-seven and 00/100 (47.00) feet;
- NORTHWESTERLY by said land of McNiff, thirty-six and 18/100 (36.18) feet;
- EASTERLY on a curving line in two courses by other land of McNiff, fifty-eight and 40/100 (58.40) feet and nineteen and 47/100 (19.47) feet, respectively;
- SOUTHEASTERLY by other land of McNiff, three hundred thirty-two and 05/100 (332.05) feet;

SOUTHWESTERLY by said McNiff land in a curving line, thirty and 16/100 (30.16) feet.

Being shown as Lot 2 on a Plan entitled Subdivision Plan, Gloucester, Mass., John D. McNiff", dated January 15, 1985, Parsons and FAIA, Inc., Surveyors, 480 Lincoln Avenue, Saugus, Mass." recorded in Plan Book 194, Plan No. 76.

Meaning and intending to describe the premises described in the deed recorded with the Southern Essex District Registry of Deeds in Book 15593, Page 435 and filed with the Essex South District of the Land Court as document No. 355938 creating Certificate of Title No. 70442 ("Second Parcel" being unregistered land and not included in Certificate No. 70442).

Parcel III

A parcel of unimproved land in Gloucester, Essex County, Massachusetts, shown as Lot 7D on a plan of land entitled "Plan of Land in Gloucester, MA prepared for City of Gloucester Economic Development & Industrial Corporation," dated May 8, 1998, prepared by Rural Land Surveys, recorded with the Southern Essex District Registry of Deeds in Plan Book 330, Plan 18.

Said lot containing 2.5292 acres, more or less, according to said plan.

Meaning and intending to describe the premises described in the Deed recorded with the Southern Essex District Registry of Deeds in Book 23138, Page 504.

Parcel IV

That land situated in Gloucester in the County of Essex and Commonwealth of Massachusetts, bounded and described as follows:

SOUTHWESTERLY by lot 18, (shown as Blackburn Drive) (formerly Road B) as shown on plan hereinafter mentioned, two hundred sixty and 06/100 (260.06) feet;

NORTHWESTERLY by lot 22, as shown on said plan, three hundred thirty-five (335) feet;

NORTHEASTERLY by lot 7, as shown on said plan, two hundred sixty and 06/100 (260.06) feet; and

SOUTHEASTERLY by lot 9, as shown on said plan, three hundred thirty-five (335) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 28935-G, drawn by Essex Survey Service, Inc., Surveyors, dated May 12, 1986, as modified and

approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 56104 in Southern Essex District Registry of Deeds Land Court Department, and the above described land is shown as lot 23, on last mentioned plan.

Meaning and intending to describe the premises described in the Deed filed with said Registry Land Court Department as Document No. 442901 creating Certificate of Title No. 77465.

Parcel V

Two parcels of vacant land located on Great Republic Drive, Blackburn Industrial Park, Gloucester, Massachusetts 01930, being more particularly described as follows:

PARCEL ONE:

Lot 11A on a plan entitled "Blackburn Industrial Park Expansion Modification Lot Layout Plan" dated October 23, 1998, prepared by Hancock Survey Associates, Inc. and recorded with Southern Essex District Registry of Deeds in Plan Book 332 as Plan 84. Said lot contains 10.7577 +/- acres according to said Plan.

PARCEL TWO:

Lot 10B on a plan entitled "Plan of Land in Gloucester, MA", dated August 8, 2005, prepared by Hancock Associates, recorded with the Southern Essex District Registry of Deeds in Plan Book 390 as Plan 61. Said lot contains 3.7948 +/- acres according to said Plan.

Meaning and intending to describe the premises described in the Deed recorded with the Southern Essex District Registry of Deeds in Book 25124, Page 105.



CITY OF GLOUCESTER  
GLOUCESTER, MASSACHUSETTS - 01930

CITY CLERK  
GLOUCESTER, MA  
14 SEP -3 PM 1:48

City of Gloucester  
Special Council Permit - Application

NOV. 7, 2014

(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

**MODIFICATION of City Council Permit granted pursuant to 1.4.2.2; 2.3.1(4)(b); and 3.2.1(4) of the**

Type of Permit (Give specific section of Zoning Ordinance) **1999 Zoning Ordinance as amended through 2003**

Applicant's Name: David Mering, Trustee

Owner's Name Station Place Condominium Trust  
(if different from applicant)

Location 33 Railroad Avenue Map # 24 Lot # 58  
(Street Address)

Zoning Classification: NB

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3 of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.5.3 of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

<b>City of Gloucester - Action</b>	
Fee: <u>\$350</u>	
City Clerk (received):	<u>9/3/14</u>
City Council (received):	<u>9/23/14</u>
Public Hearing (ordered)	_____
Public Hearing (opened)	_____
Public Hearing (closed)	_____
Final Decision	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

Applicant: David Mering  
 Name (Signature)  
 c/o Seaside Legal Solutions  
 PO Box 1172, Gloucester, MA 01931  
 Address  
 978-627-4500  
 Telephone

Certified for completeness:  
 Building Inspector: [Signature] Date: 09/02/14  
 Planning Director: [Signature] Date: 9/2/14

**Section 1.8.3 - (Use additional sheets, if necessary)**

**1. Social, Economic, or community needs served by the proposal:**

The building currently contains four distinct and vibrant businesses that will continue to provide the community with their distinct services and continue to provide the city with tax revenue.

**2. Traffic flow and safety :**

The existing traffic flow and safety is well-designed and adequate for the existing units and will remain unchanged

**3. Adequacy of utilities and other public services :**

The existing utilities and available public services are adequate for the existing units and will remain unchanged.

**4. Neighborhood character and social structure :**

The mixed-use building is located in a Neighborhood Business district surrounded by active train tracks, a local restaurant/bar, a flower shop, and a breakfast/coffee shop; it fits in well with the neighborhood and will remain unchanged.

**5. Qualities of the natural environment :**

Due to the highly developed character of the neighborhood and the parcel itself (which was formerly a service station that has since undergone environmental remediation) there are very few elements of the "natural environment." Nevertheless, existing landscaping and vegetation on-site will remain unchanged.

**6. Potential fiscal impact:**

If any of the four existing retail units are not allowed to remain, there will be a serious negative financial impact to the remaining 10 units in the condominium.

**The applicant is advised that City staff is available to assist the applicant in preparing the application, including the Inspector of Buildings and City Planner.**

## Application For Special Permit

The undersigned applicant hereby applies for a special permit under M.G.L. Ch. 40A, § 9 as follows.

**1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):**

Name: David Mering, Trustee

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

Tel. #: Days \_\_\_\_\_ Evenings \_\_\_\_\_

\_\_\_\_\_ Check here if you are the purchaser on a purchase and sales agreement.

**2. Owner, if other than applicant:**

Name: Station Place Condominium Trust

Address: c/o Seaside Legal Solutions, PO Box 1172, Gloucester, MA 01931

Tel. #: Days 978-627-4500 Evenings \_\_\_\_\_

**3. Property:**

Street address: 33-Railroad Avenue

Assessor's map: 24 Lot: 58

Registry of deeds where deed, plan, or both records:

Southern Essex District

Deed recording: Book 24430 Page 289

Plan recording: Plan # Book 388 / Plan #61

Property is location in the Neighborhood Business zoning district.

**4. Nature of relief requested:**

Special permit pursuant to Article/Section 1.5.3(c); 2.3.1(8); 3.1.6(b) of the  
Zoning Ordinance/By-Law which authorizes the City Council to permit  
a multi-family structure exceeding 35 feet in height

**Detailed explanation of request:**

The building was constructed in 2003 after a City Council Special Permit was granted for a 10-unit mixed-used building in which there were to be three commercial and seven residential units. The exterior dimensions of the building conform to the terms of the relief granted by the City Council; additionally, the building contains seven residential units. However, the building was constructed with a fourth commercial unit for reasons unknown. The improper number of commercial units went undetected until a recent title search in connection with the sale of a residential unit. Without modifying the original special permit to allow for the fourth commercial unit, the existing units may be unable to sell their units or obtain financing for their units in the future as the building is technically in violation of the local Zoning Ordinance. As such, the applicant requests the Special Permit be modified to ratify the building as constructed.

**5. Evidence to support grant of special permit:**

Because of reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance/By-Law:

The building itself is properly permitted from a dimensional standpoint and the presence of an "extra" unit inside the building has not had any adverse impacts to the neighborhood, which is zoned-Neighborhood Business. Moreover, the commercial units on their own do not necessarily need any special permits as they are an allowed use, not limited in number. But because limiting the commercial units to three may be seen as a condition of the multi-family permit for the residential units or the dimensional relief granted for the building, it is important that all four commercial units be expressly allowed to alleviate any apprehension for potential buyers or lenders.

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

The building already has the necessary dimensional relief in place and has not exceeded the number of permitted residential units. The commercial units sought are allowed as a matter of right in the NB district.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Joel Favazza

Address of Representative: Seaside Legal Solutions, PO Box 1172, Gloucester, MA 01931

Tel. #: Days 978-627-4500 Evenings \_\_\_\_\_

Relationship of representative to owner or equitable owner:

Attorney

I hereby authorize Joel Favazza to represent my interests before the

Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner)

*David W. ...*

I hereby certify under the pains and penalties of perjury that the information contained in this Application is true and complete.

David C. Devine  
Signature of Applicant

9-2-14  
Date

\_\_\_\_\_  
Signature of Owner, if other than Applicant

Date

\_\_\_\_\_  
Signature of Equitable Owner Who is filing Application to satisfy condition of Purchase and sales agreement

Date



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 24-58-1R

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 24 Lot 58 as further shown on the attached map dated 9/2/2014.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
24-51-B BRAGA VENTURES TWO LLC	6 WHISTLE STOP WY	24-51	BRAGA VENTURES TWO LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
24-52 MBTA	5 WHISTLESTOP WY	24-52	MBTA PO BOX 845142 BOSTON, MA 02284
24-51-3A BRAGA VENTURES THREE LLC	7 WHISTLESTOP WY 3	24-51	BRAGA VENTURES THREE LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
24-51-2A BRAGA VENTURES THREE LLC	9 WHISTLESTOP WY 2	24-51	BRAGA VENTURES THREE LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
24-51-1A BRAGA VENTURES THREE LLC	11 WHISTLESTOP WY 1	24-51	BRAGA VENTURES THREE LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
24-51-C DOYON GARY M TR DOYON GLOUCESTER REALTY TRUST	15 WHISTLESTOP WY	24-51	DOYON GARY M TR DOYON GLOUCESTER REALTY TRUST 15 WHISTLESTOP WY GLOUCESTER, MA 01930
24-54 BRAGA MANAGEMENT TEAM LLC	133 WASHINGTON ST	24-54	BRAGA MANAGEMENT TEAM LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
25-7 LAMSON KATHERINE ET AL TRS 127 EASTERN AV	7 RAILROAD AV	25-7	LAMSON KATHERINE ET AL TRS 127 EASTERN AV PM 327 PO BOX 8008 GLOUCESTER, MA 01931-8008
25-10 LAGAS GEORGE & LAGAS DINA	24 RAILROAD AV	25-10	LAGAS GEORGE & LAGAS DINA 7 WOLF HILL RD GLOUCESTER, MA 01930 0000
24-58-3R LOIACANO WILLIAM A JR SGI RAILROAD AVE REALTY TRUST	25 RAILROAD AV 3	24-58	LOIACANO WILLIAM A JR SGI RAILROAD AVE REALTY TRUST 25 RAILROAD AV UNIT R-3 GLOUCESTER, MA 01930



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 24-58-1R

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
24-58-2B LOIACANO WILLIAM A JR TR SGI RAILROAD AVE REALTY TRUST	27 RAILROAD AV 2	24-58	LOIACANO WILLIAM A JR TR SGI RAILROAD AVE REALTY TRUST 27 RAILROAD AV UNIT R-2B GLOUCESTER, MA 01930
24-58-2A BIRD C S & PARRELLI K M TRS MEREDITH REALTY TRUST	29 RAILROAD AV 2	24-58	BIRD C S & PARRELLI K M TRS MEREDITH REALTY TRUST 96 BLUEBERRY LN HAMILTON, MA 01982
24-58-1R MERING DAVID C TR MERING RAILROAD AVENUE REALTY TRUST	31 RAILROAD AV 1	24-58	MERING DAVID C TR MERING RAILROAD AVENUE REALTY TRUST 31 RAILROAD AV UNIT R-1 GLOUCESTER, MA 01930
24-58-5 MACKKEY SHERYL E TR	33 RAILROAD AV 5	24-58	MACKKEY SHERYL E TR 33 RAILROAD AV UNIT 5 GLOUCESTER, MA 01930
24-58-7 TEK DOG PROPERTIES LLC	33 RAILROAD AV 7	24-58	TEK DOG PROPERTIES LLC 11 STEWART AV GLOUCESTER, MA 01930
24-58-2 OHANLEY MATTHEW J & CAPONE ERICA R	33 RAILROAD AV 2	24-58	OHANLEY MATTHEW J & CAPONE ERICA R 33 RAILROAD AV UNIT 2 GLOUCESTER, MA 01930
24-58-1 SIROIS ROGER & JOYCE C	33 RAILROAD AV 1	24-58	SIROIS ROGER & JOYCE C 33 RAILROAD AV UNIT 1 GLOUCESTER, MA 01930
24-58-3 CRANSTON SEAN A & BARBARA	33 RAILROAD AV 3	24-58	CRANSTON SEAN A & BARBARA 33 RAILROAD AV UNIT 3 GLOUCESTER, MA 01930
24-58-6 HYAMS BARBARA F	33 RAILROAD AV 6	24-58	HYAMS BARBARA F 33 RAILROAD AV UNIT 6 GLOUCESTER, MA 01930
24-58-4 FARIS CHRISTOPHER & KRAMER MELISSA	33 RAILROAD AV 4	24-58	FARIS CHRISTOPHER & KRAMER MELISSA 33 RAILROAD AV UNIT 4 GLOUCESTER, MA 01930



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 24-58-1R

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ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS

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

Signed,

Madonna Fleming

Name:

Principal Clerk

Title:

9/2/14

Date:

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

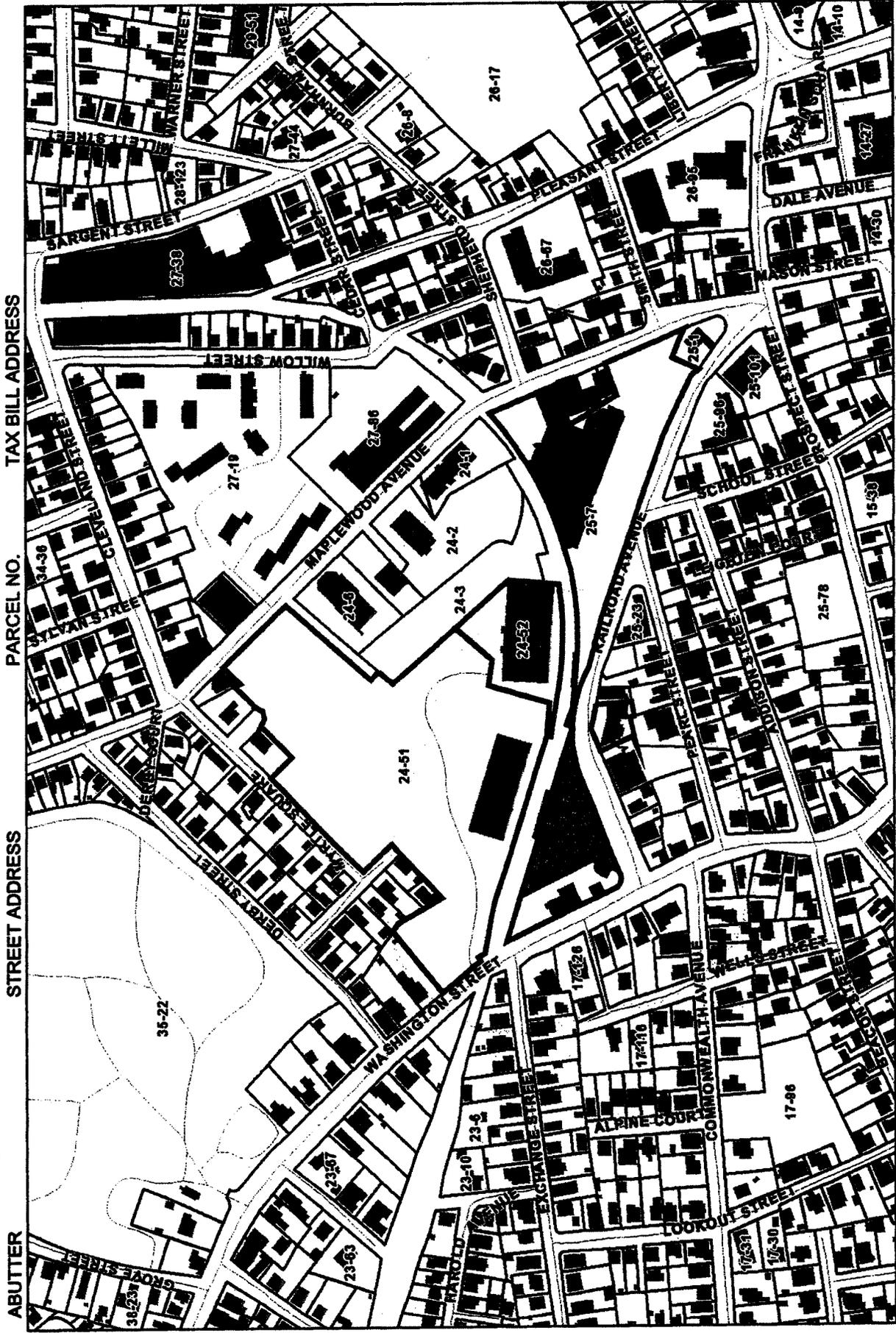


# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 24-58-1R

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 24 Lot 58 as further shown on the attached map dated 9/2/2014.

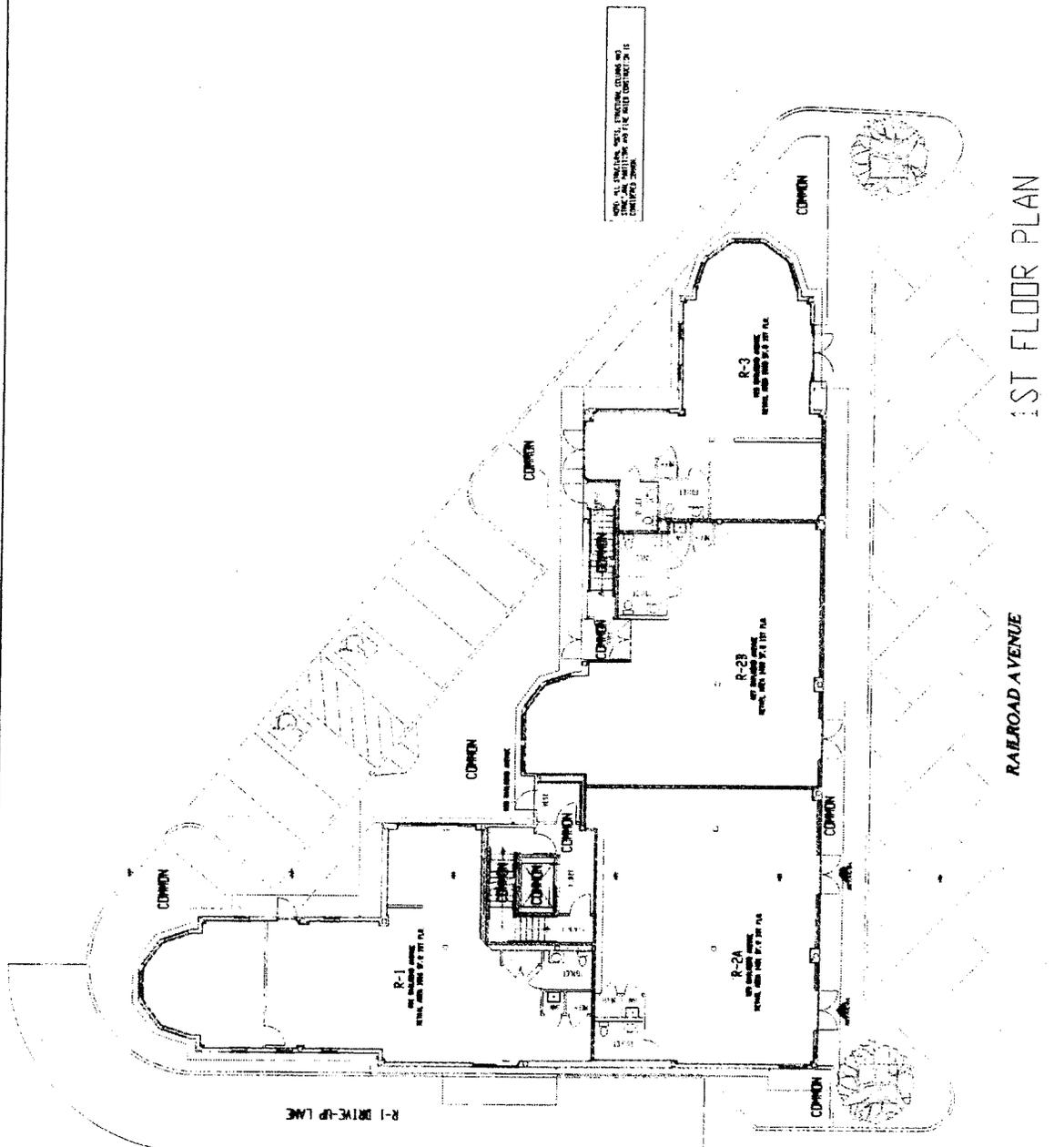


ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
		24-58-1R	

FOR REGISTRY USE ONLY:

PLAN BOOK 388 PL 1661  
DATE: 11/11/88  
BY: [Signature]

61  
388  
eps



# 1ST FLOOR PLAN

GRAPHIC SCALE: 0 5 10 15 20 25

GENERAL NOTES:  
 1. THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE SITE CONDITIONS AND HAS NOT CONDUCTED A DETAILED SURVEY OF THE SITE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, SITE PLAN, OR ANY OTHER INFORMATION PROVIDED BY THE CLIENT.  
 2. THE GRAPHIC SCALE IS TO BE USED TO DETERMINE THE DIMENSIONS OF THE BUILDING.

COMMON AREAS:  
 --- COMMON AREA  
 --- COMMON AREA

CONTRACTOR'S NOTE:  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, SITE PLAN, AND ANY OTHER INFORMATION PROVIDED BY THE CLIENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY, SITE PLAN, AND ANY OTHER INFORMATION PROVIDED BY THE CLIENT.

Condominium Documents  
 STATION PLACE CONDOMINIUM  
 25-29 RAILROAD AVENUE, GLOUCESTER, MASSACHUSETTS

DATE	11/11/88
BY	[Signature]
PROJECT	STATION PLACE CONDOMINIUM
LOCATION	25-29 RAILROAD AVENUE, GLOUCESTER, MASSACHUSETTS



CERTIFICATION:  
 I, the undersigned, being a duly licensed Professional Engineer in the State of Massachusetts, do hereby certify that this plan and specification were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Massachusetts.

Cape Ann Design Group  
 215 Washington Street  
 Gloucester, MA 01930  
 Tel: (978) 281-1111  
 Fax: (978) 281-1112  
 E-mail: info@capeann.com  
 All rights reserved. No part of this publication may be reproduced without the prior written permission of the publisher.

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**In Re:**

Application of Station Place, LLC, )  
for a Special Council Permit Pursuant )  
to the City of Gloucester Zoning )  
Ordinance, Section 2.3.1(4)(b), )  
Section 3.2.1(4) and Section 1.4.2.2 )

03 SEP 18 AM 9:02  
**DECISION OF THE CITY COUNCIL  
OF THE CITY OF GLOUCESTER**

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester hereby adopts the following findings and decision with regard to the application of Station Place, LLC, for a Special Council Permit pursuant to Section 2.3.1(4)(b), Section 3.2.1(4) and Section 1.4.2.2 of the City of Gloucester Zoning Ordinance:

1. The applicant for the Special Council Permit and the owner of the property is Station Place, LLC. The property is located at 27-33 Railroad Avenue, Gloucester, and is shown on Assessor's Map 24, Lot 58, 59 and 64. The zoning district is Neighborhood Business (NB). The applicant seeks a Special Permit as required by Section 3.2.1(4) and Section 2.3.1(4)(b) of the Zoning Ordinance for a height exception of approximately eight feet and to construct a multiunit dwelling consisting of seven residential and three commercial units.
2. The application was filed with the City Clerk on July 3, 2003. The application is incorporated herein by reference.
3. The City Council Planning and Development Committee held a hearing on July 30 2003, to consider the application.

Ms. Michelle Harrison, attorney for the applicant, presented the proposed application. The applicant is requesting a special council permit to construct a multiunit dwelling that will contain over 6,000 square feet of commercial office space and 7 residential units. The property is approximately 28,900 square feet and part of it contained contaminated soil. Approximately 1400 yards of contaminated soil was trucked out by ESMI in Loudon, NH. Further soil testing has been negative.

Attorney Harrison also discussed the MBTA parking spaces. There are currently thirty-nine spaces. Seven spaces will be needed for the 7 residential units, and 20 for the MBTA. That leaves twelve spaces for the commercial venture.

The hearing was continued.

4. The City Council Planning and Development Committee continued the hearing on August 13, 2003.

Attorney Harrison, representing the applicant, presented the proposed application specifically addressing the criteria of Section 1.4.2.2 of the Zoning Ordinance. The

project meets the stated goals of the Community Development Plan by encouraging mixed use and improving the Railroad Avenue station. There will be an insignificant increase in traffic, and parking and sidewalk access will be improved. Mixed use is in harmony with the character of the neighborhood and utilities are already present. The natural environment is improved as the contaminated soil has been removed and the site will be more aesthetically pleasing. There will be an increase in the City tax base.

Councilor Destino expressed some concern on the presence of the MBTA easement, whether the drive through ordinance would apply and the benefits of the proposed angle parking.

The Planning and Development Committee determined that the criteria of Section 1.4.2.2 had been met and on motion of Councilor Worthley, seconded by Councilor afKlinteberg, the Planning and Development Committee voted Three (3) in favor Zero (0) opposed to recommend to the full City Council the approval of the application of Station Place, LLC, for a Special Council Permit under Section 2.3.1(4)(b) to construct a multiunit dwelling consisting of seven residential and three commercial units with the following conditions:

- 1) Certificates of occupancy shall issue for the seven residential units and up to 2400 square feet of commercial space. A certificate of occupancy will not issue for more than 2400 square feet of commercial office space until the MBTA releases its easement for the 20 parking spaces.
- 2) Routine deliveries shall not occur at the site between the hours of 10:00 p.m. and 6:30 a.m.
- 3) The dumpster shall not be emptied between the hours of 10:00 p.m. and 6:30 a.m., and recycle bins will be provided by the applicant.
- 4) Snow will be removed from the site when there is heavy accumulation.
- 5) The applicant will maintain sidewalks including painting and provided landscaping.

The Planning and Development Committee determined that the criteria of Section 1.4.2.2 had been met and on motion of Councilor Worthley, seconded by Councilor afKlinteberg, the Planning and Development Committee voted Three (3) in favor Zero (0) opposed to recommend to the full City Council the approval of the application of Station Place, LLC, for a Special Council Permit under Section 3.2.1(4) for a height exception of approximately eight feet.

5. Following proper notice and advertisement, a public hearing was held before the City Council on August 19, 2003.

Ms. Michelle Harrison, attorney for the applicant, presented the proposed application. The applicant is requesting a special council permit to construct a multiunit dwelling that will contain over 6,000 square feet of commercial office space and 7 residential units.

The property is approximately 28,900 square feet and part of it was cleaned up. Approximately 1400 years of contaminated soil was trucked out by ESMI in Louden, NH. Further soil testing has been negative.

Attorney Harrison specifically addressed the criteria of Section 1.4.2.2 of the Zoning Ordinance. The project meets the stated goals of the Community Development Plan by encouraging mixed use and improving the Railroad Avenue station. There will be an insignificant increase in traffic and parking and sidewalk access will be improved. Mixed use is in harmony with the character of the neighborhood and utilities are already present. The natural environment is improved as the contaminated soil has been removed and the site will be more aesthetically pleasing. There will be an increase in the City tax base.

Mr. Richard Josephson, Housing Coalition, spoke in favor of the proposal stating that the Housing Coalition had reviewed and agreed that the project should move forward and will be a positive addition to the neighborhood.

No one spoke in opposition of the proposed project.

The public hearing closed.

The Planning and Development Committee reported: The Committee determined that the criteria of Section 1.4.2.2 had been met and on motion of Councilor Worthley, seconded by Councilor afKlinteberg, the Planning and Development Committee voted Three (3) in favor Zero (0) opposed to recommend to the full City Council the approval of the application of Station Place, LLC, for a Special Council Permit under Section 2.3.1(4)(b) to construct a multiunit dwelling consisting of seven residential and three commercial units with the following conditions:

- 1) Certificates of occupancy shall issue for the seven residential units and up to 2400 square feet of commercial space. A certificate of occupancy will not issue for more than 2400 square feet of commercial office space until the MBTA releases its easement for the 20 parking spaces.
- 2) Routine deliveries shall not occur at the site between the hours of 10:00 p.m. and 6:30 a.m.
- 3) The dumpster shall not be emptied between the hours of 10:00 p.m. and 6:30 a.m., and recycle bins will be provided by the applicant.
- 4) Snow will be removed from the site when there is heavy accumulation.
- 5) The applicant will maintain sidewalks including painting and provided landscaping.

The Planning and Development Committee on motion of Councilor Worthley, seconded by Councilor afKlinteberg, the Planning and Development Committee voted Three (3) in favor Zero (0) opposed to recommend to the full City Council the approval of the

application of Station Place, LLC, for a Special Council Permit under Section 3.2.1(4) for a height exception of approximately eight feet.

6. The City Council considered and determined that the criteria of Section 1.4.2.2.(e) and M.G.L. C. 40A, Section 9 had been met.

On motion of Councilor Swekla, seconded by Councilor Worthley, the City Council voted Seven (7) in favor Zero (0) opposed to approve the application of Station Place, LLC, for a Special Council Permit under Section 2.3.1(4)(b) to construct a multiunit dwelling consisting of seven residential and three commercial units with the following specific conditions:

- 1) Certificates of occupancy shall issue for the seven residential units and up to 1600 square feet of commercial space. A certificate of occupancy will not issue for more than 1600 square feet of commercial office space until the MBTA releases its easement for the 20 parking spaces.
- 2) Routine deliveries shall not occur at the site between the hours of 10:00 p.m. and 6:30 a.m.
- 3) The dumpster shall not be emptied between the hours of 10:00 p.m. and 6:30 a.m., and recycle bins will be provided by the applicant.
- 4) Snow will be removed from the site when there is heavy accumulation.
- 5) The applicant will maintain sidewalks including painting and provided landscaping.

Amendment to the Motion. On motion of Councilor Destino, seconded by Councilor Khambaty, the City Council voted Six (6) in favor, One (1) opposed (Romeo) to add a specific condition to the Special Permit limiting the amount of retail space to 5600 square feet.

On motion of Councilor Swekla, seconded by Councilor Worthley, City Council voted Seven (7) in favor, (0) opposed to approve the application of Station Place, LLC, for a Special Council Permit under Section 3.2.1(4) for a height exception of approximately eight feet.

The following general conditions shall also apply:

1. In granting this Special Permit the City Council relied upon the oral and written representations made by the applicant or their representative in documents submitted in support of its application and in its appearances at committee meetings and the public hearing on the application. Any failure by the applicant or their representative to honor any material representations made to the City Council shall constitute just cause for revocation of this special permit in accordance with Section 1.4.2.2(f) of the Zoning Ordinance.

2. Each finding, term and condition of this decision is intended to be severable. Any invalidity in any finding, term or condition of this decision shall not be held to invalidate any other finding, term or condition of this decision.
3. This permit shall not take effect until notice is filed with the Registry of Deeds for Essex County by the recording of a copy of the decision. The fee for such notice shall be paid by the owner. Prior to the registering of the decision with the Registry of Deeds, the petitioner shall have the seal of the City affixed to same.

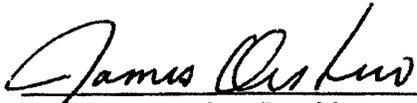
The minutes of the August 19, 2003, City Council public hearings and all documents and testimony received during the hearings are incorporated in this decision.

Accordingly, by said City Council vote of August 19, 2003, the Section 2.3.1(4)(b) and Section 3.4.1(4) Special Council Permit application is granted.

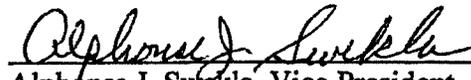
Decision adopted in City Council meeting of September 16, 2003.

In Favor of Grant:

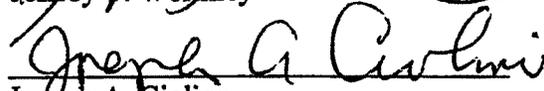
Opposed to Grant

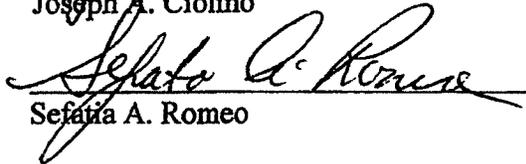
  
James M. Destino, President

None

  
Alphonse J. Swekla, Vice President

  
Jeffrey T. Worthley

  
Joseph A. Ciolino

  
Stefania A. Romeo

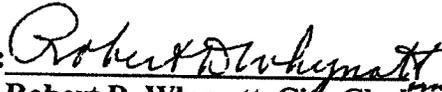
Abdullah A. Khambaty

John "Gus" Foote

## CERTIFICATE OF SPECIAL PERMIT GRANTING AUTHORITY

I hereby certify that this a true and accurate copy of the decision of the Gloucester City Council, the special permit granting authority, and that copies of this decision and all plans and documents referred to in this decision have been filed with the Planning Board and the Building Inspector and the City Clerk.

**THE GLOUCESTER CITY COUNCIL**

By:   
Robert D. Whynott, City Clerk

**Date: September 18, 2003**

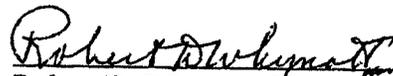
(Seal)

### RIGHT OF APPEAL

This decision may be appealed pursuant to General Laws, Chapter 40A, Section 17, to the Superior Court of Essex County or the District Court of Eastern Essex by bringing an action within twenty days after this decision has been filed in the Office of the City Clerk.

### CERTIFICATE OF NOTICE

I hereby certify that notice of this decision was mailed forthwith to the applicant, to the parties in interest designated in G.L. Ch. 40A, Section 11, and to every person present at the hearing who requested that notice be sent to him and stated the address to which notice should be sent, on this date, **September 18, 2003**.

  
Robert D. Whynott, City Clerk

### CERTIFICATE OF LAPSE OF APPEAL

I hereby certify that twenty (20) days have elapsed from the date of the filing of this decision with the Office of the City Clerk and that no appeal has been filed with said office.

Date: **10/7/03**

  
Robert D. Whynott, City Clerk

### APPEAL FILED

Date of Filing:

\_\_\_\_\_  
Robert D. Whynott, City Clerk

Sept. 4, 2014

Linda Lowe

City of Gloucester

9 Dale Ave.

Gloucester, MA 01930

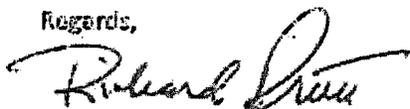
14 SEP -4 AM 11:14  
CITY OF GLOUCESTER  
MA 01930

Dear Linda,

I am requesting to be put on the agenda for the Gloucester City Council meeting for Sept. 23, 2014 to apply for my 3 year renewal of my Outdoor Parking Permit at Long Beach pursuant to Gloucester Code of Ordinances Sec.22-153.

Please confirm this request with me when you have confirmation. Thank you for your time.

Regards,

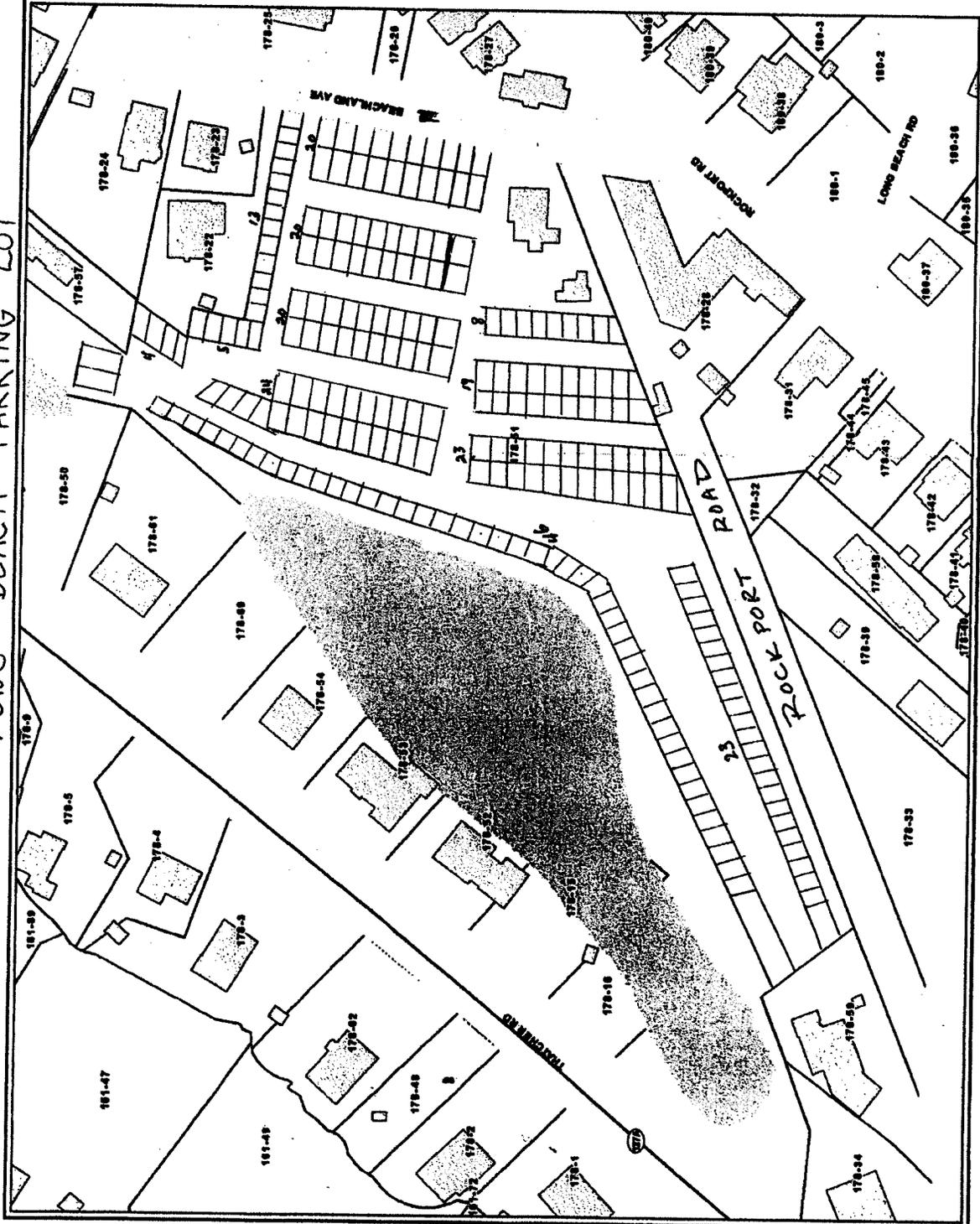


Richard Pratt

781-589-0973

Rpratt54@icloud.com

LONG BEACH PARKING LOT



CITY CLERK  
GLOUCESTER, MA  
14 SEP 18 AM 10: 06

- 1. Address
- 2. Beach
- 3. Cemetery
- 4. Church
- 5. Federal Government Field
- 6. Fire Station
- 7. Gas Station
- 8. Hospital Site
- 9. Library
- 10. Municipal Public Openness
- 11. Non-Right Land Use Zone
- 12. Park & Plaza Lot
- 13. Public Station
- 14. Public Utility Site
- 15. School
- 16. State Parks, Forests, & Pk
- 17. Building Footprint
- 18. Transportation
- 19. Telecommunications
- 20. Water
- 21. Water & Sewer
- 22. Wetland
- 23. Salt Wetland
- 24. Contaminated Wetland
- 25. Contaminated Wetland
- 26. Tidal Flow
- 27. Interlocked Area
- 28. Permitted

CITY CLERK  
GLOUCESTER, MA  
18 AM 10: 06

Platemarks and Geographic Reference Features 1:40 scale from  
Aerial Photography March, 2011. This information is provided for  
informational purposes only. The City of Gloucester does not  
warrant the accuracy, reliability, or suitability of the information.  
The City of Gloucester does not warrant any liability arising out of  
the use or release of this information.

1" = 72 ft  
Gloucester GIS Viewer  
September 5, 2014



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 178-51

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 178 Lot 51 as further shown on the attached map dated 9/5/2014.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
178-34 BARBARA CARLO A & DOREEN	147 THATCHER RD	178-34	BARBARA CARLO A & DOREEN 4 ROCKPORT RD GLOUCESTER, MA 01930
178-16 MURPHY AGNES TR MURPHY RE TR C/O MALONEY PATRICIA	151 THATCHER RD	178-16	MURPHY AGNES TR MURPHY RE TR C/O MALONEY PATRICIA 19 GARDEN ST UNIT 205 DANVERS, MA 01923
178-15 LODUCA NICOLO & ROSA	153 THATCHER RD	178-15	LODUCA NICOLO & ROSA PO BOX 124 GLOUCESTER, MA 01930
178-52 LODUCA NICOLO & ROSA	155 THATCHER RD	178-52	LODUCA NICOLO & ROSA PO BOX 124 GLOUCESTER, MA 01930
178-53 ORLANDO MARK L & LAUREN L	157 THATCHER RD	178-53	ORLANDO MARK L & LAUREN L 157 THATCHER RD GLOUCESTER, MA 01930
178-54 BROWN ELAINE F TRS ELAINE F BROWN REVOCABLE TRUST OF 2013	159 THATCHER RD	178-54	BROWN ELAINE F TRS ELAINE F BROWN REVOCABLE TRUST OF 2013 159 THATCHER RD GLOUCESTER, MA 01930
178-60 PRATT CHARLES R JR	161 THATCHER RD	178-60	PRATT CHARLES R JR 100 LEDGEWOOD DR UNIT 319 STONEHAM, MA 02180
178-61 FLAMMIA CHARLES E & KIM E	163 THATCHER RD	178-61	FLAMMIA CHARLES E & KIM E 163 THATCHER RD GLOUCESTER, MA 01930
178-50 O'SULLIVAN DONNA F	165 THATCHER RD	178-50	O'SULLIVAN DONNA F 165 THATCHER RD GLOUCESTER, MA 01930 0000
178-51 PRATT CHARLES R & PRATT NATALI C/O PRATT CHARLES JR	2 BEACHLAND AV	178-51	PRATT CHARLES R & PRATT NATALI C/O PRATT CHARLES JR 100 LEDGEWOOD DR APT 319 STONEHAM, MA 02180

CITY CLERK  
GLOUCESTER, MA  
14 SEP 11 AM 10:04



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
178-57 BEACHLAND AVENUE LLC ET AL	4 BEACHLAND AV	178-57	BEACHLAND AVENUE LLC ET AL
178-22 FABRIZIO RICHARD L & NANCY L	8 BEACHLAND AV	178-22	78 SPRUCE ST FRAMINGHAM, MA 01701  FABRIZIO RICHARD L & NANCY L
178-23 CALNAN MARION P	10 BEACHLAND AV	178-23	8 BEACHLAND AV GLOUCESTER, MA 01930-1906  CALNAN MARION P
178-24 VILIAN DONNA LYNNE	12 BEACHLAND AV	178-24	5 CUTLER AV CAMBRIDGE, MA 02114  VILIAN DONNA LYNNE
178-59 BARBARA CARLO A BARBARA DOREEN	4 ROCKPORT RD	178-59	57 PUTNAM LN HOLDEN, MA 01520-1101  BARBARA CARLO A BARBARA DOREEN
178-33 D'ANTONIO BENEDICT A	8 ROCKPORT RD	178-33	4 ROCKPORT RD GLOUCESTER, MA 01930  D'ANTONIO BENEDICT A
178-39 D'ANTONIO SALLY J & D'ANTONIO	10 ROCKPORT RD	178-39	10 ROCKPORT ROAD GLOUCESTER, MA 01930 0000  D'ANTONIO SALLY J & D'ANTONIO
178-31 SASSO NICOLA & MARIA TRS THE 24 SASSO FAMILY REALTY TRUST	24 ROCKPORT RD	178-31	10 ROCKPORT RD GLOUCESTER, MA 01930 0000  SASSO NICOLA & MARIA TRS THE 24 SASSO FAMILY REALTY TRUST 59 HANCOCK ST EVERETT, MA 02149
178-32 SASSO NICOLA & MARIA TRS THE 24 SASSO FAMILY REALTY TRUST	24R ROCKPORT RD	178-32	10 ROCKPORT RD GLOUCESTER, MA 01930 0000  SASSO NICOLA & MARIA TRS THE 24 SASSO FAMILY REALTY TRUST 59 HANCOCK ST EVERETT, MA 02149
178-28 PROCACCINI ANTONIO & MARIA TRS	28 ROCKPORT RD	178-28	PROCACCINI ANTONIO & MARIA TRS  9 SENECA DR DANVERS, MA 01923



# City of Gloucester Abutters Report

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
178-27-30A MCALLEN KIERAN F	30 ROCKPORT RD 30	178-27	MCALLEN KIERAN F 30A ROCKPORT RD GLOUCESTER, MA 01930
178-27-30C CHAMPY EDWARD P III	30 ROCKPORT RD 30	178-27	CHAMPY EDWARD P III 30C ROCKPORT RD GLOUCESTER, MA 01930
178-27-30B MCGLAUGHLIN WILLIAM P & HAYES GINA M	30 ROCKPORT RD 30	178-27	MCGLAUGHLIN WILLIAM P & HAYES GINA M 12 OSCAR'S WY NORTH READING, MA 01864
178-26 GYLLENHAAL LEONARD A	32 ROCKPORT RD	178-26	GYLLENHAAL LEONARD A 32 ROCKPORT RD GLOUCESTER, MA 01930
178-25-1 FRECCIA FRANK & THERESA	34 ROCKPORT RD 1	178-25	FRECCIA FRANK & THERESA PO BOX 4048 GREENWICH, CT 06831-0401
178-25-4 SAMPSON JAMES A & SAMPSON MARY	34 ROCKPORT RD 4	178-25	SAMPSON JAMES A & SAMPSON MARY 34 ROCKPORT RD GLOUCESTER, MA 01930
178-25-2 MARSHALL KENNETH B & LOUISE E TRS C/O RAMINI DEBRA	34 ROCKPORT RD 2	178-25	MARSHALL KENNETH B & LOUISE E TRS C/O RAMINI DEBRA 9 DEBORAH AV SANFORD, ME 04073
178-25-6 RYAN ROBERT M & REBECCA	34 ROCKPORT RD 6	178-25	RYAN ROBERT M & REBECCA 16 EATON ST WINCHESTER, MA 01890-2109
178-25-8 SAVOY ROBERT L & WEINSTOCK-SAVOY DEBORAH	34 ROCKPORT RD 8	178-25	SAVOY ROBERT L & WEINSTOCK-SAVOY DEBORAH 34 ROCKPORT RD UNIT 8 GLOUCESTER, MA 01930-1916
178-25-13 MCDONOUGH JOSEPH M	34 ROCKPORT RD 13	178-25	MCDONOUGH JOSEPH M 1 BARBAS WY WOBURN, MA 01801-3500



# City of Gloucester Abutters Report

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
178-25-11 LEWANDOWSKI LISA	34 ROCKPORT RD 11	178-25	LEWANDOWSKI LISA 113 W 77TH ST UNIT 2 NEW YORK, NY 10024
178-25-5 MARGOLIS GABRIEL W	34 ROCKPORT RD 5	178-25	MARGOLIS GABRIEL W 20 CLINTON RD BROOKLINE, MA 02445
178-25-3 COLLINS JULIE R	34 ROCKPORT RD 3	178-25	COLLINS JULIE R 34 ROCKPORT RD #3 GLOUCESTER, MA 01930
178-25-14 DELUCA JOHN J JR	34 ROCKPORT RD 14	178-25	DELUCA JOHN J JR P O BOX 502 WAKEFIELD, MA 01880
178-25-12 GATTO CYNTHIA A & KUKULKA MARIANNE	34 ROCKPORT RD 12	178-25	GATTO CYNTHIA A & KUKULKA MARIANNE 1089 STONY HILL RD WILBRAHAM, MA 01095-2422
178-25-10 HARDY BRUCE E & JOYCE B C/O BRUCE & JOYCE HARDY	34 ROCKPORT RD 10	178-25	HARDY BRUCE E & JOYCE B C/O BRUCE & JOYCE HARDY 3 KEARLEY LANE WAKEFIELD, MA 01880 0000
178-25-9 BURNS RONALD J & NORMA A	34 ROCKPORT RD 9	178-25	BURNS RONALD J & NORMA A 2 WOLCOLT ST MEDFORD, MA 02155 0000
178-25-7 SLEZAK MICHAEL F & SLEZAK DIAN	34 ROCKPORT RD 7	178-25	SLEZAK MICHAEL F & SLEZAK DIAN 149 PROSPECT ST READING, MA 01867



# City of Gloucester Abutters Report

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ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS

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

Signed,

Madonna Young

Name:

Principal Clerk

Title:

Date: 9/11/14

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

*[Handwritten signature]*

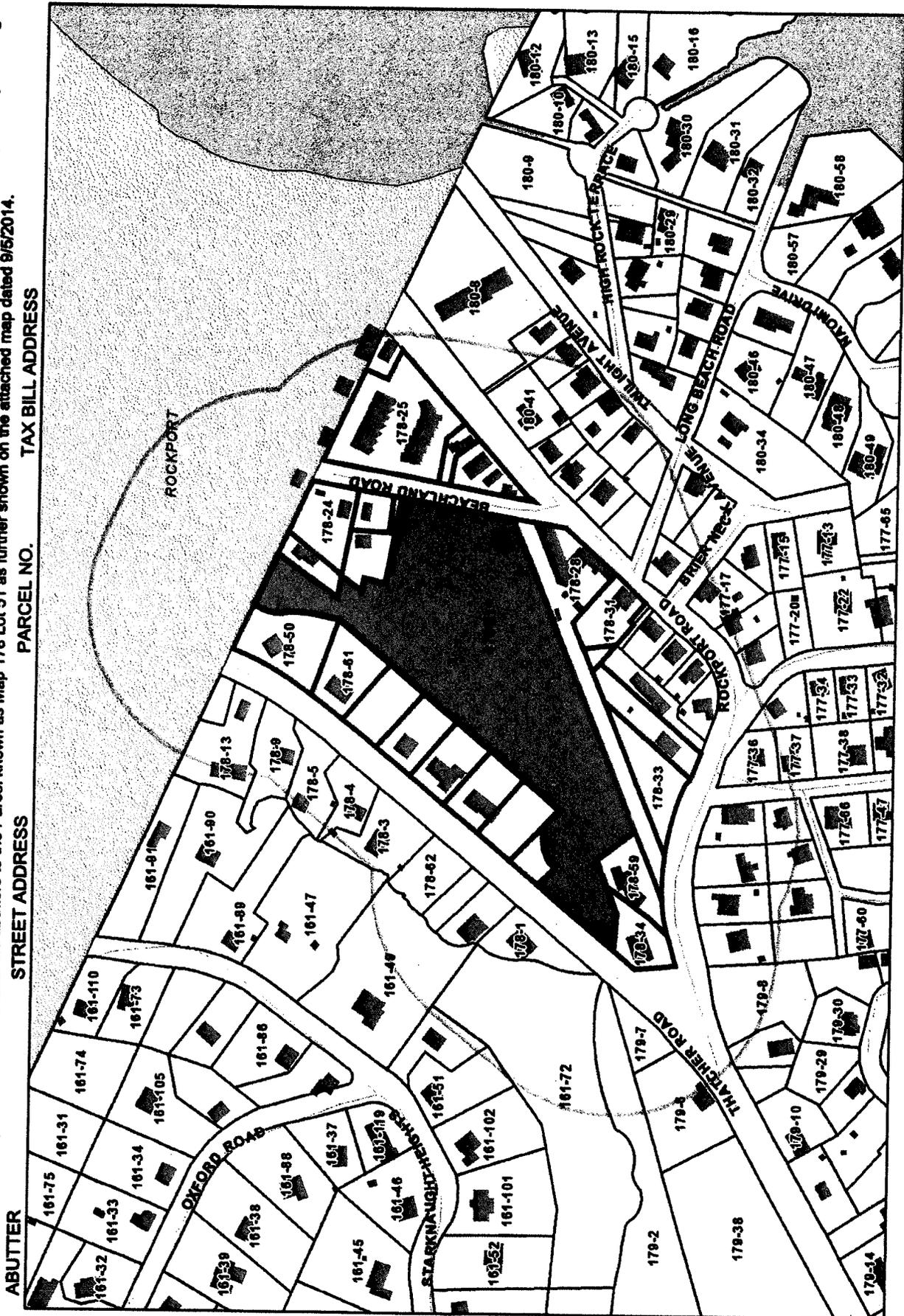


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ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS



**CITY OF GLOUCESTER 2014  
CITY COUNCIL ORDER**

**ORDER: CC#2014-039**  
**COUNCILLOR: Greg Verga**

**DATE RECEIVED BY COUNCIL: 09/23/14**  
**REFERRED TO: P&D & O&A**  
**FOR COUNCIL VOTE:**

**ORDERED** that the City Council Planning & Development and Ordinances & Administration Standing Committees review the recently vacated position of Harbor Planning Director together with the position of Executive Director of the Fisheries Commission, which has been dormant for many years, to determine whether one or both of these positions should go forward as full or part time positions and if they should go forward, what are the future development needs of the City which these positions would be structured to meet;

**FURTHER ORDERED** that the O&A, following this review, should as appropriate, add these revised positions to the Personnel Ordinance Compensation and Classification schedules; and

**FURTHER ORDERED** that the matter be referred to the Planning & Development and Ordinances & Administration Standing Committees for review.

Greg Verga  
Councillor at Large