

**GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS**  
**TUESDAY, May 12, 2015**  
**7:00 P.M.**  
**KYROUZ AUDITORIUM, CITY HALL**  
**COUNCIL MEETING #2015-009**



**Meetings are recorded**

**FLAG SALUTE & MOMENT OF SILENCE**

**ORAL COMMUNICATIONS**

**PRESENTATIONS/COMMENDATIONS**

EDIC's Mission, Activities and Plans

**CONFIRMATION OF NEW APPOINTMENTS**

Chief Administrative Officer	James Destino	TTE 02/14/16
Historical Commission	Michelle Bader Mustone (Alternate Member)	TTE 02/14/18
Clean Energy Commission	Robert Myers	TTE 02/14/17
Stage Fort Park Advisory Committee	Marie Demick (Glou. Dog Park Rep)	TTE 02/14/18
Stage Fort Park Advisory Committee	Donna Polizza (Rep for gardening/landscaping)	TTE 02/14/18
Stage Fort Park Advisory Committee	David Dow (At Large)	TTE 02/14/18

**CONSENT AGENDA**

**ACTION**

• **CONFIRMATION OF REAPPOINTMENTS**

Council on Aging	Susan Goodall	TTE 02/14/17
Downtown Development Commission	Suzanne Silveira	TTE 02/14/18
Historic District Commission	Stephen Goodick	TTE 02/14/18
Open Space & Recreation Committee	Patricia Amaral	TTE 02/14/18
Traffic Commission	Robert Francis	TTE 02/14/18

• **MAYOR'S REPORT**

1. Memorandum from Mayor regarding two matters pertaining to the FY2016 budget: (1) Administration's Capital Plan Funding and Free Cash Distribution Policy; (2) Request from Administration to link approximately 30% of the revenue received from Hotel/Motel excise tax to the Tourism Commission budget (Refer B&F)
2. Special Budgetary Transfer (#2015-SBT-43) from Auditor's Office (Refer B&F)
3. Grant Application and Checklist from Council on Aging re: acceptance of FY15 Formula Grant from the Executive Office of Elder Affairs (Refer B&F)
4. Grant Application and Checklist from the Community Development Department and DPW re: acceptance of DCR-Blynman Canal Repair Construction Seed Money from the DCR Division of Waterways (Refer B&F)
5. Memorandum from General Counsel re: Amendment to the Code of Ordinances, Sec. 5-19 (Refer O&A)
6. Memorandum from General Counsel re: a new Ordinance for City Block Parties (Refer O&A)
7. Memorandum from Director of Public Works re: Acceptance of Unaccepted or Private Ways (Refer P&D)
8. Clean Energy Commission Annual Reports for the years 2012-2014 (Info Only)
9. New Appointments: Clean City Commission (TTE 2/14/2018) Patty Amaral, Charlotte Ohannessian, Amy Kerr, Donna Ardizzoni (Refer O&A)  
Historic District Commission (TTE 2/14/2018) Jessica Mulcahy

• **COMMUNICATIONS/INVITATIONS**

1. Invitation from the Office of Veterans' Services and the United States Veterans Council re: May 25, 2015 Memorial Day Parade and Ceremonies (Info Only)
2. Request from St. Peter's Fiesta Committee to review and amend City Council vote of March 10, 2015 re: St. Peter's Fiesta June 24-28, 2015 (Refer P&D)

• **INFORMATION ONLY**

• **APPLICATIONS/PETITIONS**

1. SCP2015-002: Eastern Avenue #210, Map 264, Lot 23, GZO Sec. 2.3.4(7) Animal boarding, kennel – 24 hour operations (Refer P&D)
2. Request from Planning Board re: 2014 Harbor Plan Implementation Marine Industrial District Zoning Amendments (Refer P&D)

• **COUNCILLORS ORDERS**

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

1. City Council Meeting: April 28, 2015 (Approve/File)
2. Joint Meeting City Council and Board of Health: May 2, 2015 (under separate cover) (Approve/File)
3. Special City Council Meeting May 5, 2015 (Approve/File)
4. Special City Council Meeting May 7, 2015 (under separate cover) (Approve/File)
5. Standing Committee Meetings: B&F 05/07/15 (under separate cover), O&A 05/04/15, P&D 05/06/15 (under separate cover) (Approve/File)

**STANDING COMMITTEE REPORTS**

B&F 05/07/15, O&A 05/04/15/, P&D 05/06/15

**ACTION**

**SCHEDULED PUBLIC HEARING**

1. PH2015-020: Amend Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" by **DELETING** Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m.; and amend Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" by **ADDING** Kondelin Road, from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m. (TBC 05/26/15)
2. PH2015-021: Amend Chapter 2, Division 10 "Committee for the Arts" by **ADDING** additional language to subsection (b) (TBC 05/26/15)
3. PH2015-022: Amend Chapter 22, Sec.22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" by **ADDING** Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction; and Sec. 22-292 "Fire lanes" by **ADDING** Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs)
4. PH2015-023: Amend Chapter 22, 22-280 "Fifteen-minute parking" by **DELETING** Maplewood Avenue, easterly side in a northerly direction from a point 154' from Derby Street for a distance of 62' between the hours of 9:00 a.m. to 9:00 p.m. on Fridays and between 9:00 a.m. and 5:30 p.m. on other weekdays

5. PH2015-024: Amend Chapter 2, Magnolia Woods & Oversight Committee, Sec. 2-556 "Tenure, composition, requirements" by **DELETING** subsection (b) in its entirety and **ADDING** a new subsection (b)
6. PH2015-025: Amend Chapter 10 "Waterways Administration" Sec. 10-51(e) "Fees" re: season pass
7. PH2015-026: Amend Chapter 11 "Hawkers, Peddlers, and Transient Vendors" by adding a new title and amend Section 1 "Definitions" by **ADDING** a new Section 11-10(f)

**FOR COUNCIL VOTE**

**UNFINISHED BUSINESS**

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

**COUNCILLOR'S REQUESTS TO THE MAYOR**

**ROLL CALL** – Councillor William Fonvielle



\_\_\_\_\_  
Linda T. Lowe, City Clerk

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

**NEXT REGULAR CITY COUNCIL MEETING, May 26, 2015**

**Minutes filed in City Clerk's Office of other Boards and Commissions April 24, 2015 through May 7, 2015:**

Board of Assessors 4/28/2015, 4/30/2015; City Hall Restoration Commission 4/29/2015; Committee for the Arts 4/30/2015; Community Preservation Committee 5/6/2015; Downtown Development Commission 5/5/2015; Lanes Cove Fish Shack Building Committee 5/6/2015

**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



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

TO: City Council  
FROM: Sefatia Romeo Theken, Mayor  
DATE: May 4, 2015  
RE: Mayor's Report for the May 12, 2015 City Council Meeting

*Sefatia Romeo Theken*  
15 MAY - 6 PM 4:00  
CITY CLERK  
GLOUCESTER, MA

Councilors:

Matters requiring your attention and action are as follows:

**Enclosure 1** is a memorandum regarding two matters pertaining to the FY2016 budget. At the request of Council President McGeary, we are forwarding to City Council (1) the Administration's Capital Plan Funding and Free Cash Distribution Policy and (2) the request from the Administration to link approximately 30% of the revenue received from the Hotel/Motel excise tax to the Tourism Commission budget. *Please refer these matters 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 (**#2015-SBT-43**) from the Auditor's Office. *Please refer **#2015-SBT-43** 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.

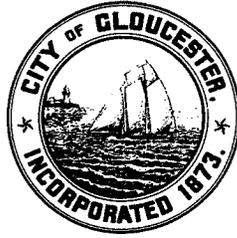
**Enclosure 3** is a Grant Application and Checklist from the Council on Aging regarding a FY2015 Formula Grant from the Executive Office of Elder Affairs. We are requesting City Council acceptance of said grant. *Please refer this matter to the **Budget and Finance** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 4** is a Grant Application and Checklist from the Community Development Department and the Department of Public Works regarding a DCR-Blynman Canal Repair Construction Seed Money from the DCR Division of Waterways. We are requesting City Council acceptance of said grant. *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 5** is a memorandum from General Counsel Chip Payson regarding an amendment to the Code of Ordinances, Section 5-19. *Please refer this matter to the **Ordinance and Administration** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 6** is a memorandum from General Counsel Chip Payson regarding a new Ordinance for City Block Parties. *Please refer this matter to the **Ordinance and Administration** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

**CITY OF GLOUCESTER  
OFFICE OF THE MAYOR**

**Enclosure 7** is a memorandum from Director of Public Works Mike Hale regarding the Acceptance of Unaccepted or Private Ways. *Please refer this matter to the **Planning and Development** subcommittee for review and approval.* Appropriate City staff will be available to answer questions and provide further information as required.

**Enclosure 8 for your information** are Clean Energy Commission Annual Reports for the years 2012-2014.

**Boards, Committees & Commissions:**

We are respectfully requesting City Council approval of the following **new** appointments:

**Clean City Commission – three years, term to expire 2/14/2018**

Patty Amaral  
Charlotte Ohannessian  
Amy Kerr  
Donna Ardizzoni

Our Administration is working diligently to reconstitute the Clean City Commission and looks forward to sending further candidates to the City Council for appointment and approval.

**Historic District Commission – three years, term to expire 2/14/2018**

Jessica Mulcahy

Included as **Enclosure 9** are communications from the candidates and other relevant information. *Please refer these new appointments to the **Ordinance and Administration** subcommittee for review and approval.*

# **ENCLOSURE 1**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

**TO:** City Council  
**FROM:** Sefatia Romeo Theken, Mayor  
**DATE:** May 5, 2015  
**RE:** FY16 Budget Referrals to the Budget & Finance subcommittee

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, written over a light background.

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Councilors:

We are respectfully requesting that in conjunction with the FY16 budget, the following two matters be referred to the Budget & Finance subcommittee for review and approval:

- Capital Plan Funding and Free Cash Distribution Policy
- Request from the Administration to link approximately 30% of the revenue received from the Hotel/Motel excise to the Tourism Commission budget.

## **Capital Plan Funding and Free Cash Distribution Policy**

The purpose of this recommendation is to improve the City of Gloucester's capital planning and investment through the creation and funding of a Capital Stabilization Fund and a Building Maintenance Stabilization Fund in accordance with MGL Ch. 40, Section 5B. Furthermore, we are recommending a standard for the distribution of free cash.

**Capital Stabilization Fund** – The Capital stabilization fund would be established for planned capital improvements as determined through our current Capital Improvement Plan process. The source of the funding would be 40% of the annual certified free cash. This fund would not be used for routine annual maintenance expenses.

**Building Maintenance Stabilization Fund** – This fund would be for extraordinary unforeseen Facility Maintenance expenditures relating to all city building facilities (School and City). For the purpose of this fund, maintenance shall mean repair and upkeep of city facility assets. The idea is to allow this fund to grow over time to hedge against unexpected events. The source of funding for this fund would be 20% of annual free cash certified.

**Certified Free Cash Distribution** –The proposed distribution of free cash would be executed annually at the time of certification. The purpose is to provide structure and discipline relative to the use of free cash and in so doing, allow the City to improve strategic planning. The recommended distribution for future year's free cash is as follows:

Capital Stabilization Fund – 40%

Building Maintenance Stabilization Fund – 20%

General Stabilization Fund – 10%

Remaining as unreserved Free Cash – 30%

# **ENCLOSURE 2**

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2015**

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

**TRANSFER # 2015-SBT- 43 Auditor's Use Only**

DEPARTMENT REQUESTING TRANSFER: Auditor's Office

DATE: 4/30/2015 BALANCE IN ACCOUNT: \$976.94

(FROM) PERSONAL SERVICES ACCOUNT # 101000.10.135.51920.0000.00.000.00.051  
Unifund Account #

(FROM) ORDINARY EXPENSE ACCOUNT # Auditor, Sick Leave Buy Back  
Unifund Account #  
Account Description

DETAILED EXPLANATION OF SURPLUS: Sick Leave Buy Back Incentive actual expense was less than budgeted.

(TO) PERSONAL SERVICES ACCOUNT # 101000.10.111.51250.0000.00.000.00.051  
Unifund Account #

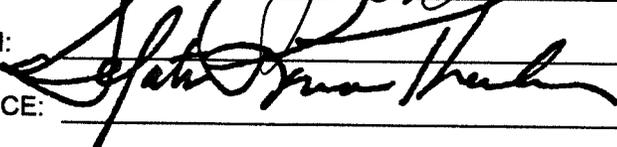
(TO) ORDINARY EXPENSE ACCOUNT # City Council, Sal/Wage-P/T Pos  
Unifund Account #  
Account Description

DETAILED ANALYSIS OF NEED(S): The budgetary transfer is necessary to remove the deficit in the City Council, Salary-Wages Part-time Position.

TOTAL TRANSFER AMOUNT: \$959.00

FROM ACCOUNT: \$17.94  
 TO ACCOUNT: \$0.73

**APPROVALS:**

DEPT. HEAD:  DATE: 4/30/2015  
 ADMINISTRATION:  DATE: 5/6/2015  
 BUDGET & FINANCE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

# **ENCLOSURE 3**



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

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

Name of Grant: FY2015 Formula Grant

Department Applying for Grant: Council on Aging

Agency-Federal or State application is requested from: Executive Office of Elder Affairs

Object of the application: Funding for employee salaries

Any match requirements: NO

Mayor's approval to proceed: *[Signature]* 5/6/15  
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

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

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

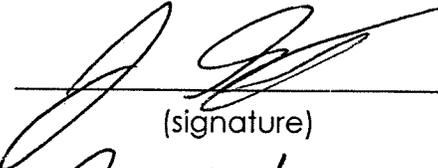


**FY2015 FORMULA GRANT/ALLOCATION -- STATEMENT OF AUTHORIZATION  
(Affix to your Attachment B budget.)**

Gloucester	978 281-9765
(Name of COA/Agency)	(Daytime Phone)
6 Manuel F. Lewis Street	<del>978</del> <del>282-1350</del>
(Mailing Address)	(Fax number)
Gloucester	01930
(Street Address)	Isheehan@gloucester-ma.gov
	E-MAIL

The persons whose signatures appear below are authorized to commit the Council on Aging to the Attachment B Formula Grant Allocation Budget and hereby agree to its submission to the Executive Office of Elder Affairs (Elder Affairs).

Elder Affairs reserves the right to modify the purposes and/or proposed Attachment B expenditures prior to execution of the contract agreement. The allocation amount is subject to final appropriation by the General Court.

Lucia E. Sheehan				7-7-2014
(PRINT) Director/Coordinator	(x)	(signature)		(date)
Jay Gustafarro				7-7-2014
(PRINT) Chairperson	(x)	(signature)		(date)
Carolyn Kirk				7/8/14
(Print) Mayor;	(x)	(signature)		(date)

For **contract purposes**, please note:

The legal address of the municipality: 9 Dale Avenue, Gloucester, MA 01930

The payment remittance address  
of the municipality (from your W-9): 9 Dale Avenue, Gloucester, MA 01930





# **ENCLOSURE 4**



City of Gloucester  
Grant Application and Check List

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

Name of Grant: DCR-Blynman Canal Repair Construction Seed Money

Department Applying for Grant: Community Development / DPW

Agency-Federal or State application is requested from: DCR Division of Waterways

Object of the application: Find engineering and permitting work at Blynman Canal

Any match requirements: \_\_\_\_\_

Mayor's approval to proceed: [Signature] 5/6/15  
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

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

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

FORM: AUDIT GRANT CHECKLIST - V.1



**City of Gloucester  
Grant Application and Check List (Continued)**

**The following are documents needed by the Auditing Office for grant account creation:**

- 1. Grant Application**
- 2. Grant Award Letter/Standard Contract Approval Form**
- 3. Council Order Approval**
- 4. Original Grant Account Budget as approved by Grantor**
- 5. Amended Grant Account Budget as approved by Grantor (if applicable)**
- 6. Any additional information as requested by the Auditing Department**

**Note: All documents must be complete signed copies.**

**Please attach the following documents with the Grant Application and Check List and send to the Auditors' Office.**

CITY OF GLOUCESTER

ACCOUNT BUDGET

DEPARTMENT NAME: Community Development / DPW  
 ACCOUNT NAME: DCR - Blynmah Canal Repair Construction Seed Money  
 FUND NUMBER AND NAME: (N/A FOR NEW FUND) 291159  
 CFDA # (Required for Federal Grants): N/A  
 DATE PREPARED: 4/30/2015

APPROVED  
 AMENDED BUDGET

OBJECT	ORIGINAL BUDGET	(IF APPLICABLE)	AMENDED REQUEST	REVISED BUDGET
REVENUE (4_____)				
46800	\$200,000			\$200,000 <del>\$0.00</del>
				\$0.00
				\$0.00
Total:	\$200,000 <del>\$0.00</del>	\$0.00	\$0.00	\$200,000 <del>\$0.00</del>
EXPENSE (5_____)				
58760	\$200,000			\$200,000 <del>\$0.00</del>
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Total:	\$200,000 <del>\$0.00</del>	\$0.00	\$0.00	\$200,000 <del>\$0.00</del>

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

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



October 29, 2013

Sarah Garcia, CD Director  
City of Gloucester  
3 Pond Road  
Gloucester, MA 01930

RE: P14-2883-G04 (3943) Blynman Canal Repair Construction Seed Money.

Dear Ms. Garcia:

Enclosed please find the contract documents for the above referenced scope of work for the project. Please review this information carefully and closely and complete the shaded sections as well as filling out the Contractor Authorized Signature Listing form. Upon completion and affixing of the authorized signature, please resubmit these agreement documents with original signatures to this office. We will process the agreement and send you a copy of the fully executed agreement when finalized.

The Seaport Council voted \$200,000 for the Blynman Canal Construction Seed Money.

Once the agreement has been executed, the City of Gloucester may request the \$50,000.00 up front in FY14 and the remaining \$150,000.00 through reimbursement. The request must include a funding request form and necessary documentation.

Please be advised that the enclosed Quarterly Report Forms are to be completed and submitted within fifteen (15) days after the close of the quarter. The final report shall include a copy of the canceled checks used for payment throughout this project.

Attached you will find the Rivers and Harbors Program Requirements to be signed and returned to this office with the signed contract. This information was compiled to identify the minimum requirements for the compliance with the grant as established with the Office of the State Comptroller and DCR policies. **If these requirements are not complied with, the Grant Compliance Officer may not be allowed to issue future funds until compliance has been made.**

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation  
30 Shipyard Drive, Suite 200  
Hingham, MA 02043  
781-740-1600 617-727-2950 Fax  
[www.mass.gov/dcr](http://www.mass.gov/dcr)



Deval L. Patrick  
Governor

Richard K. Sullivan, Jr., Secretary  
Executive Office of Energy & Environmental Affairs

John P. Murray, Commissioner  
Department of Conservation & Recreation

The Grant Compliance Officer for this project is Mr. Michael Driscoll. He can be reached for any questions or concerns at (781) 740-1600 x 107 or his cell phone at (617) 719-2199.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Driscoll". The signature is fluid and cursive, with a large initial "M" and "D".

Michael Driscoll  
Grant Compliance Officer

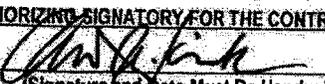
Enclosures

CC: Louis Elisa, Seaport Council

# COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at [www.mass.gov/osc](http://www.mass.gov/osc) under [Guidance For Vendors - Forms](#) or [www.mass.gov/osd](http://www.mass.gov/osd) under [OSD Forms](#).

<b>CONTRACTOR LEGAL NAME:</b> City of Gloucester (and d/b/a): Community Development Office		<b>COMMONWEALTH DEPARTMENT NAME:</b> DCR Division of Waterways <b>MMARS Department Code:</b>	
<b>Legal Address:</b> (W-8, W-4, T&C) 3 Pond Road, Gloucester MA 01930		<b>Business Mailing Address:</b> 30 Shipyard Drive, Suite 200 Hingham MA 02043	
<b>Contract Manager:</b> Sarah Garcia AICP Director		<b>Billing Address (if different):</b>	
<b>E-Mail Address:</b> <a href="mailto:sgarcia@gloucester-ma.gov">sgarcia@gloucester-ma.gov</a>		<b>Contract Manager:</b> Michael Driscoll CE IV	
<b>Phone:</b> 978-281-9781	<b>Fax:</b> 978-281-9779	<b>E-Mail Address:</b> <a href="mailto:Michael.driscoll@state.ma.us">Michael.driscoll@state.ma.us</a>	<b>E-Mail Address 2:</b>
<b>Contractor Vendor Code:</b> VC 6000 192096		<b>Phone:</b> 781-740-1600 x107	<b>Fax:</b> 617-727-2950
<b>Payment Address Code:</b> (e.g. "AD001") AD0 ____ Is this Payment Address Code set up for EFT? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. (If "No" the Contractor must attach EFT paperwork)		<b>MMARS Doc ID(s):</b> 4CTDCR8152PIA2883609 <b>RFR/Procurement or Other ID Number:</b> P14-2883-G04	
<input checked="" type="checkbox"/> <b>NEW CONTRACT</b>		<input type="checkbox"/> <b>CONTRACT AMENDMENT</b>	
<b>PROCUREMENT OR EXCEPTION TYPE:</b> (Check one option only) <input type="checkbox"/> <b>Statewide Contract</b> (OSD or an OSD-designated Department) <input type="checkbox"/> <b>Collective Purchase</b> (Attach OSD approval, scope, budget) <input type="checkbox"/> <b>Department Procurement</b> (Includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <b>Emergency Contract</b> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach Employment Status Form, scope, budget) <input checked="" type="checkbox"/> <b>Legislative/Legal Exemption or Other:</b> (Attach authorizing language/justification, scope and budget)		<b>Enter Current Contract End Date Prior to Amendment:</b> ____ <b>Enter Amendment Amount:</b> \$ ____ (or "no change") <b>AMENDMENT TYPE:</b> (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <b>Amendment to Scope or Budget</b> (Attach updated scope and budget) <input type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach any updates to scope or budget) <input type="checkbox"/> <b>Legislative/Legal Exemption or Other:</b> (Attach authorizing language/justification and updated scope and budget)	
The following <b>COMMONWEALTH TERMS AND CONDITIONS</b> (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
<b>COMPENSATION:</b> (Check ONE option). The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <b>Rate Contract</b> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <b>Maximum Obligation Contract</b> Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$200,000.00			
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ____ % PPD; Payment Issued within 15 days ____ % PPD; Payment issued within 20 days ____ % PPD; Payment issued within 30 days ____ % PPD. If PPD percentages are left blank, identify exemption: ____ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ____ federal grant/trust; ____ initial payment (subsequent payments must be scheduled to support payee cash flow needs and standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation.) Project P14-2883-G04 (3943) Blynman Canal Repair Construction Seed Money.			
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <b>Effective Date</b> (latest signature date below subject to any required approvals) and <b>no</b> obligations have been incurred <b>prior</b> to the <b>Effective Date</b> . <input type="checkbox"/> 2. may be incurred as of ____, 20__, a date <b>LATER</b> than the <b>Effective Date</b> below and <b>no</b> obligations have been incurred <b>prior</b> to the <b>Effective Date</b> . <input type="checkbox"/> 3. were incurred as of ____, 20__, a date <b>PRIOR</b> to the <b>Effective Date</b> below, and the parties agree that payments for any obligations incurred prior to the <b>Effective Date</b> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30, 2014</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the " <b>Effective Date</b> " of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <b>Contractor Certifications</b> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <b>Commonwealth Terms and Conditions</b> , this Standard Contract Form including the <b>Instructions and Contractor Certifications</b> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
<b>AUTHORIZING SIGNATORY FOR THE CONTRACTOR:</b> X:  Date: <u>12/3/13</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Carolyn A. Kirk</u> Print Title: <u>City of Gloucester</u>		<b>AUTHORIZING SIGNATORY FOR THE COMMONWEALTH:</b> X:  Date: <u>2/14/14</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>John P. Murray</u> Print Title: <u>Commissioner DCR</u>	

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



## INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS

The following instructions and terms are incorporated by reference and apply to this Standard Contract Form. Text that appears underlined indicates a "hyperlink" to an Internet or bookmarked site and are unofficial versions of these documents and Departments and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Using the Web Toolbar will make navigation between the form and the hyperlinks easier. Please note that not all applicable laws have been cited.

**CONTRACTOR LEGAL NAME (AND D/B/A):** Enter the Full Legal Name of the Contractor's business as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions if Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

**Contractor Legal Address:** Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions, which must match the legal address on the 10991 table in MMARS (or the Legal Address in HR/CMS for Contract Employee).

**Contractor Payment Remittance Address:** Enter the address other than the Legal Address for payments which must match the remittance address on the W-9 submitted by the Contractor. All Contractor payments are made via EFT in accordance with the Bill Payment Policy.

**Contractor Contract Manager:** Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on Comm-PASS, the Contract Manager must be listed on the Vendor Section tab.

**Contractor E-Mail Address/Phone/Fax:** Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Legal notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any written legal notice requirements.

**Contractor Vendor Code:** Enter the MMARS Vendor Code assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned along with the Payment Remittance Address Code (e.g., "AD001") for this Contract. The Department is responsible for verifying with authorized signatories of the Contractor, as part of the procurement and contracting process, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the Vendor Code and that the payment address code is set up for EFT payments. EFT is required for all payments absent exceptional circumstances.

**COMMONWEALTH DEPARTMENT NAME:** Enter the full Department name with the authority to obligate funds encumbered for the Contract.

**Commonwealth MMARS Alpha Department Code:** Enter the three (3) letter MMARS Code, assigned to this Commonwealth Department in the state accounting system.

**Department Business Mailing Address:** Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address for the Contract Manager will meet any requirements for written notice under the Contract.

**Department Billing Address:** Enter the Billing Address or email address if invoices must be sent to a different location. Billing or confirmation of delivery of performance issues should be resolved through the listed Contract Managers.

**Department Contract Manager:** Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

**Department E-Mail Address/Phone/Fax:** Enter the electronic mail (e-mail) address, phone and fax number of the Department Contract Manager. An alternate contact may also be entered under E-Mail Address 2 (optional). Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any requirements for written notice under the Contract.

**MMARS Document ID(s):** Enter the MMARS 20 character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Doc Ids.

**RFR/Procurement or Other ID Number or Name:** Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other

reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

## NEW CONTRACTS (left side of Form):

**Complete this section ONLY if this Contract is brand new. (Complete the CONTRACT AMENDMENT section for any material changes to an existing or an expired Contract, and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)**

**PROCUREMENT OR EXCEPTION TYPE:** Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See State Finance Law and General Requirements, Acquisition Policy and Fixed Assets, the Commodities and Services Policy and the Procurement Information Center (Department Contract Guidance) for details.

**Statewide Contract (OSD or an OSD-designated Department).** Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

**Collective Purchase approved by OSD.** Check this option for Contracts approved by OSD for collective purchases through federal, state, local government or other entities.

**Department Contract Procurement.** Check this option for a Department procurement including state grants and federal sub-grants under 815 CMR 2.00 and State Grants and Federal Subgrants Policy, Departmental Master Agreements (MA). If multi-Department user Contract, identify multi-Department use is allowable in Brief Description.

**Emergency Contract.** Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government or the provision of necessary or mandated services or whenever the health, welfare or safety of clients or other persons or serious damage to property is threatened.

**Contract Employee.** Check this option when the Department requires the performance of an Individual Contractor, and when the planned Contract performance with an individual has been classified using the Employment Status Form (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

**Legislative/Legal or Other Exemption.** Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "eemarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

## CONTRACT AMENDMENT (Right Side of Form)

**Complete this section for any Contract being renewed, amended or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract doc ids, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year.) \*See Amendments, Suspensions, and Termination Policy.)**

**Enter Current Contract End Date:** Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

**Enter Amendment Amount:** Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if no change.

**AMENDMENT TYPE:** Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached. **Amendment to Scope or Budget.** Check this option when renewing a Contract or executing any Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. Additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

**Interim Contracts.** Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being re-procured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an interim Contractor when a current Contractor is unable to complete full performance under a Contract.

**Contract Employee.** Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

**Legislative/Legal or Other Exemption.** Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



being competitively procured, or identify any other procurement exception not already listed. Legislative "eemarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly posted.

## COMMONWEALTH TERMS AND CONDITIONS

Identify which Commonwealth Terms and Conditions the Contractor has executed and is incorporated by reference into this Contract. This Form is signed only once and recorded on the Vendor Customer File (VCUST). See Vendor File and W-9s Policy.

## COMPENSATION

Identify if the Contract is a Rate Contract (with no stated Maximum Obligation) or a Maximum Obligation Contract (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as available and encumbered prior to incurring obligations.

## PAYMENTS AND PROMPT PAY DISCOUNTS

Payments are processed within a 45 day payment cycle through EFT in accordance with the Commonwealth Bill Payment Policy for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's loss of investment earnings for this earlier payment, or unless a payments is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under G.L. c. 29, s. 23A). See Prompt Pay Discounts Policy. PPD are identified as a percentage discount which will automatically deducted when an accelerated payment is made. Reduced contracts rates may not be negotiated to replace a PPD. If PPD fields are left blank please identify the exemption: (1) statutory/legal/Ready Payments (2) federal grant/trust or (3) initial state grant or entitlement payments for start up costs. Financial hardship is not a sufficient justification to accelerate cash flow for all payments under a Contract. Initial grant or contract payments may be accelerated for the first invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle in accordance with the Bill Payment Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.

## BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, and determine if the appropriate expenditure code (as listed in the Expenditure Classification Handbook) has been selected. Enter "Multi-User Departmental procurement" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient. The Department may include any additional information in this section to identify unique or important information related to this Contract, program or the Contractor. If multi-Department user Contract, identify multi-Department use is allowable

## ANTICIPATED START DATE

The Department and Contractor must certify WHEN obligations under this Contract or Contract Amendment may be incurred, either as of the Effective Date (latest signature date and of any required approvals) a LATER date, or if the performance has already been incurred PRIOR to the Effective Date by selecting the appropriate option. In the event obligations have been incurred by the Contractor prior to the Effective Date, the Contract must include detailed supporting documentation of performance made prior to the Effective date (including during a lapse between a Contract expiration and Contract Amendment) or the terms and process for eligible reimbursements after performance has been made by the Contractor (e.g., grant program). Proof of eligible reimbursement program must be attached. For Settlements, the parties agree to resolve payment for performance made outside the scope of the Contract (prior to Effective date or after termination date) which releases the Commonwealth from further obligations for the identified performance. This Amendment option is used in lieu of the Settlement and Release Form. Settlement payments are included under the same encumbrance and object codes as the Contract. Performance dates are subject to G.L. c.4, § 9.

## CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. If the Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here. A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation

document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to G.L. c.4, § 9.

## CERTIFICATIONS AND EXECUTION

See Department Head Signature Authorization Policy and the Contractor Authorized Signatory Listing for policies on Contractor and Department signatures.

**Authorizing Signature for Contractor/Date:** The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Contract Start Date". Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid and the Contractor may not void the Contract. Rubber stamps, typed or other images are not acceptable. Proof of Contractor signature authorization on a Contractor Authorized Signatory Listing may be required by the Department if not already on file.

**Contractor Name /Title:** The Contractor Authorized Signatory's name and title must appear legibly as it appears on the Contractor Authorized Signatory Listing.

**Authorizing Signature For Commonwealth/Date:** The Authorized Department Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Start Date". Rubber stamps, typed or other images are not accepted. The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See Department Head Signature Authorization. The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an approved Interdepartmental Service Agreement (ISA). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

**Department Name /Title:** Enter the Authorized Signatory's name and title legibly.

## CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein:

**Commonwealth and Contractor Ownership Rights.** The Contractor certifies and agrees that the Commonwealth is entitled to ownership and possession of all "deliverables" which purchased or developed with Contract funds. A Department may not relinquish Commonwealth rights to deliverables nor may Contractors sell products developed with Commonwealth resources without just compensation. The Contract should detail all Commonwealth deliverables and ownership rights and any Contractor proprietary rights.

**Qualifications.** The Contractor certifies it is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards for the performance required, including obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability, and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the Secretary of State's website as licensed to do business in Massachusetts, as required by law.

**Contractor Code of Conduct and Business Ethics.** The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse. The Contractor certifies that a Code of Conduct and Business Ethics will be available for review upon request within 60 days of the Effective Date of this Contract which will be provided to all employees and subcontractors involved in contract performance.

**Collusion.** The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud or unfair trade practices with any other person, that any actions to avoid or frustrate fair and open competition are prohibited by law, and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

**Public Records and Access** The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under Executive Order 195 and G.L. c. 11, s.12 seven (7) years beginning on the first day after the final payment under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under 950 C.M.R. 32.00.

**Debarment.** The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or regulation including, Executive Order 147; G.L. c. 29, s. 29F; G.L. c.30, § 39R; G.L. c.149, § 27C; G.L. c.149, § 44C; G.L. c.149, § 148B and G.L. c. 152, s. 25C.

**Applicable Laws.** The Contractor shall comply with all applicable state laws and regulations including but not limited to the applicable Massachusetts General Laws; the Official Code of Massachusetts Regulations; Code of Massachusetts Regulations (unofficial); 801 CMR 21.00 (Procurement of Commodity and Service Procurements, Including Human and Social Services); 815 CMR 2.00 (Grants and Subsidies); 808 CMR 1.00 (Compliance, Reporting and Auditing for Human And Social Services); AICPA Standards; confidentiality of Department records under G.L. c. 66A; and the Massachusetts Constitution Article XVIII if applicable.

**Invoices.** The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth Bill Paying Policy. Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15<sup>th</sup> for performance made and received (goods delivered, services completed) prior to June 30<sup>th</sup>, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15<sup>th</sup> or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of this estimated payment releases the Commonwealth from further claims for these invoices. If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.

**Payments Subject To Appropriation.** Pursuant to G.L. c. 29 § 26, § 27 and § 29, Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by G.L. c. 29, § 9C. A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth has no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

**Intercept.** Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to G.L. c. 7A, s. 3 and 815 CMR 9.00. Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

**Tax Law Compliance.** The Contractor certifies under the pains and penalties of perjury tax compliance with Federal tax laws; State tax laws including but not limited to G.L. c. 62C; G.L. c. 62C, s. 49A; compliance with all state tax laws, reporting of employees and contractors, withholding and remitting of tax withholdings and child support and is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under G.L. c. 62E, withholding and remitting child support including G.L. c. 119A, s. 12; TIR 05-11; New Independent Contractor Provisions and applicable TIRs.

**Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts.** The Contractor certifies it has not been in bankruptcy and/or receivership within the last three calendar years, and the Contractor certifies that it will immediately notify the Department in writing at least 45 days prior to filing for bankruptcy and/or receivership, any potential structural change in its organization, or if there is any risk to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

**Federal Anti-Lobbying and Other Federal Requirements.** If receiving federal funds, the

Contractor certifies compliance with federal anti-lobbying requirements including 31 USC 1352; other federal requirements; Executive Order 11246; Air Pollution Act; Federal Water Pollution Control Act and Federal Employment Laws.

**Protection of Personal Data and Information.** The Contractor certifies that all steps will be taken to ensure the security and confidentiality of all Commonwealth data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under G.L. c. 93H and c. 66A and Executive Order 504. The Contractor is required to comply with G.L. c. 93I for the proper disposal of all paper and electronic media, backups or systems containing personal data and information, provided further that the Contractor is required to ensure that any personal data or information transmitted electronically or through a portable device be properly encrypted using (at a minimum) Information Technology Division (ITD) Protection of Sensitive Information, provided further that any Contractor having access to credit card or banking information of Commonwealth customers certifies that the Contractor is PCI compliant in accordance with the Payment Card Industry Council Standards and shall provide confirmation compliance during the Contract, provide further that the Contractor shall immediately notify the Department in the event of any security breach including the unauthorized access, disbursement, use or disposal of personal data or information, and in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth and provide access to any information necessary for the Commonwealth to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including but not limited to G.L. c. 214, s. 3B.

**Corporate and Business Filings and Reports.** The Contractor certifies compliance with any certification, filing, reporting and service of process requirements of the Secretary of the Commonwealth, the Office of the Attorney General or other Departments as related to its conduct of business in the Commonwealth; and with its incorporating state (or foreign entity).

**Employer Requirements.** Contractors that are employers certify compliance with applicable state and federal employment laws or regulations, including but not limited to G.L. c. 5, s. 1 (Prevailing Wages for Printing and Distribution of Public Documents); G.L. c. 7, s. 22 (Prevailing Wages for Contracts for Meat Products and Clothing and Apparel); minimum wages and prevailing wage programs and payments; unemployment insurance and contributions; workers' compensation and insurance, child labor laws, AGO fair labor practices; G.L. c. 149 (Labor and Industries); G.L. c. 150A (Labor Relations); G.L. c. 151 and 455 CMR 2.00 (Minimum Fair Wages); G.L. c. 151A (Employment and Training); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); G.L. c. 152 (Workers' Compensation); G.L. c.153 (Liability for Injuries); 29 USC c. 8 (Federal Fair Labor Standards); 29 USC c. 28 and the Federal Family and Medical Leave Act.

**Federal And State Laws And Regulations Prohibiting Discrimination** including but not limited to the Federal Equal Employment Opportunity (EEO) Laws the Americans with Disabilities Act; 42 U.S.C Sec. 12,101, et seq., the Rehabilitation Act, 29 USC c. 16 s. 794; 29 USC c. 16, s. 701; 29 USC c. 14, 623; the 42 USC c. 45; (Federal Fair Housing Act); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); the Public Accommodations Law G.L. c. 272, s. 92A; G.L. c. 272, s. 98 and 98A, Massachusetts Constitution Article CXIV and G.L. c. 93, s. 103; 47 USC c. 5, sc. II, Part II, s. 255 (Telecommunication Act; Chapter 149, Section 105D, G.L. c. 151C, G.L. c. 272, Section 92A, Section 98 and Section 98A, and G.L. c. 111, Section 199A, and Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities, and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also MCAD and MCAD links and Resources.

**Small Business Purchasing Program (SBPP).** A Contractor may be eligible to participate in the SBPP, created pursuant to Executive Order 523, if qualified through the SBPP SmartBid subscription process at [www.comm-pass.com](http://www.comm-pass.com) and with acceptance of the terms of the SBPP participation agreement.

**Limitation of Liability for Information Technology Contracts (and other Contracts as Authorized).** The Information Technology Mandatory Specifications and the IT Acquisition Accessibility Contract Language are incorporated by reference into Information Technology Contracts. The following language will apply to Information Technology contracts in the U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U75, U98 object codes in the Expenditure Classification Handbook or other Contracts as approved by CTR or OSD. Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment,

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. These terms may be applied to other Contracts only with prior written confirmation from the Operational Services Division or the Office of the Comptroller. The terms in this Clarification may not be modified.

**Northern Ireland Certification.** Pursuant to G.L. c. 7 s. 22C for state agencies, state authorities, the House of Representatives or the state Senate, by signing this Contract the Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland and if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief; and it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

**Pandemic, Disaster or Emergency Performance.** In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the Commonwealth even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

**Consultant Contractor Certifications (For Consultant Contracts "HH" and "NN" and "U05" object codes subject to G.L. Chapter 29, s. 29A).** Contractors must make required disclosures as part of the RFR Response or using the Consultant Contractor Mandatory Submission Form.

**Attorneys.** Attorneys or firms providing legal services or representing Commonwealth Departments may be subject to G.L. c. 30, s. 65, and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under the Contract.

**Subcontractor Performance.** The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors.

## EXECUTIVE ORDERS

For covered Executive state Departments, the Contractor certifies compliance with applicable Executive Orders (see also Massachusetts Executive Orders), including but not limited to the specific orders listed below. A breach during period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

**Executive Order 481. Prohibiting the Use of Undocumented Workers on State Contracts.** For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker

**Executive Order 130. Anti-Boycott.** The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an international boycott (See IRC § 999(b)(3)-(4), and IRS Audit Guidelines Boycotts) or engages in conduct declared to be unlawful by G.L. c. 151E, s. 2. A breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may have, the Commonwealth shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

**Executive Order 346. Hiring of State Employees By State Contractors** Contractor certifies compliance with both the conflict of interest law G.L. c. 268A specifically s. 5 (f) and this order; and includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, any state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the

awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

**Executive Order 444. Disclosure of Family Relationships With Other State Employees.** Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.

**Executive Order 504. Regarding the Security and Confidentiality of Personal Information.** For all Contracts involving the Contractor's access to personal information, as defined in G.L. c. 93H, and personal data, as defined in G.L. c. 66A, owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth Information Technology Division's Security Policies. Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards, and policies; (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's "Security Policies" (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification under Section 11 of the Commonwealth's Terms and Conditions, withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under G.L. c. 214, § 3B for violations under M.G.L. c. 66A. **Executive Orders 523, 524 and 526.** Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes Executive Order 478). **Executive Order 524** (Establishing the Massachusetts Supplier Diversity Program which supersedes Executive Order 390). **Executive Order 523** (Establishing the Massachusetts Small Business Purchasing Program.) All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices; and the Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and the Contractor commits to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. These provisions shall be enforced through the contracting agency, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.

# COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME :  
CONTRACTOR VENDOR/CUSTOMER CODE:

**INSTRUCTIONS:** Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

**NOTICE:** *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

  
\_\_\_\_\_  
Signature

Date: 12/3/13

Title: MAYOR

Telephone: 978-281-9700

Fax:

Email: ckirk@gloucester-ma.gov

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS  
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May  
2004



CONTRACTOR LEGAL NAME :  
CONTRACTOR VENDOR/CUSTOMER CODE:

PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.  
It is recommended that Departments obtain authentication of signature for the signatory  
who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type):

Title:

*Mayor*

*[Handwritten Signature]*

X

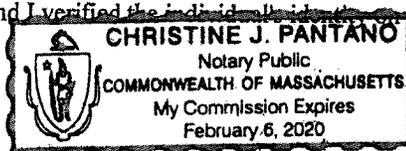
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Christine J. Pantano (NOTARY) as a notary public certify that I witnessed  
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

Dec. 3, 20 13.

My commission expires on: 2/6/2020



AFFIX NOTARY SEAL

I, \_\_\_\_\_ (CORPORATE CLERK) certify that I witnessed the  
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's  
authority as an authorized signatory for the Contractor on this date:

\_\_\_\_\_, 20 \_\_\_\_.

AFFIX CORPORATE SEAL



June 30, 2014

Sarah Garcia, Harbor Plan Coordinator  
City of Gloucester  
3 Pond Road  
Gloucester , MA 01930

Re: P14-2883-G04 (3943) Blynman Canal Repair Construction Seed Money.

Dear Ms. Garcia:

The above-reference project provides the City Of Gloucester with funding for the final engineering, permitting and coordinating the proposed work at Blynman Canal with Mass DOT to be able to perform the necessary work .

We herewith extend the grant period for the above –referenced project to June 30, 2015 .

Best Regards

Michael Driscoll  
Grant Compliance Officer

CC: Louis Elisa, Seaport Council



# **ENCLOSURE 5**

**CITY OF GLOUCESTER**  
**LEGAL DEPARTMENT**

Memorandum

TO: Mayor Sefatia Romeo Theken

FROM: Charles J. Payson   
General Counsel

RE: Amendment to the Pilings Ordinance

DATE: May 6, 2015

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Bill Sanborn, the Building Inspector, brought to my attention an issue that has arisen with the Gloucester city Ordinance that requires owners of pilings in Gloucester to have those pilings inspected and the building inspector's power to require them to do so.

Section 5-19 of the Gloucester Code of Ordinances provides in part that “[e]ffective September 1, 2005, and **within** three years thereafter, the building inspector shall notify in writing the owners of structures supported by, or built at least in part upon pilings, to have their structure inspected, including bulkheads, by a registered professional structural engineer.” (Bold applied for emphasis.)

The issue that has arisen as I understand it is that a reasonable and objective reading of this section of the Ordinance would lead to the conclusion that the building inspector may require an inspection within three years after September 1, 2005 *only* and not every three years as the building inspector believes the intent of the Ordinance to be.

Accordingly, attached to this memo, for your and the City Council's consideration, please find 1) a copy of the current Section 5-19 Ordinance as written and enacted (in 2005) and 2) a copy of the proposed amendment to Section 5-19. Note that the proposed amendment merely replaces the word “within” with the word “every” thereby correcting the problem.

Thank you.

Attachments

Sec. 5-19. - Inspection of buildings erected on pilings.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Pilings* means any structure erected on pilings and shall include wood, steel and concrete pilings, including bulkheads supporting structures over the water.

*Structure* shall have the same meaning as defined in the zoning ordinance.

(b) *Notification; requirements by property owner; time limit.*

- (1) Effective September 1, 2005, and within three years thereafter, the building inspector shall notify in writing the owners of structures supported by, or built at least in part upon pilings, to have their structure inspected, including bulkheads, by a registered professional structural engineer.
- (2) The property owner shall demonstrate to the building inspector that they have entered into a contract with a registered professional structural engineer within 30 days of the notice. The engineer shall inspect and submit a written report to the building inspector within 120 days. The building inspector shall order the owner to make any repairs or do any work recommended by the report of the registered structural engineer. All such work shall be completed within 120 days of the order of the building inspector unless an extension is obtained in writing for additional time to complete the work. The building inspector in considering extensions shall consider the need of time required for other regulating permits.
- (3) The building inspector may also issue orders to the owners causing all retail; business, commercial or residential occupancy to cease until such time as repairs are completed and until such time the structure is inspected and certificate of occupancy is issued. The building inspector shall keep a log book of all notices sent and all reports received beginning September 1, 2005.
- (4) Failure to timely supply the report of the registered professional engineer; to perform the repairs; or cease occupancy shall constitute a continuing violation of this section and shall be subject to penalties under section 1-15.

(c) *Exemptions.* Structures that are not covered by this section are as follows:

- (1) Ramps and floats;
- (2) Bridges which are required by state or federal laws or regulations to be periodically inspected;
- (3) Boardwalks for single-family residential use which are eight feet wide or less; and
- (4) Any pile supported structure less than 120 square feet in total area;

however, the building inspector retains jurisdiction to require emergency repairs to any such boardwalks or structures of less than 120 square feet which, at any time, he deems to be unsafe.

(d) *Penalty.* The penalty for violation of this section is \$100.00 per day. Each day of violation shall constitute a separate offense.

(e) *Enforcing persons.* The persons responsible for enforcing this section are the building inspector and the police.

(Ord. No. 77-1998, § 1, 2-17-1998; Ord. of 9-6-2005, § 1)

**Sec. 5-19. - Inspection of buildings erected on pilings.**

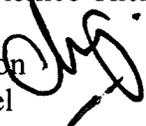
(b) *Notification; requirements by property owner; time limit.*

- (1) Effective September 1, 2005, and ~~within~~ every three years thereafter, the building inspector shall notify in writing the owners of structures supported by, or built at least in part upon pilings, to have their structure inspected, including bulkheads, by a registered professional structural engineer.

# **ENCLOSURE 6**

**CITY OF GLOUCESTER  
LEGAL DEPARTMENT**

Memorandum

TO: Mayor Sefatia Romeo Theken  
FROM: Charles J. Payson   
General Counsel  
RE: A new ordinance for block parties  
DATE: May 6, 2015

---

As you know, the city of Gloucester holds several block parties throughout any given year. Michele Harrison, Chair of the Gloucester Licensing Board, brought to our attention that the Licensing Board currently has no authority over block parties.

Accordingly, attached to this memo, for your and the City Council's consideration, please find a draft of a new ordinance entitled City Block Parties.

Thank you.

Attachment

**NEW Sec. \_\_-\_\_. – City Block Parties.**

(a)

*Description and Purpose.* A city block party shall mean a city-sponsored event intended to take place and actually taking place in whole or in part on a city street which obstructs vehicular traffic.

(b)

*Permit Required.* The city council shall issue a permit for the temporary blocking of a city street for the purpose of holding a city block party.

(c)

*Usage.* Upon issuance of a permit by the city council, participants are granted the temporary right to use the designated portion of the city street for a city block party.

(d)

*Obstacles Blocking Streets to be Movable.* A street or portion thereof blocked off for a city block party shall not be obstructed by obstacles which cannot be readily moved to allow emergency and hazard vehicles to enter it in response to an emergency.

(e)

*Rules and Regulations.* The city council may approve reasonable rules and regulations put forward by the licensing board to implement the provisions of this section.

# **ENCLOSURE 7**

Public Works  
28 Poplar Street  
Gloucester, MA 01930



TEL 978-281-9785  
FAX 978-281-3896  
mhale@gloucester-ma.gov

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

Date: 6 May 2015

To: Greg Verga, Chair  
Paul Lundberg, Vice Chair  
Steven LeBlanc, Member  
Planning & Development Subcommittee

From: Michael B. Hale, Director of Public Works

Re: Acceptance of Unaccepted or Private Ways

---

Councilor Verga:

In accordance with the Gloucester Code of Ordinance Section 21-1 *Prerequisites to acceptance of ways*, the Department of Public Works has developed the attached spreadsheet of unaccepted and/or private ways and recommends to the City Council to accept these ways as public ways in the City of Gloucester.

Public Works currently provides maintenance services to these *ways* and considers them in safe condition for travel. Once accepted as public ways, Public Works will seek an amendment to the Massachusetts Department of Transportation (MassDOT) Chapter 90 master list; increasing our annual Chapter 90 apportionment and making these *ways* eligible for Chapter 90 funds.

I, along with the Mayor and City Auditor will be submitting a signed written statement to comply with Gloucester Code of Ordinance Section 21-1 prior to final acceptance.

Street Name	length of way
Apple Street	0.244 miles
Baker Street	0.049 miles
Beach Road	0.516 miles
Birch Grove Heights	0.305 miles
Biskie Head Point	0.255 miles
Blueberry Lane	0.104 miles
Brierwood Street	0.301 miles
Brightside Ave	0.301 miles
Colburn Street	0.221 miles
Colonial Street	0.061 miles
Crowell Avenue	0.082 miles
Decatur Street	0.367 miles
Dogtown Road	0.896 miles
Dr Osman Babson Road	0.901 miles
Duley Street	0.148 miles
Gilbert Road	0.191 miles
Goodwin Road	0.132 miles
Grapevine Road	0.708 miles
Harold Court	0.023 miles
Harriet Road	0.36 miles
High Popples Road	0.645 miles
Hillside Road	0.135 miles
Honeysuckle Road	0.243 miles
Hough Avenue	0.497 miles
Jacque Lane	0.124 miles
Juniper Road	0.179 miles
Lane's Cove Road	0.095 miles
Laurel Street	0.759 miles
Lawndale Circle	0.354 miles
Lincoln Avenue	0.163 miles
Lincoln Street	0.425 miles
Linden Road	0.198 miles
Lisa Drive	0.069 miles
Macomber Road	0.224 miles
Marsh Street	0.228 miles
Mason Court	0.034 miles
Montvale Avenue	0.14 miles
Morgan Avenue	0.154 miles
Munsey Lane	0.07 miles
North Kilby Street	0.166 miles
Oceanview Drive	0.147 miles
Pigeon Lane	0.054 miles
Rockport Road	0.312 miles
Scott Street	0.049 miles

total

11.629

# **ENCLOSURE 8**

## **Gloucester Clean Energy Commission**

### **Summary Report, 2012-2014**

#### **To Mayor Sefatia Romeo Theken and City Council**

The Gloucester Clean Energy Commission (CEC) was formed as a permanent City commission, and approved by the City Council, in August 2009. As per Section 2-514 of the Gloucester City Ordinance, the tasks of the Commission are to:

- a) Propose and develop strategies to reduce energy costs of city-owned facilities and vehicles through energy conservation, efficiency and renewable energy measures. The strategies may include electricity, vehicle fuel, natural gas and oil conservation and may identify innovative cost-saving measures.
- b) Recommend city-wide programs including participation in federal or state-wide energy initiatives, such as the Green Communities Program, to promote and facilitate smart energy strategies for Gloucester citizens on both public and private real property.
- c) Work with appropriate City departments to track energy usage and costs associated with key assets and operations of the City.
- d) Identify climate adaptation and mitigation issues and strategies to safeguard the long-term economic and cultural vitality of the City.
- e) Follow emerging federal and state mandates, as well as initiatives and funding opportunities for energy conservation, renewable energy, or climate adaptation and mitigation strategies. Recommend strategies to comply with applicable mandatory or voluntary standards.
- f) Provide guidance, in the form of education or information, to the Mayor, City Council and key City departments and personnel, to support their decision-making on recommended strategies and clean energy opportunities.
- g) Serve as a communications and information resource on clean energy issues and city initiatives for the public through:
  - i) Meetings and sponsored events;
  - ii) Maintenance of an active web site;
  - iii) Regular communications to interested parties; and
  - iv) Public/private partnerships.

The CEC is comprised of seven volunteer citizen members and will work closely with key City departments, including the Gloucester School Department. Current members of the CEC include:

Candace Wheeler, Chair

Tom Balf, Vice Chair

Linda Brayton

Sam Cleaves

Tom Kiely

John Moskal

Linda Stout-Saunders

The following update summarizes the activities and priorities of the Clean Energy Commission (CEC). It should be noted that this summary incorporates outstanding work done by the Community Development Office (CommDev) and the Department of Public Works (DPW) in the areas of municipal energy conservation and energy efficiency, and renewable energy development.

## **I. Energy Conservation and energy efficiency**

**Background:** Having satisfactorily demonstrated that it met the five criteria for designation, Gloucester was awarded Green Community status by the Massachusetts Department of Energy Resources Green Communities Division (DOER/GC) on 12/16/2010. Meeting Green Communities designation criteria included the adoption by Gloucester, in July 2011, of an enhanced building code ("stretch code") based on International Energy Conservation Code (IECC) 2009, requiring additional energy conservation for new construction and significant renovations.

With its status as a Green Community, Gloucester became eligible for \$198,000 in grant funding. These funds were received and accepted on 6/1/2011 for energy conservation and efficiency improvements.

In 2014 Gloucester was awarded an additional \$250,000 Green Communities competitive grant for the O'Maley School oil to gas conversion and boiler project.

**The Community Development Department filed Green Communities reports with the DOER in 2012, 2013, and 2014.** These reports are available upon request through the Community Development Department. These reports will be posted on the CEC website when the site is updated.

### **Summary of activities supported by CEC in 2012-2014:**

- During 2013, with DOER approval, the City used \$177,000 of the 2011 Green Communities grant money to implement energy efficiency projects in three municipal sites identified by the DPW and supported by CEC. These were: (1) upgrades to the O'Maley School's air handler controls and the building envelope; (2) boiler room and automation controls at the Gloucester High School.; and (3) lighting improvements at the Sawyer Library. Combined, these improvements are estimated to reduce municipal energy consumption by 4%.
- In November 2013 the City used \$12,000 of the 2011 Green Communities Grant to hire Peregrine Energy Group to help guide the City through the process of acquiring ownership of the street light fixtures. Gloucester officially purchased its streetlights from National Grid on October 1, 2014 at the price of \$1. Peregrine estimates that this transfer of ownership to the City will save the City \$190,000 annually. This project was the result of CEC's work assessing the economics and feasibility of the City's buying its leased street light fixtures from National Grid. As part of its due diligence, in 2011 the CEC commissioned a Streetlight Ownership Report, which included interviews of several Massachusetts communities that had taken similar steps.
- During 2014, with DOER/GC approval, the City used \$2700 of the 2011 Green Communities grant funding for the purchase of a thermal imaging camera to be used by the building inspector to help the City meet and enforce "stretch code" requirements. The CEC also supported the hiring of additional part time staff to meet increased inspection requirements, including "stretch" energy efficiency building codes.
- In 2013 the City, with DOER/ GC approval, used \$4,290 of the 2011 Green Communities grant to fund the installation of idle reduction technology in a DPW utility truck and

police cruiser. Consisting of a highly efficient lithium ion battery, the technology allows essential emergency lighting and equipment to operate without idling the engine.

- The remainder of the 2011 Green Communities Grant funding, again with DOER/GC approval was allocated to the cost of administration; that is, it contributed to the cost of a part-time Clean Energy Project Manager.
- In 2014, CEC chair Candace Wheeler, and CEC members Linda Brayton and Linda Stout-Saunders attended a Municipal Energy Efficiency Workshop sponsored by the Metropolitan Area Planning Council.

***Other energy efficiency options the CEC explored during 2012-14 include:***

- Community energy aggregation (i.e., municipal purchase of energy in bulk for the City's residential and commercial customers in order to realize volume discounts). Conclusion: the savings for residents and businesses are small, and the legal and insurance risks for the City large. Furthermore, the City's electricity cost is already greatly reduced by the wind turbine installations, and many of the larger private consumers have already made their own arrangements. Therefore, this does not make sense as an option at this time.
- Technology to improve the efficiency of municipal vehicles. Conclusion: the City piloted an "idle fuel reduction technology" project in 2014. In addition, the City is committed to purchasing fuel-efficient vehicles in accordance with specified standards per the requirements of its Green Communities status.
- Energy efficiency improvements for City Hall. Conclusion: improvements implemented in 2014.
- The potential for extending natural gas lines in Gloucester. Conclusion: on-going.
- The feasibility of energy efficient lighting at the Dog Park. Conclusion: On-going. Dog Park representatives continue to seek funding sources and ways to reduce cost.
- The potential for providing CEC input and perspectives to the City's long-term capital plans. Conclusion: CEC meets with DPW and CommDev staff on a regular basis in order to keep communications open re: long-term needs and plans.
- The feasibility of contracting with an energy services company (ESCO) to map out and oversee a program for energy conservation. In consultation with DPW staff and other City officials, the CEC concluded that energy reductions achieved by the City on its own behalf weakened the economic case for contracting with an ESCO, and recommended the City not pursue this avenue at the present time.
- The CEC considered in 2013, but ultimately decided against asking the Metropolitan Area Planning Council (MAPC) Clean Energy division to develop an energy "visioning" plan (Local Energy Action Plan) for the City. The CEC concluded that focusing on identifying and implementing pragmatic energy reduction projects was more efficient in the near-term.
- Discussed role of CEC in the new West Parish School design and development. In discussions with City DPW and CommDev staff, CEC members determined that the clean energy measures and building design were being well-addressed.
- Discussed energy efficiency needs at City Hall with members of City Hall Restoration Committee and toured City Hall to learn about building's systems and the building envelope.

## **II. Renewable energy**

- After years of exploration as to various payment options, wind turbine models, companies, sites, etc. to determine the best possible way to take full advantage of Gloucester's phenomenal wind resource, Three wind turbines were installed on privately-owned sites in the Blackburn Industrial Park during the Fall of 2012 and went on-line at the end of that year. Varian Semiconductor (now Applied Materials) privately financed the installation of one turbine for its own power use. Equity Industrial Turbines and a consortium of private investors financed and installed the other two turbines. (Gloucester Engineering is a tenant of Equity.) The City of Gloucester entered into a Power Purchase Agreement with Equity Industrial Turbines allowing the City to procure a long-term stable supply of clean power for municipal facilities, and realize a significant savings in energy costs. Over 2,000 citizens signed their names on the blades.
- During and after this process, CEC members participated in many educational and outreach events to promote community understanding and acceptance. For example, the Massachusetts Wind Working Group hosted a forum in Gloucester in 2013 to familiarize other communities about the Gloucester wind turbine project. Candace Wheeler, CEC Chair person, spoke at this event, and other members attended. Also, the Mass Energy Consumers Alliance held a Wind Festival at the Gloucester Engineering site, and Commission Member, Linda Brayton, spoke at this event about the CEC's role.
- During 2012-14 the CEC also explored the feasibility of participating in the state's Solarize Mass program. Conclusion: It is not feasible for the City to join at this time, as success would require the commitment of a substantial amount of time by a number of volunteers.

### **III. Climate change mitigation and adaptation**

- Several CEC members attended a 2012 conference, coordinated by MAPC, on sea level rise and climate change adaptation.
- In 2013 and 2014, several CEC members, including Chair, Candace Wheeler, Vice-Chair, Tom Balf, and members Sam Cleaves, Linda Brayton, Linda Stout-Saunders and Tom Kiely attended conferences hosted by the Great Marsh Coalition. In 2013, the conference focused on coastal ecosystems and extreme weather; in 2014 the conference was on sea level rise.
- In 2014, 2 members of the CEC, John Moskal and Linda Stout-Saunders, were chosen to participate in a working group for the City's Climate Change Vulnerability project. The project will conclude in June 2015 and will identify critical municipal facilities vulnerable to sea level rise and storm surge. The City hired Kleinfelder as the consultant for this project.
- In 2014, Maritime Gloucester hosted a symposium on the impact of sea level rise on the local coastline. CEC Vice-chair and Executive Director of Maritime Gloucester, Tom Balf, led the symposium, and CEC Chair, Candace Wheeler, acted as a group facilitator at it. Several CEC members attended.
- In 2014, the CEC cooperated with the Green Committee of the Unitarian Universalist Church and the Cape Ann Forum to develop a community roundtable discussion titled "From Global Climate Crisis to Local Action: What Next?" CEC Chair, Candace Wheeler, co-facilitated the roundtable and presented as a panelist. CEC member, Linda Brayton, attended.

### **IV. Community outreach**

- Mayor Carolyn Kirk, and CEC Chair, Candace Wheeler, appeared on WGBH radio's *Greater Boston* show, in January 2013, to discuss the Gloucester wind turbines.

- Press release by Tom Daniel, November 2013, giving an update on lighting and energy efficiency measures taken.
- “Wind Turbines 101” was an exceptionally well-attended educational event held at the Sawyer Free Library. Representatives from Equity Industrial Turbines, Varian and the City spoke, and a video of the whole installation was shown. The reaction from those who attended was almost entirely positive. This entire presentation, filmed by Cape Ann TV, is available through the Sawyer Free Library.
- Mayor Kirk spoke about the turbines at the Massachusetts Municipal Association (MMA) Candace Wheeler, CEC Chair, also attended as a member of MMA.
- Cape Ann Time Bank Earth Day, 2013, featuring green initiatives by Cape Ann businesses. Nancy Goodman spoke to members of CEC about this project, and members of the CEC provided input and some outreach and support for the event.
- Mass Energy Consumers Alliance held an award dinner in Boston in 2012. The City of Gloucester was one of three awardees. The award was given to Gloucester for its achievements in renewable energy with the advent of its three new wind turbines. Mayor Kirk, City Councilor Paul McGeary, Candace Wheeler. Linda Stout-Saunders and Linda Brayton attended.
- Planning and creation of a Clean Energy website and blog was initiated. It was determined, however, that due to the Open Meeting Laws, the best approach for CEC was simply to utilize the Clean Energy Commission web page on the City’s website for its outreach and educational purposes.
- In June 2014, CEC member Linda Stout-Saunders gave a presentation at the Gloucester Turbine Wind Festival, sponsored by Mass Energy Consumer Alliance, on the opportunities the CEC assess, the CEC’s interaction with the City, and on the Wind Turbine Project specifically..
- Tom Daniel, Gloucester Community Development Director, wrote and distributed to the media a release on the energy reduction and cost savings achieved by the City’s successful efforts to acquire its streetlights.
- During the last quarter of 2014 the CEC began discussions (on-going) with Next Step Living over the potential for a memorandum of understanding (MOU) between Next Step Living and the City to develop a residential energy efficiency outreach program.
- Cazeault Solar and Home, Home Performance Solutions – Presentation by Tim Sanborn, 2014.
- Petra Systems, Small City Solutions – presentation on proposed pole mounted solar project, 2014.

#### **V. Other public presentations to the CEC during 2012-14**

- Paul Marquis, Salem’s Energy manager, [on Salem’s energy efficiency plans??] 2012
- Pika Energy, on the feasibility of small scale wind technology. 2012.
- Global Inc, on the concept of municipal energy aggregation 2012
- Global Montello Group, same topic. 2012.
- Cool Current Consulting, on the economics of small scale solar projects. 2013.
- Susanne Altenberger on green boat design. 2013.
- Dan Hubbard, Chief of maritime Energy and Marine Planning for the U.S. Coast Guard, on New England’s potential for marine hydrokinetics, 2014.
- Mass Energy Consumers Alliance on their clean energy programs and possible options for collaboration with the City to develop a residential outreach program, 2014.

- Next Step Living on possible options for collaboration with the City to develop a residential energy efficiency outreach program, 2014.

#### **VI. CEC membership**

- Tom Balf stepped down as Chair in April 2012. The membership elected Candace Wheeler as new Chair, and Tom Balf as Vice Chair.
- In June 2013, Matthew Coogan stepped into the newly created municipal role of Senior Planner and Clean Energy Project Manager, allowing for greater coordination between Gloucester's administrative offices and the CEC on energy efficiency initiatives. The Commission wishes to thank John Rockwell, formerly with Gloucester's Community Development Department, for his valuable contributions as part-time Clean Energy Project Manager and liaison to the CEC from [2011 - 2013].
- Jill Buchanan, CEC member and Clerk since the Commission's inception, stepped down in 2013. Jill was also a long-time member of the CEC's predecessor, the Gloucester Renewable Energy Committee. The community owes a great deal to Jill, and the CEC wishes her well in her new position.
- Tom Kiely joined the Commission as a member in December 2013.

# **ENCLOSURE 9**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

May 6, 2015

Ms. Patricia Amaral  
14 Myrtle Square  
Gloucester, MA 01930

Dear Patti:

As you know, my Administration is working to reconstitute the Clean City Commission, and I appreciate your interest in once again volunteering your time to serve on this important commission. I am pleased to appoint you to a three year term on the **Clean City Commission** and so that you may attend and vote at meetings until your appointment is finalized, I have issued you a 90-day temporary appointment.

Your appointment will be forwarded to the City Council for their meeting of May 12, 2015, at which time it will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

Please report to the City Clerk's office at your earliest convenience to pick up your appointment card and be sworn in.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sfatia Romeo Theken". The signature is fluid and cursive, with a large initial "S".

Sfatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

## Christine Pantano

---

**From:** noreply@civicplus.com  
**Sent:** Wednesday, April 15, 2015 6:06 AM  
**To:** Christine Pantano  
**Subject:** Online Form Submittal: Mayor Contact Us

If you are having problems viewing this HTML email, click to view a [Text version](#).

## Mayor Contact Us

**If you have a question or concern you would like the Mayor's Office to address, please submit this form. We will try to address your request in a timely manner.**

### Personal Information

Name*	Patti Amaral	City*	Gloucester
Phone Number*	978-281-6708	State*	MA
Email Address	litterlady@comcast.net	Zip*	01930

### Staff Members

Which staff member would you like to contact?\*

- Sefatia Romeo Theken - Mayor  Christine Pantano - Executive Secretary  
 Jim Destino - Chief Administrative Officer

### Questions & Concerns

What is the nature of your request?\*

April 15, 2015 Dear Mayor Theken, I am writing to you to express interest in the Clean City Commission. I was Co-Chair of the Clean City Commission some years ago spearheading our Carry In Carry Out Program. The Commission folded due to lack of government participation, lack of place to meet and just sheer lack of involvement from our D.P.W. and Police Department. It is my understanding that all will be involved in the process of cleaning our city and keeping it clean and implementing new and exciting programs. I am willing to start our Commission as the hard working city board that it was years ago with the help of our city Government, Police, D.P.W. and the citizens of Gloucester who deserve a clean city to live in. Thank you for considering me for this board. Patti Amaral Clean City Initiative

Would you like to be contacted concerning your request?\*

- Yes  No

\* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:

<http://gloucester-ma.gov/Admin/FormHistory.aspx?SID=7993>

The following form was submitted via your website: Mayor Contact Us

Name: Patti Amaral

City: Gloucester

Phone Number: 978-281-6708

State: MA

Email Address: [litterlady@comcast.net](mailto:litterlady@comcast.net)

Zip: 01930

Which staff member would you like to contact?: Sefatia Romeo Theken - Mayor

What is the nature of your request?: April 15, 2015

Dear Mayor Theken,

I am writing to you to express interest in the Clean City Commission. I was Co-Chair of the Clean City Commission some years ago spearheading our Carry In Carry Out Program. The Commission folded due to lack of government participation, lack of place to meet and just sheer lack of involvement from our D.P.W. and Police Department. It is my understanding that all will be involved in the process of cleaning our city and keeping it clean and implementing new and exciting programs. I am willing to start our Commission as the hard working city board that it was years ago with the help of our city Government, Police, D.P.W. and the citizens of Gloucester who deserve a clean city to live in.

Thank you for considering me for this board.

Patti Amaral  
Clean City Initiative

Would you like to be contacted concerning your request?: Yes

**Additional Information:**

Form submitted on: 4/15/2015 6:05:56 AM

Submitted from IP Address: 75.68.85.115

Referrer Page: <http://gloucester-ma.gov/index.aspx?nid=440>

Form Address: <http://gloucester-ma.gov/Forms.aspx?FID=45>

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

May 6, 2015

Ms. Charlotte Ohannessian  
32 Fort Square  
Gloucester, MA 01930

Dear Ms. Ohannessian:

As you know, my Administration is working to reconstitute the Clean City Commission, and I appreciate your interest in once again volunteering your time to serve on this important commission. I am pleased to appoint you to a three year term on the **Clean City Commission** and so that you may attend and vote at meetings until your appointment is finalized, I have issued you a 90-day temporary appointment.

Your appointment will be forwarded to the City Council for their meeting of May 12, 2015, at which time it will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

Please report to the City Clerk's office at your earliest convenience to pick up your appointment card and be sworn in.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Seratia Romeo Theken". The signature is fluid and cursive, with a large loop at the end.

Seratia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

# **Charlotte Ohannessian**

32 Fort Square Gloucester MA 01930

[charlotte2527@gmail.com](mailto:charlotte2527@gmail.com)

978-335-2511

## **PERSONAL STATEMENT**

I am an outgoing and energetic individual with the ambition and desire to collaborate on community issues. As a current Board Member of the NSHP and NSCHI, I am deeply interested in community issues. I look for working to keep Gloucester a clean and welcoming city.

## **WORK EXPERIENCE**

**Board Member / Treasurer** (Apr-2011 - present)

**North Shore Health Project, Gloucester MA**

I attend monthly meetings, and as the Treasurer I run quarterly finance meetings along with any other necessary finance related tasks. I organized and implemented a yard sale fund raiser for the Health Project. I also worked as volunteer Receptions at the Health Project between 10 to 15 hours a week and now volunteer my services giving Reiki treatments to the clients.

**Board Member**

**North Shore Community Health Inc.** (Nov.-2012 - present)

I attend monthly meetings where decisions about the operations of the 5 individual clinics are discussed and voted on.

**Rural Carrier** (Dec-1987-Nov-2006)

**U. S. Postal Service, Cape Cod MA**

Maintained a mail route with 400 customers, my emphasis was on customer satisfaction. I was the Local Union Steward for 5 years as well as implementing the Quality of Work Life Program for the Postal Service on Cape Cod. I worked to organize the 100 year Anniversary of Mail Delivery from Boston to Barnstable with only community donations as the Postal Service was a nonprofit at the time of the event.

**Real Estate Agent** (9/11,/1990 to 3/7/1995 and 2/27/1999 to 3/7/2007)

## **EDUCATION**

**U MASS Boston, Boston MA** (Jan-1983–Sept-1987)

**Reiki Master**

**John Harvey Grey Center for Reiki March of 2015**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

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

May 6, 2015

Ms. Amy Kerr  
3 Ledge Road  
Gloucester, MA 01930

Dear Ms. Kerr:

As you know, my Administration is working to reconstitute the Clean City Commission, and I appreciate your interest in once again volunteering your time to serve on this important commission. I am pleased to appoint you to a three year term on the **Clean City Commission** and so that you may attend and vote at meetings until your appointment is finalized, I have issued you a 90-day temporary appointment.

Your appointment will be forwarded to the City Council for their meeting of May 12, 2015, at which time it will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

Please report to the City Clerk's office at your earliest convenience to pick up your appointment card and be sworn in.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, with a large loop at the end.

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

## Christine Pantano

---

**From:** noreply@civicplus.com  
**Sent:** Tuesday, May 05, 2015 10:09 AM  
**To:** Christine Pantano  
**Subject:** Online Form Submittal: Mayor Contact Us

If you are having problems viewing this HTML email, click to view a [Text version](#).

## Mayor Contact Us

**If you have a question or concern you would like the Mayor's Office to address, please submit this form. We will try to address your request in a timely manner.**

### Personal Information

Name*	Amy Kerr	City*	Gloucester
Phone Number*	978-496-5646	State*	MA
Email Address		Zip*	01930

### Staff Members

Which staff member would you like to contact?\*

- Sefatia Romeo Theken - Mayor  Christine Pantano - Executive Secretary  
 Jim Destino - Chief Administrative Officer

### Questions & Concerns

What is the nature of your request?\*

I've been asked by Patti Amaral to be a member of the Clean City Commission for Gloucester, upon your approval. I'm the administrator for Clean Gloucester and have been organizing community clean-ups with Donna Ardizzoni and Patti for the past year. We're very pleased that the city is putting new support behind this initiative. Thanks so much!

Would you like to be contacted concerning your request?\*

- Yes  No

\* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:

<http://gloucester-ma.gov/Admin/FormHistory.aspx?SID=8091>

The following form was submitted via your website: Mayor Contact Us

Name: Amy Kerr

City: Gloucester

Phone Number: 978-496-5646

State: MA

Email Address:

Zip: 01930

Which staff member would you like to contact?: Sefatia Romeo Theken - Mayor

What is the nature of your request?: I've been asked by Patti Amaral to be a member of the Clean City Commission for Gloucester, upon your approval. I'm the administrator for Clean Gloucester and have been

organizing community clean-ups with Donna Ardizzoni and Patti for the past year. We're very pleased that the city is putting new support behind this initiative. Thanks so much!

Would you like to be contacted concerning your request?: Yes

**Additional Information:**

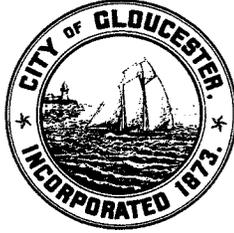
Form submitted on: 5/5/2015 10:08:40 AM

Submitted from IP Address: 24.2.246.186

Referrer Page: <http://gloucester-ma.gov/index.aspx?nid=440>

Form Address: <http://gloucester-ma.gov/Forms.aspx?FID=45>

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

May 6, 2015

Ms. Donna Ardizzoni  
Circle Consulting Group  
P. O. Box 5506  
Gloucester, MA 01930

Dear Donna:

As you know, my Administration is working to reconstitute the Clean City Commission, and I appreciate your interest in once again volunteering your time to serve on this important commission. I am pleased to appoint you to a three year term on the **Clean City Commission** and so that you may attend and vote at meetings until your appointment is finalized, I have issued you a 90-day temporary appointment.

Your appointment will be forwarded to the City Council for their meeting of May 12, 2015, at which time it will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

Please report to the City Clerk's office at your earliest convenience to pick up your appointment card and be sworn in.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

**May 6, 2015**

**Dear Sefatia:**

**This email is with regard to serving on the Clean City Commission. It would be an honor to volunteer for this commission.**

**If further information is required, please feel free to contact me.**

**Thank you for considering me.**

**Sincerely,**

**Donna Ardizzoni**

**Donna Ardizzoni  
Business Manager  
Circle Consulting Group  
PO Box 5506  
Gloucester, MA 01930  
978-526-9222  
[donna@circleconsulting.com](mailto:donna@circleconsulting.com)**

DIVISION 9. - CLEAN CITY COMMISSION

Sec. 2-502. - Policy.

It is hereby declared to be the public policy of the city to create and maintain a clean environment and to encourage all persons living and working within the city to keep the city beautiful.

(Ord. No. 20-1996, § I, 7-9-1996)

Sec. 2-503. - Established; terms; compensation.

(a)

There shall be in the city a commission known as the "Gloucester Clean City Commission," hereinafter called the commission, which shall consist of seven members and two alternates appointed by the mayor and approved by the city council, to serve without compensation.

(b)

The commissioners shall be appointed from a list developed by the mayor through an application process, which shall include public notice as provided in Charter, § 7-6. Said list shall be updated as vacancies on the commission occur. All such appointments by the mayor shall be confirmed by the city council.

(c)

The commissioners shall serve a term of three years; provided, however, that of the members first appointed to the commission, one shall be appointed to a term of one year, two shall be appointed to a term of two years, and two shall be appointed to a term of three years. Thereafter, the mayor shall appoint each successor to a term of three years. In the event of the death or resignation of any member, a successor shall be appointed to serve for the unexpired term for which the member has been appointed.

(d)

The loss of office by a commissioner due to excessive absence shall be governed by Charter, § 7-14.

(Ord. No. 20-1996, § I, 7-9-1996; Ord. of 10-9-2001(01), § I)

Sec. 2-504. - Qualifications of commissioners.

(a)

Commissioners shall be residents of the city at the time of their appointment and throughout their tenure.

(b)

Commissioners shall be representative of the citizens of the city and may include residents of each of the five wards in the city as well as members of the business and public school communities.

(c)

Commissioners shall swear to uphold the laws of the United States, the commonwealth and the city.

(Ord. No. 20-1996, § I, 7-9-1996)

Sec. 2-505. - Election of chairperson; rules of procedure; quorum.

(a)

The members of the commission shall elect annually a chairperson from among its members, who shall not hold that office for more than three consecutive terms.

(b)

Subject to the approval of the mayor, the commission shall adopt rules of procedure for its administration, which are consistent with the laws of the commonwealth and ordinances of the city.

(c)

Three members shall constitute a quorum for the purpose of conducting business.

(Ord. No. 20-1996, § I, 7-9-1996)

Sec. 2-506. - Purposes.

The purposes of the commission shall be to keep the city beautiful by the following ways:

(1)

Organize and direct volunteer efforts to keep the city beautiful;

(2)

Keep the mayor and the appropriate city departments informed of the maintenance and beautification needs of public property;

(3)

Work with all city departments, including:

a.

The department of public works;

b.

about:blank

*Clean City Commission  
Continued*

c.

The school department;

d.

The conservation commission; and

e.

The waterways board.

(Ord. No. 20-1996, § I, 7-9-1996)

Sec. 2-507. - Powers and duties.

The powers and duties of the commission shall include the following:

(1)

To support and assist all city departments in their efforts to maintain a safe and clean environment;

(2)

To submit reports to the mayor and the appropriate city departments concerning the matters set forth in section 2-506;

(3)

To submit plans for resolving problems, concerning the matters set forth in section 2-506, to the mayor and the appropriate city departments; and

(4)

To render to the mayor, the city council and the appropriate city departments a full written report of its activities and its recommendations, not less than once a year.

(Ord. No. 20-1996, § I, 7-9-1996)

*Clean City Commission  
Continued*

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

May 6, 2015

Ms. Jessica Mulcahy  
33 Middle Street  
Gloucester, MA 01930

Dear Jessica:

Thank you for your interest in serving on the City of Gloucester's **Historic District Commission**. I am pleased to appoint you to a three year term on the Historic District Commission and so that you may attend and vote at meetings until your appointment is finalized, I have issued you a 90-day temporary appointment.

Your appointment will be forwarded to the City Council for their meeting of May 12, 2015, at which time it will be referred out to the Ordinance and Administration subcommittee. You will be notified by the Clerk of Committees as to the date on which your appointment will be reviewed by the O&A Committee.

Please report to the City Clerk's office at your earliest convenience to pick up your appointment card and be sworn in.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

Stefania Romeo Theken  
Mayor

cc: Mayor's Report to the City Council.

## Christine Pantano

---

**From:** Jessica Mulcahy <jmulcahy100@gmail.com>  
**Sent:** Saturday, May 02, 2015 10:11 PM  
**To:** Sefatia Romeo Theken  
**Subject:** Opening on the Historic Committee  
**Attachments:** JM-2015.docx

Dear Mayor Romeo-Theken,

I understand that there is an opening on the Historic Committee. Being a resident of Gloucester, a relatively new student of its rich history and a homeowner in the Historic District, I respectfully submit my name for consideration to fill the seat. I hope I can be of assistance to you and the vision you have for our great city. The changes you have implemented have made Gloucester come together and alive and I look forward to being part of this renaissance of community spirit.

Best,  
Jessica Mulcahy

**Jessica Mulcahy**  
E-mail: jmulcahy100@gmail.com

## **EDUCATION**

**M. A.** Cultural Anthropology, University of Florida, Gainesville, FL. May, 2002.

**A. B.** Cultural Anthropology, Bryn Mawr College, PA. 1996.

## **PROFESSIONAL EXPERIENCE**

**Senior Manager, Research & Evaluation Success Measures.** (2010 – present) NeighborWorks<sup>®</sup> America, Boston, MA, 2010- present

- Design and manage evaluation projects related to foundations and intermediaries including: five year summative outcome evaluation of a foundation unit's impact on equity in 10 metro regions; 3-year evaluation to understand the extent to which age-friendly practices were embedded into organizational practice; and an 18-month mixed-methods pilot to determine how primary level data might be collected citywide at the neighborhood level.
- Develop and manage multi-site projects for participatory development of outcome indicators and data collection instruments for Success Measures.

**Project Manager, Success Measures.** NeighborWorks<sup>®</sup> America, Washington, D.C., 2006 - 2009

- Provided technical assistance, training and coaching in participatory outcome evaluation to community-based organizations nationwide.
- Managed the technological development of the Success Measures Data System.
- Developed and manage multi-site projects for participatory development of outcome indicators and data collection instruments for Success Measures.
- Develop and implement multi-site evaluations
- Develop and present marketing presentations to funders and potential clients for Success Measures.
- Manage funder relationships related to client portfolio.

**Research Associate.** McAuley Institute, Silver Spring, MD, 2003-2004

- Developed and delivered participatory planning and evaluation on-site training and technical assistance to community-based organizations nationwide.
- Completed statistical analysis using SAS for evaluation data from 10 sites that had completed evaluation of a lead safety community program sponsored by the Center for Environmental Health Research Center.

**Program Coordinator.** Community Partnership Center (CPC), Knoxville, TN, 2001-2003

- Managed the ongoing development of both the Participatory Research and Planning Program and the Youth in Development Initiative.
- Developed and implemented youth programming integrating arts and literacy for underserved youth, including: *Life Pixx*, *Academically Correct*, and *Community Legal Education* and program curricula for Boys and Girls Club and Urban League of Knoxville.

**Director.** Community Outreach Partnership Center (COPC), Gainesville, FL, 2000-2001

- Managed day-to-day operation of COPC and oversaw all programs.
- Collaborated with non-profit groups, community organizations, and University of Florida (UF) and City administrators to secure and coordinate resources for community efforts.
- Raised \$300,000 for programs.
- Developed and implemented community programs including: *Get It Read 2U*, *Home Repair Day*, *Citizen*

*Leadership Training Course.* Developed educational programming, including: *Mind Over Matter Mentoring Program* and *Hip Hop Summer Literacy Course.*

- Trained University of Florida undergraduate students in cultural competency and instructional methods in preparation for working with youth in underserved communities.

## **PUBLICATIONS**

- Ragsdale, K., Anders, J.T. & Philippakos, E. (2007). Migrant Latinas and brothel sex work in Belize: Sexual agency and sexual risk. *Journal of Cultural Diversity*, 14(1), 26-34.
- Seitz, V., Hebert, T., Anders, J.T., Hansen, L., (Eds.) (2002) *Engaged Communities: Principles for Public Participation in Civic Renewal and Community Development.* University of Tennessee Press.
- Ragsdale, K. & Anders, J.T. (1999). The *muchachas* of Orange Walk Town, Belize. In K. Kempadoo, (Ed.), *Sun, Sex, and Gold: Tourism and Sex Work in the Caribbean.* Boulder: Rowman & Littlefield.
- Ragsdale, K. & Anders, J.T. (1998). The *muchachas* of Orange Walk Town and sex work in Belize. In K. Kempadoo and C. Mellon (Eds.), *The Sex Trade in the Caribbean.* Boulder: The Sex Trade in the Caribbean Project Steering Committee, University of Colorado, Boulder.

## **VIDEO EXPERIENCE**

- 2006            Anders, J.T., *Mergence: Multiracial Identity for the Post Civil Rights Generation* (90 minutes, rough cut)
- 2003            Anders, J.T., *Women as a Force for Change: Highlights from the McAuley Institute's Annual Conference* (27 minutes), for McAuley Institute's National Conference, San Francisco, CA
- 2002            Anders, J. T., *Adult Literacy and Arts Program: Promotional Video*, for Carpet Bag Theater Company, Knoxville, TN (14 minutes)
- 2002            Anders, J.T., *Police, Law and Justice: Youth Exploring Their Relationships to Adults and the Media* (32 minutes).

## **COMMUNITY SERVICE**

*Facilitator, stakeholder engagement meetings.* Pyramid Atlantic Art Center. Silver Spring, MD 2008

*Videographer.* [www.Coalition121.org](http://www.Coalition121.org), Washington D.C. Metro area, 2007

*Board Member and Adult leader.* (Board Chair 2006-2007) Ghandi Brigade, Silver Spring, MD, 2006-2008

*Education Program Consultant.* Carpet Bag Theater Company Knoxville. TN, 2001-2003

*Board Member.* Boys and Girls Club Advisory Board Knoxville, TN, 2001-2003

*Volunteer Videographer.* Instructor, Adult Literacy through the Arts, Carpet Bag Theater Company, Knoxville, TN 2001-2002

*Lighting Designer.* "Senor Taco" Carpet Bag Theater Company, Knoxville, TN 2001

*Organizational Representative.* Affordable Housing Coalition of Gainesville. FL, 1999-2001

*Board Member.* Volunteer Center Board for United Way Gainesville, FL, 1998-2000

*Tutor.* Community Reach Out Program (CROP), Gainesville, FL 1997-1998

*Video Instructor.* View Our Voices (Pictures for Porters), Gainesville, FL, August 1996-December 1997, June 1998-December 1999

Sec. 16-62. **Historic district commission**—Established; membership; term of office; office.

(a)

There is hereby established, under M.G.L. c. 40C, a historic district commission with all the powers and duties of a historic district commission specified in M.G.L. c. 40C.

(b)

The historic district commission shall consist of seven regular members and two alternate members, appointed by the mayor, subject to confirmation by the city council who shall serve staggered terms of three years. The commission shall include one regular member appointed from two nominees submitted by the Cape Ann Historical Association, one regular member appointed from two nominees submitted by the Boston chapter of the American Institute of Architects and one regular member appointed from two nominees submitted by the Cape Ann Board of Realtors. Two regular members of the commission shall be owners of property within a historic district in the city. All members of the commission, with the exception of that member nominated by the Boston chapter of the American Institute of Architects, shall be residents of the city. Vacancies shall be filled by appointment for the unexpired term. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairperson. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation.

(c)

The historic district commission shall elect annually a chairperson and vice-chairperson from its own number and a secretary from within or without its number.

(Ord. of 5-24-1977, § 4)

**Cross reference**— Boards, commissions, councils and committees, § 2-400 et seq.

**State law reference**— Municipal authority to establish historic district commission, M.G.L. c. 40C, § 4.



(Office) 12 Emerson Avenue  
(Mail) City Hall, 9 Dale Avenue  
Gloucester, MA 01930

**City of Gloucester**  
**Office of Veterans' Services**

TEL 978-281-9740  
FAX 978-282-3053  
a~~cur~~curu@gloucester-ma.gov  
lamero@gloucester-ma.gov

**Greetings,**

The Office of Veterans' Services, the City of Gloucester, and the United Veterans Council extend an invitation to you to join us in a parade and ceremonies on Monday, May 25, 2015 in honor of Memorial Day.

The schedule of events is as follows. All times are approximate:

- 8:45 AM Parade formation at Gloucester High School
- 9:00 AM Parade departs Gloucester High School
- 9:30 AM Main ceremony World War II Memorial,  
McKinnon Triangle, Kent Circle
- 10:45 AM Parade departs World War II Memorial for Gloucester High School
- 11:00 AM Ceremony at the Viet Nam Memorial, Gloucester High School

CITY CLERK  
GLOUCESTER, MA  
15 MAY -5 PM 3:53

A luncheon at the Major Fred W. Ritvo Veterans Center, 12 Emerson Avenue, will immediately follow the Viet Nam Memorial ceremony.

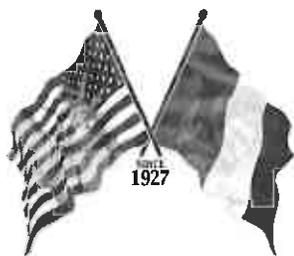
In case of inclement weather, a combined ceremony will be held in the Gloucester High School Field House beginning at 9:00 A.M.

Please respond before May 15, 2014.

Cordially,

*Adam J. Curcuru*

Adam J. Curcuru  
Director  
Office of Veterans' Services



# St. Peter's Fiesta, Inc.

P.O. Box 3105  
Gloucester, Ma. 01930

CITY CLERK  
GLOUCESTER, MA  
15 MAY - 6 AM 9:25

April 10, 2015

Members of the City Council,

As the representative of the St. Peter's Fiesta Committee, I am requesting verification of the designated City owned areas that have been approved to be used for the 2015 St. Peter's Fiesta.

I have attached a copy of our request letter dated 1/8/15 as well as the Certificate of Vote from the City Council dated 3/10/15 .

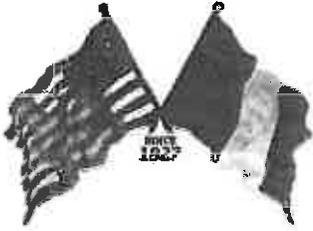
As in recent years, we have included the City owned Dock behind Cape Ann Brewery as part of the areas to be used during the Fiesta. This area was not included in the approved Certificate of Vote from the City Council.

In conversation with the City Clerk's office and some Council members it was suggested that the omission of this area may have been an oversight.

We hope to get this clarified as we planned to have a Fisheries Exhibit set up in that area in conjunction local fishermen and the New England Fisheries Coalition .

Thank you.  
Respectfully,

Joseph Novello, President  
St. Peter's Fiesta Committee



# ST. PETER'S FIESTA, INC.

P.O. Box 3105  
GLOUCESTER, MA 01930

Office of the City Clerk  
Gloucester City Council  
City Hall / 9 Dale Avenue  
Gloucester, MA 01930

January 8, 2015

CITY CLERK  
GLOUCESTER, MA  
15 FEB 12 AM 11:11

Dear City Council Members:

The 88th St. Peter's Fiesta annual event will be held at St. Peter's Park, Gloucester, Massachusetts, beginning on Wednesday evening, June 24, and continuing on Thursday, June 25, Friday, June 26, Saturday, June 27, and Sunday, June 28, 2013.

Therefore, the St. Peter's Fiesta Committee is hereby requesting the Gloucester City Council to confirm the use and control of St. Peter's Park on Rogers Street, the streets and sidewalks of Rogers Street, from Mansfield Way to the entrance of Commercial Street, including Dock area behind the Doyon's property, Commercial Street up to Fort Square, to include use of the Birdseye Property, if it is made available by owner; and from the intersection of Main and Washington Streets to St. Peter's Park; and, on Friday, June 26, Saturday, June 27 and Sunday, June 28, on only the water side of Stacey Boulevard from The Tavern, to the Fishermen's Memorial and the Ciaramitaro/Gemellaro Playground at Fort Square; for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned above.

For reasons of safety and consideration for the residents thereon, the St. Peter's Fiesta Committee requests that vendors not be allowed on the right-hand side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce.

In addition, the Committee requests that all peddlers, canvassers and solicitors and others who encroach upon or occupy in any way these areas without the express consent of the St. Peter's Fiesta Committee, are to be considered trespassers and to be in violation of Gloucester City Ordinance, Chapter 14, Section 14-6; Trespass.

The St. Peter's Fiesta Committee is again pleased to schedule a special Wednesday evening concert performance at St. Peter's Park on June 26, 2013.

Thank you for your support for the St. Peter's Fiesta.  
Please contact me with any questions at 978 282-2872 or 978-283-4367. We look forward to your prompt reply in order to continue efforts for the 2013<sup>th</sup> Fiesta.

Sincerely,

Joseph Novello, President  
St. Peter's Fiesta



**Gloucester City Council  
CERTIFICATE OF VOTE  
Certificate Number: 2015-051**

The Gloucester City Council, at a meeting held on **Tuesday, March 10, 2015** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

**IN CITY COUNCIL:**

**MOTION:** On motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 absent, to allow the 2015 annual St. Peter's Fiesta, commencing on Wednesday evening, June 24, 2015 through Sunday, June 28, 2015, the use and control of St. Peter's Park on Rogers Street; the streets and sidewalks of Rogers Street from Mansfield Way to the entrance of Commercial Street; Commercial Street up to Fort Square; and from the intersection of Main and Washington Streets to St. Peter's Park; and on Friday, June 26<sup>th</sup>, Saturday, June 27<sup>th</sup> and Sunday, June 28<sup>th</sup> on only the water side of Stacy Boulevard from "The Tavern" to the Fishermen's Memorial (to the extent allowable by law) and the Ciaramitaro/Gemellaro Playground at Fort Square for the purpose of conducting the St. Peter's Fiesta on the days and dates mentioned herein. Further, vendors are not allowed on the southwesterly side of Commercial Street nor on the streets and sidewalks from Tally's to the Chamber of Commerce (33 Commercial Street). In addition, all hawkers, peddlers, or vendors, who conduct their business on June 24<sup>th</sup> through June 28<sup>th</sup> in these areas, must have the express consent of the St. Peter's Fiesta Committee; and with the following conditions:

*Fiesta Shows*

*St. Peter's Fiesta Comm.*

*Contingent upon use of airport lot.*

1. That the kiddie rides (those restricted to children of a height of 42 inches or under) be kept at the St. Peter's Square Park;
2. That the footprint of the Fiesta be drawn on a plan showing locations of, but not limited to, comfort stations and first aid stations to be placed on file with the City Council by May 22, 2015;
3. That the music and the rides closest to the altar area be shut down at the opening and closing ceremonies;
4. Temporary lighting shall be placed illuminating the area used as a crossing between St. Peter's Park and the Beauport Gloucester LLC parking lot;
6. That Fiesta Shows, Inc. contribute \$3,000 for the added police coverage payable to the City of Gloucester c/o of the Police Chief to be paid 14 days in advance of the opening of the 2015 St. Peter's Fiesta;
7. And that the Fiesta Committee and Fiesta Shows, Inc., comply with all regulations of the Licensing Commission.

Linda T. Lowe, City Clerk

Date: MAR 12 2015

APPROVED BY THE MAYOR

VETOED BY THE MAYOR

Sefatia Romeo Theken

Sefatia Romeo Theken

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

**A TRUE COPY ATTEST**

All Ordinances shall become effective 31 days after passage except Emergency Orders and Zoning Amendments shall become effective the next day.

CITY CLERK

# 2015 Saint Peter's Fiesta Amusement Layout



R = Rides      G = Games      F = Food      N = Novelty



CITY OF GLOUCESTER  
GLOUCESTER, MASSACHUSETTS 01930

CITY CLERK  
GLOUCESTER, MA  
15 MAY -7 AM 10:34

CITY OF GLOUCESTER  
Special Council Permit - Application

July 13, 2015

(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:

Type of Permit (Give specific section of Zoning Ordinance)  
Special Permit pursuant to Section 2.3.4 Business Uses, (7) Animal boarding, kennel - 24 hour operation

Applicant's Name: Paws at Play, Inc.

Owner's & Co-Applicant  
Name: Ryann C. Flynn, Trustee of Turner Farm Realty Trust u/d/t dated May 10, 2001  
(if different from applicant)

Location: 210 Eastern Avenue Map # 264 Lot # 23  
(Street Address)

Zoning Classification: GI - General Industrial

- 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, etc.) if necessary.
- Attached are the necessary plans as set forth in Section 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>5/7/15</u> <u>LT2</u>
City Council (received):	<u>5/12/15</u>
Public Hearing (ordered):	_____
Public Hearing (opened):	_____
Public Hearing (closed):	_____
Final Decision:	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

APPLICANT  
Ryann C. Flynn  
Name (Signature) Ryann C. Flynn, Trustee  
c/o Ralph C. Pino, Esq.  
46 Middle Street, Gloucester, MA 01930

Address  
978-283-3538

Telephone  
Phil Joubert  
Paws at Play, Inc.  
Phil Joubert, President  
210 Eastern Avenue  
Gloucester, MA 01930

Certified for completeness:  
Building Inspector: MC Date: 12/30/14  
Planning Director: MC Date: 12/30/14

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: Paws at Play, Inc.

Address: 210 Eastern Avenue, Gloucester, MA 01930

Tel.# Days 978-283-3538 Evenings 978-283-8825 c/o Ralph C. Pino, Esq.

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

2. Owner, if other than applicant:

Name: Ryann C. Flynn, Trustee

Address: 7 Briny Way, Rockport, MA 01966

Tel.# Days 978-283-3538 Evenings 978-283-8825 c/o Ralph C. Pino, Esq.

3. Property:

Street address: 210 Eastern Avenue, Gloucester

Assessor's Map: 264 Lot: 23

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

Essex South District

Deed recording: Book 17172 Page 378

Plan recording: Plan #           

Property is located in the GI- General Industrial zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section 2.3.4 (7) of the Zoning Ordinance/By-Law

which authorizes Animal Boarding Kennel - 24 hour operation to permit

a 24 hour dog kennel for up to 20 dogs

Detailed explanation of request:

The existing garage to the rear of the Paws at Play building will be demolished. An addition of 28 feet by 70 feet will be constructed. The area of 28 feet x 40 feet directly behind the existing Paws at Play facility will house the kennel, the rear 28 foot x 30 foot area will be a warehouse area. The kennel area will be an extensively sound proofed building without windows which open, with full HVAC, and no door opening directly to the outside (all to minimize sound). To the south will be ten 4 foot x 6 foot "outdoor" dog pens under a shed roof overhang, with walls to the east and west. These will be used only during the daytime operation consistent with current doggie day care facility times. The kennel will be able to accommodate up to 20 dogs. The current doggie day care is limited to three dogs for overnight kenneling.

5. Evidence to support grant of special permit:

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

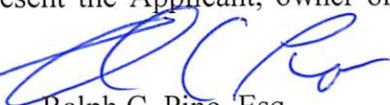
There is a tremendous need for a 24 hour kennel in Gloucester, with 2,100 licensed dogs and many more unlicensed. This is clear from extensive public support for this proposal and lack of any opposition from anybody at the prior ZBA hearing (see 1.83 sheets).

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

See 1.8.3 sheets attached.

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

Name of Representative:



Ralph C. Pino, Esq.  
46 Middle Street  
Gloucester, MA 01930  
Tel Days: 978-283-3528  
Tel Evenings: 978-283-8825  
[rpino@aol.com](mailto:rpino@aol.com)

Relationship of representative to owner or equitable owner: Attorney

### Section 1.8.3

1. Social, economic, or community need served by the proposal:

There are 2,100 licensed dogs in Gloucester. Dogs are very important to their owners, who need a safe and reliable place to kennel their dogs while on vacation or otherwise. Veterinarians who historically provided this service have stopped kenneling. There is great need and demand for a 24 hour dog kennel in Gloucester.

2. Traffic flow and safety:

The dog day care business has been operating on site for 13 years without incident or complaints. The addition of a 24 hour kennel will have no significant increase in traffic, as most kenneled dogs will be day care customers already. There is more than adequate parking, as primarily drop off and pick up days later.

3. Adequacy of utilities and other public services:

The premises is served by municipal water and sewer. The proposed kennel area will be entirely new construction.

4. Neighborhood character and social structure:

The area is primarily business and industrial. This proposal received no opposition at the ZBA hearing and received extensive support from neighborhood and community (see petitions and letters filed herewith).

5. Qualities of the natural environment:

The proposed site currently has an old barn/garage building on it which will be demolished. The new addition to the existing Paws at Play building will be outside the extensive tree planted area to the south. The proposal will have no adverse effects on the natural environment.

6. Potential fiscal impact:

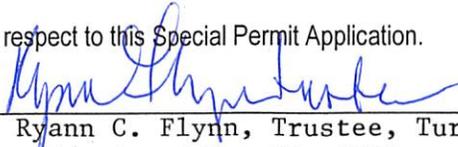
Increased real estate taxes, and will keep business in Gloucester. Currently many residents must go to Ipswich or Topsfield to kennel their pets.

Ralph C. Pino, Esq.

I hereby authorize \_\_\_\_\_ to represent my interests before the

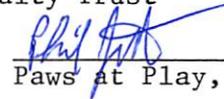
Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner)

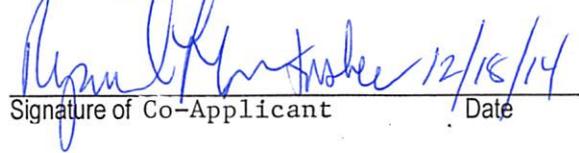


Ryann C. Flynn, Trustee, Turner Farm Realty Trust  
u/d/t dated May 10, 2001

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

  
Paws at Play, Inc.

 12/13/14  
Signature of Applicant Date

 12/15/14  
Signature of Co-Applicant Date

\_\_\_\_\_  
Signature of Equitable Owner Date  
who is filing application to  
satisfy condition of  
Purchase and Sales agreement



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 264-23

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 providing the correct 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 of Gloucester Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 264 Lot 23 as further shown on the attached map dated 5/7/2015.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
161-8 BOSAN OF CAPE ANN INC C/O SUSAN SAYESS	1 TARR'S RD	161-8	BOSAN OF CAPE ANN INC C/O SUSAN SAYESS 54 THURSTON POINT RD GLOUCESTER, MA 01930
264-41 SCOTT REAL ESTATE LLC	3A POND RD	264-41	SCOTT REAL ESTATE LLC 3A POND RD GLOUCESTER, MA 01930-1834
264-28 CAPE ANN TRANSPORTATION AUTHORITY	3 POND RD	264-28	CAPE ANN TRANSPORTATION AUTHORITY 3 POND RD GLOUCESTER, MA 01930
264-64 FLYNN RYANN C TR C/O TURNER FARM REALTY TRUST	200 EASTERN AV	264-64	FLYNN RYANN C TR C/O TURNER FARM REALTY TRUST 1 FARM LN ROCKPORT, MA 01930
264-23 FLYNN RYANN C TR C/O TURNER FARM REALTY TRUST	210 EASTERN AV	264-23	FLYNN RYANN C TR C/O TURNER FARM REALTY TRUST 1 FARM LANE ROCKPORT, MA 01966-2200
264-24 TARR RICHARD C	220 EASTERN AV	264-24	TARR RICHARD C 211 KINGS GRANT DR YORKTOWN, VA 23692
264-57 ESSEX COUNTY GREENBELT ASSOCIATION INC	222A EASTERN AV	264-57	ESSEX COUNTY GREENBELT ASSOCIATION INC 82 EASTERN AV ESSEX, MA 01929
264-25 CHANDLER LIN D TR C/O CHANDLER LIN D	222 EASTERN AV	264-25	CHANDLER LIN D TR C/O CHANDLER LIN D 222 EASTERN AV GLOUCESTER, MA 01930
264-58 ESSEX COUNTY GREENBELT ASSOCIATION INC	228 EASTERN AV	264-58	ESSEX COUNTY GREENBELT ASSOCIATION INC 82 EASTERN AV ESSEX, MA 01929
161-11 MCCARTHY CHRISTOPHER J & DUVAL MARK L TR C/O DUVAL MARK	239 EASTERN AV	161-11	MCCARTHY CHRISTOPHER J & DUVAL MARK L TR C/O DUVAL MARK 16 EASTERN AV GLOUCESTER, MA 01930



# City of Gloucester Abutters Report

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
161-10 JOHNSON KAREN HAGSTROM & HAGSTROM JON TR C/O JOHNSON KAREN H TR	241 EASTERN AV 245 EASTERN AV	161-10	JOHNSON KAREN HAGSTROM & HAGSTROM JON TR C/O JOHNSON KAREN H TR 3713 S GEORGE MASON DRIVE FALLS CHURCH, VA 22041
161-99 ESSEX COUNTY GREENBELT	245 EASTERN AV	161-99	ESSEX COUNTY GREENBELT 82 EASTERN AVE ESSEX, MA 01929
161-1 MARTIN DORIS M	253 EASTERN AV	161-1	MARTIN DORIS M 253 EASTERN AVE GLOUCESTER, MA 01930 0000

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

Nancy A. Papows, MAA  
Gary I. Johnstone, MAA  
Bethann B. Godinho, MAA  
GLOUCESTER BOARD OF ASSESSORS

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

5/7/2015



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 264-23

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Gloucester Board of Assessors.

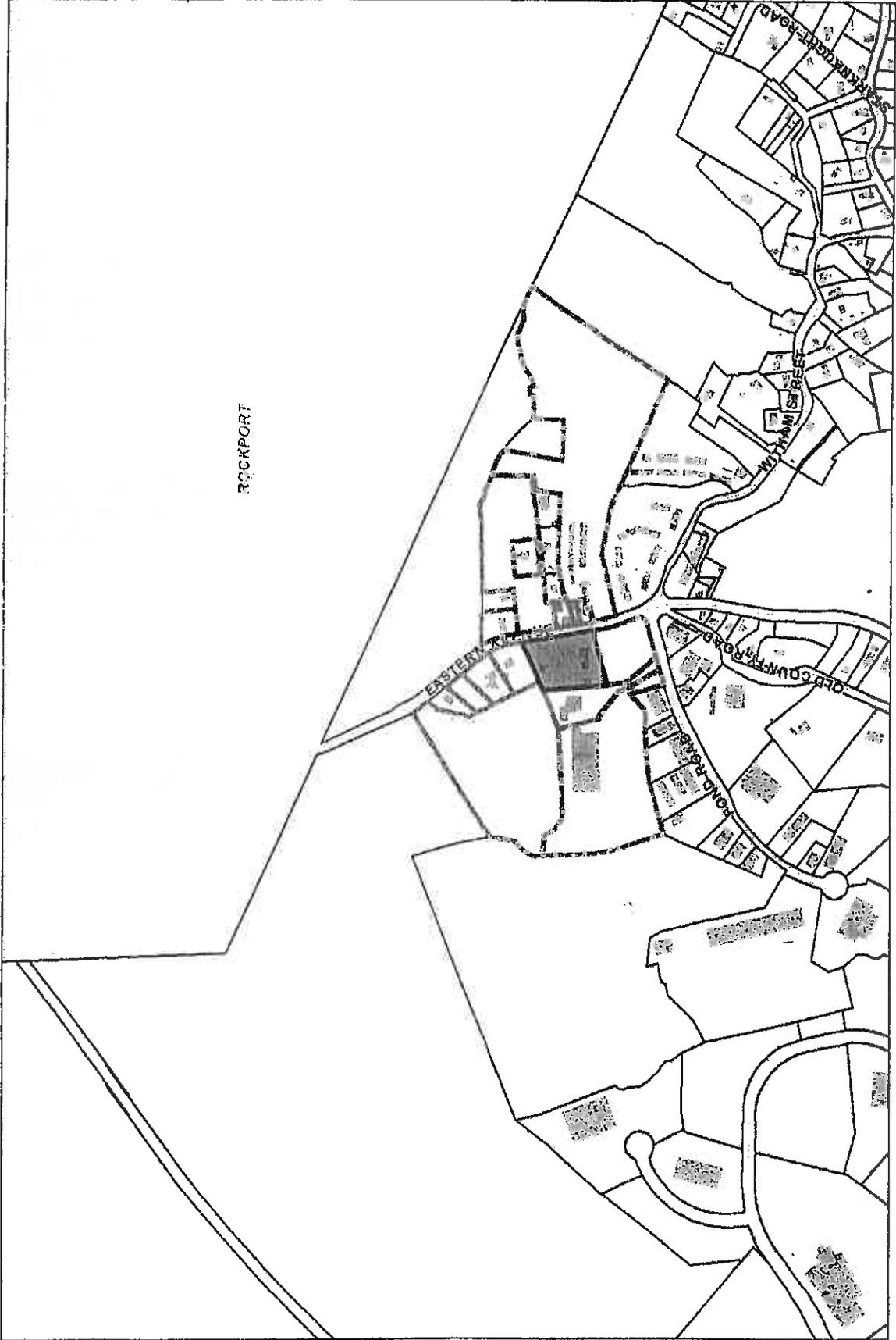
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ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS



4  
AC



703

2014121200363 Bk:33734 Pg:187  
12/12/2014 01:49 VAR Pg 1/4

# CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS • 01930

14 NOV 14 AM 11:47  
CITY CLERK  
GLOUCESTER, MA

November \_\_\_\_\_, 2014

Decision: Zoning Board of Appeals

Petitioners: Ryann C. Flynn, Trustee of Turner Farm Realty Trust u/d/t dated May 10, 2001 recorded with the Essex South District Registry of Deeds Book 17172 Page 372 and Paws at Play, Inc., of 210 Eastern Avenue, Gloucester, Massachusetts

Locus: 210 Eastern Avenue, Gloucester, Massachusetts  
Assessors Map 264 Lot 23

Petition: Variance from Section 2.3.4 (7) (3) to locate an outdoor structure or pen 52 feet from the rear lot line.

The Board finds that proper notice has been given by mailing and advertising. The hearing was held on October 30, 2014, at 7:00 P.M. at the Kyrouz Auditorium at City Hall, Gloucester, Massachusetts.

Board Members Present: James P. Movalli, Chairman  
Francis S. Wright, Jr.  
David B. Gardner  
Michael C. Nimon  
Leonard A. Gyllenhaal

Speaking in favor of the Petition was Ralph C. Pino, Esq., 46 Middle Street, Gloucester, Massachusetts.

The site is zoned GI – General Industrial.

The premises is currently (for 13 years) the site used by Paws at Play, Inc., to operate its dog daycare facility, which includes day care of dogs, retail sale of pet supplies, and kenneling of up to three dogs per night. The proposal is to demolish the existing garage building, which is in poor condition, and construct an addition to the rear of the existing building. The addition would have two sections, the closest to the existing building holding the proposed kennel and the rear section being a warehouse.

The left side of the kennel building is proposed to have an overhanging shed roof, which covers ten outdoor pen areas for kenneled dogs to access during the day. The kennel itself would be constructed using sound reduction materials. The outdoor pens would be enclosed on three sides, open only to the left side.

The Petitioners recite a great demand for kennel services in Gloucester. The veterinarians have mostly discontinued such services. The Petitioners propose a 20 dog kennel operation, in conjunction with its current operations. There are approximately 2,100 licensed dogs in the City of Gloucester.

The Petitioners presented petitions in support with 525 signatures, and 20 support letters.

The existing buildings on the lot, ledge outcrop, topography drop offs on the left, the sharp rise to the right side, the need to locate the kennel next to the current day care operation, and extensive wetlands buffer zone to the left with required tree plantings by the Conservation Commission, all combine to create a hardship to the Petitioners relating to the lot topography and the existing building. Relief may be granted without detriment to the public good, as this is a commercial/industrial area, with uses such as CATA bus service, which already creates noise in excess of the expected levels of the proposed use.

The allowance of the variance request will enable the Petitioners to go to the City Council for a special permit for the kennel use.

A large group of supporters were present and indicated their support for the proposal.

Nobody spoke in opposition to the Petition.

The Board has carefully considered the Petitioner's request and finds that:

The Board finds that owing to soil conditions, topography of the land and existing buildings on the site and especially affecting such land, a literal enforcement of the provisions of the zoning ordinance would involve substantial hardship to the petitioner. The Board also finds that desirable relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the zoning ordinance.

THE PETITIONED VARIANCE IS HEREBY GRANTED:

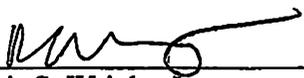
48 foot variance from Section 2.3.4 (7) (3) of the Ordinance.

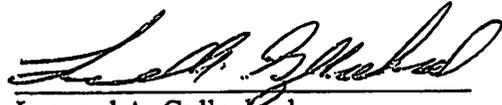
A unanimous vote of the Board

In favor:

  
James P. Movalli, Chairman

  
Michael C. Nimon

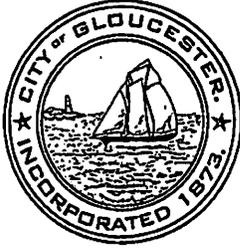
  
Francis S. Wright, Jr.

  
Leonard A. Gyllenhaal

  
David B. Gardner

This decision is granted in accordance with the Zoning Ordinance of October 2008.

The afore-granted Variance shall not take effect until such notice is filed in the Essex South District Registry of Deeds. The filing fee for such notice shall be paid by the owner. Prior to registering this Decision with said Registry of Deeds, the applicant shall have the Seal of the City affixed to same.



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

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

## Attachment to Board of Appeals

Flynn, Ryann C, Trustee of Turner Farm Realty Tr  
Paws at Play, Inc.  
210 Eastern Avenue  
Gloucester, Massachusetts 01930

Map 264, Lot 23 Locus (if different from above): 210 Eastern Avenue

Addendum to the above:

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

Linda T. Lowe, City Clerk

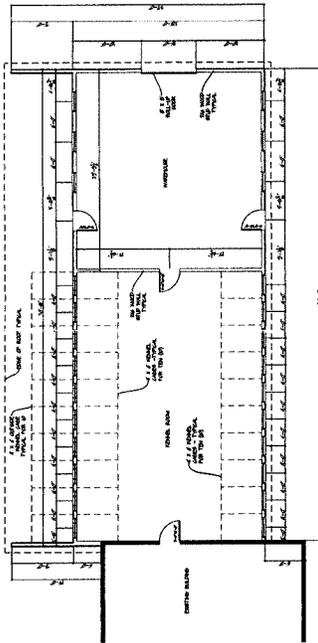
Date: December 12, 2014

Seal: -

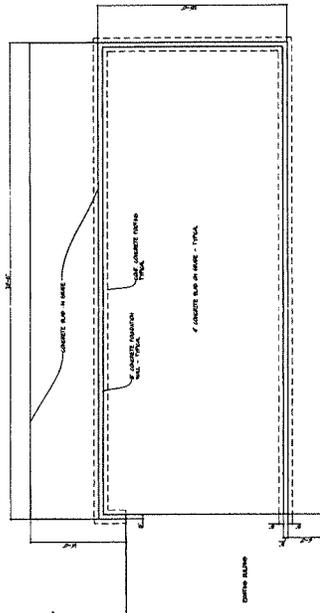


**GENERAL NOTES :**

1. ALL CONSTRUCTION AND WORK SHALL COMPLY WITH ALL STATE AND LOCAL BUILDING CODES AND OR THE IBC ETC.
2. THE CONTRACTOR AND/OR OWNER SHALL SECURE ALL REQUIRED PERMITS PRIOR TO PROCEEDING WITH CONSTRUCTION.
3. CONTRACTOR SHALL NOT SCALE DRAWINGS TO DETERMINE ANY LAYOUT DIMENSIONS.
4. ALL DIMENSIONS ARE FROM ROUGH FRAMING UNLESS OTHERWISE INDICATED.
5. ANY DIMENSIONAL DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT PRIOR TO PROCEEDING WITH ANY WORK.
6. ALL FRAMING PLANS ARE FOR PARAMETRIC PURPOSES ONLY.
7. THE CONTRACTOR SHALL ENSURE THAT ALL WORK IS DONE TO MEET ALL ZONING REQUIREMENTS.
8. THE INSTALLATION OF THE PUMPING, ELECTRICAL, MECHANICAL, AND HVAC SYSTEMS SHALL COMPLY WITH ALL STATE AND LOCAL CODES.
9. CONTRACTOR SHALL VERIFY THAT ALL DIMENSIONAL REQUIREMENTS AND CLEARANCES ARE MET FOR ALL ELECTRICAL, MECHANICAL, PLUMBING AND ANY OTHER SERVICE EQUIPMENT PRIOR TO INSTALLATION.
10. ALL BUILDING SHELL COMPONENTS AND MECHANICAL SYSTEMS TO COMPLY WITH 2009 IBC CHAPTER 5 COMMERCIAL ENERGY EFFICIENCY CODE.
11. SLAB INSULATION TO PROVIDE A THERMAL BREAK TO FOUNDATION AND EXTEND DOWN TO 24" BELOW GRADE MINIMUM.
12. CEILING INSULATION TO BE R10B MINIMUM.
13. WINDOW GLASS TO BE U = .35 MAXIMUM, STGG = .45 MAXIMUM.
14. SWINGING DOORS TO BE U = .35 OR LOWER.
15. OFFICE SPACE LIGHTING TO BE < 10 WATTS/SF., RETAIL SPACE LIGHTING TO BE < 15 WATTS/SF.
16. AIR BARRIER - THE BUILDING ENVELOPE SHALL BE CONSTRUCTED WITH A CONTINUOUS AIR BARRIER SEPARATING THE CONDITIONED SPACE FROM UNCONDITIONED SPACE. ALL JOINTS IN THE AIR BARRIER SHALL BE MADE AIR TIGHT.



1 FIRST FLOOR PLAN  
DATE: 09-11-17



1 FOUNDATION PLAN  
DATE: 09-11-17

General Notes

No.	Revisions/Notes	Date
4	OWNER CHANGES	5/14
3	OWNER CHANGES	2/14
2	PLUS REDUCTION	2/14
1	WIND WALL	#/17

PROJECT NAME AND ADDRESS  
BUILDING CENTER  
GLOUCESTER/ESSEX  
1 HARBOR LOOP  
GLOUCESTER, MA

PROJECT NUMBER AND ADDRESS  
POOLE CONSTRUCTION  
208 KENNEL AVENUE  
EASTERN AVENUE  
GLOUCESTER, MA

DATE: 01/21/2019  
DRAWN BY: AS NOTED  
SCALE: AI

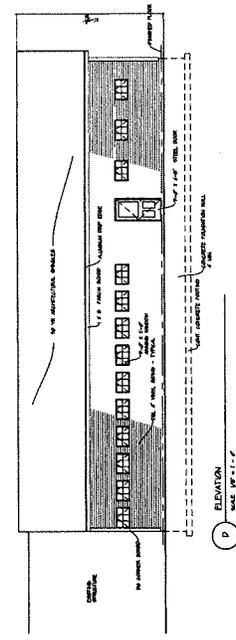
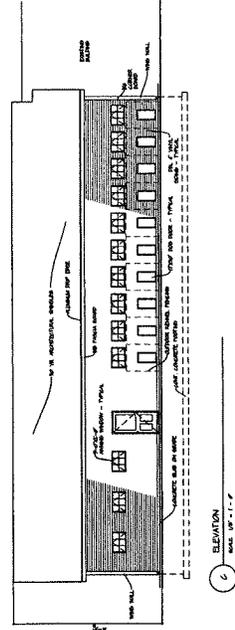
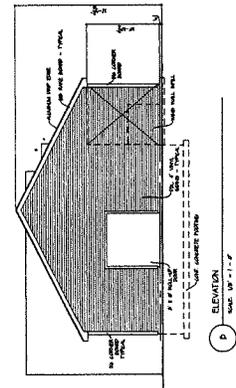
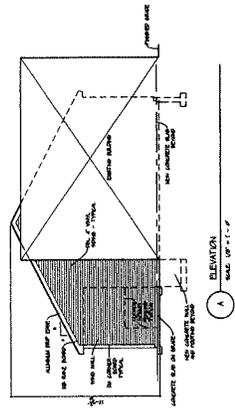
General Notes

No.	Revision/Issue	Date
4	OWNER CHANGES	5/14
3	OWNER CHANGES	9/14
2	PLUG REDUCTION	12/14
1	WIND WALL	6/10

PROJECT NAME AND ADDRESS  
**BUILDING CENTER  
 GLOUCESTER/ESSEX  
 1 HARBOR LOOP  
 GLOUCESTER, MA**

PROJECT NAME AND ADDRESS  
**POOL CONSTRUCTION  
 DOG KENNEL ADDITION  
 EASTERN AVENUE  
 GLOUCESTER, MA**

Sheet  
**A2**  
 Date  
**01/21/2013**  
 AS NOTED



CITY CLERK  
 GLOUCESTER, MA  
 15 MAY - 7 AM 10:40



CITY CLERK  
 GLOUCESTER, MA  
 15 MAY - 7 11:38 AM '07

N/T  
 TARR  
 Map 264, Lot 24

**ZONING**  
 CITY OF GLOUCESTER LAND MAP ACTORS  
 0-1 ZONING DISTRICT BOUNDARIES  
 MIN. LOT AREA (A.S.) = 10,000 S.F.  
 MIN. LOT FRONTAGE (A.S.) = 10' 0"  
 MIN. SIDE YARD SETBACK (A.S.) = 10' 0"  
 MIN. FRONT YARD SETBACK (A.S.) = 10' 0"  
 MIN. BUILDING HEIGHT (A.S.) = 10' 0"

**PROPOSED SITE DEVELOPMENT PLAN**

MAP 264, PARCEL 22  
 218 EASTERN AVE  
 GLOUCESTER, MA  
 POOLE CONSTRUCTION CO., INC.  
 1 FARM WAY  
 ROCKPORT, MA 01866

**GATEWAY CONSULTANTS, INC.**  
 33 FORDS AVENUE  
 GLOUCESTER, MA 01930  
 PHONE: (978) 343-3434  
 FAX: (978) 343-3434  
 WWW: GATEWAYCONSULTANTS.COM

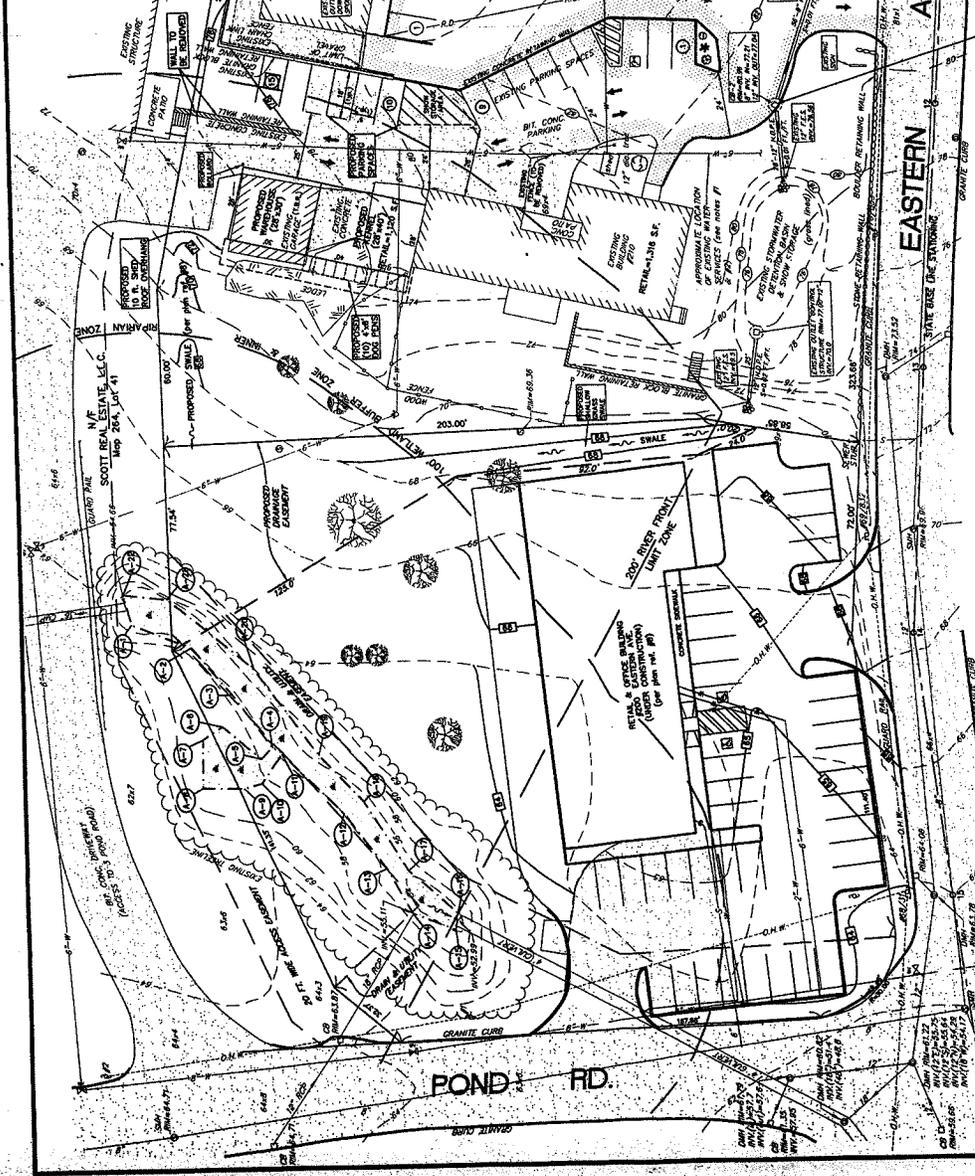
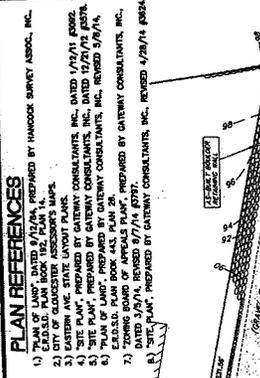
Sheet No. 4002  
 of 2

**PLAN REFERENCES**

- 1) PLAN OF LAND, DATED 4/12/04, PREPARED BY HANCOCK SURVEY ASSOC., INC.
- 2) EXCISED PLAN BOOK RECORDS MAPS.
- 3) GARDEN AVE. STATE LAYOUT PLANS.
- 4) "SITE PLAN", PREPARED BY GATEWAY CONSULTANTS, INC. DATED 12/21/04, AS SH.
- 5) "SITE PLAN", PREPARED BY GATEWAY CONSULTANTS, INC. DATED 9/9/04.
- 6) EXCISED PLAN BOOK 443, PLAN 24.
- 7) "ZONING BOARD OF APPEALS PLAN", PREPARED BY GATEWAY CONSULTANTS, INC. DATED 7/21/04.
- 8) "ZONING BOARD OF APPEALS PLAN", PREPARED BY GATEWAY CONSULTANTS, INC. DATED 4/28/04.
- 9) "ZONING BOARD OF APPEALS PLAN", PREPARED BY GATEWAY CONSULTANTS, INC. DATED 4/28/04.

**PARKING SPACES REQUIRED**  
 PER RETAIL SPACE PER 200 S.F. OF FLOOR AREA  
 (40 SPACES PROVIDED)  
 PER RETAIL SPACE PER 1,000 S.F. OF FLOOR AREA  
 (13 SPACES PROVIDED)  
 (10 SPACES PROVIDED)

**LOCUS MAP**  
 NOT TO SCALE



**RECORD OWNER**  
 TARRS FARM REALTY TRUST  
 1 FARM WAY  
 ROCKPORT, MA 01866

**EXTERIOR FLOOR AREAS**  
 F214 RETAIL SPACE = 7,499 S.F.  
 F210 RETAIL SPACE = 1,316 S.F.  
 F210 PROPOSED KENNEL = 1,120 S.F.  
 TOTAL = 9,935 S.F.

**DEED REFERENCE**  
 BOOK 17172, PAGE 378

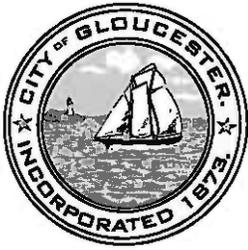
SCALE IN FEET  
 0 20 40 60

**NOTES**

- 1) THE LOCATION OF UNDEVELOPED AREAS IS APPROXIMATE ONLY. ADDITIONAL SURVEYING IS REQUIRED TO DETERMINE THE EXACT LOCATION OF THESE AREAS. THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GLOUCESTER AND THE COMMONWEALTH OF MASSACHUSETTS PRIOR TO ANY CONSTRUCTION.
- 2) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPLICABLE REGULATIONS AND ORDINANCES OF THE CITY OF GLOUCESTER AND THE COMMONWEALTH OF MASSACHUSETTS. A COPY OF THE CITY OF GLOUCESTER ZONING REGULATIONS IS ATTACHED TO THIS PLAN.
- 3) LANDSCAPED PLANTING AREAS SHALL BE LOCATED FROM THE SEEDS OF THE SPECIES LISTED ON THE PLAN.
- 4) THE SITE IS LOCATED WITHIN ZONE C (AREA OF URBAN FLOODING) FROM MAP 264, LOT 24.
- 5) ELEVATIONS SHOWN ARE BASED UPON THE MEAN SEA LEVEL DATUM (M.S.L.) FROM A PLAN REFERENCE NO. 4.
- 6) THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GLOUCESTER AND THE COMMONWEALTH OF MASSACHUSETTS PRIOR TO ANY CONSTRUCTION.
- 7) THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GLOUCESTER AND THE COMMONWEALTH OF MASSACHUSETTS PRIOR TO ANY CONSTRUCTION.
- 8) THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GLOUCESTER AND THE COMMONWEALTH OF MASSACHUSETTS PRIOR TO ANY CONSTRUCTION.
- 9) THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GLOUCESTER AND THE COMMONWEALTH OF MASSACHUSETTS PRIOR TO ANY CONSTRUCTION.
- 10) THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GLOUCESTER AND THE COMMONWEALTH OF MASSACHUSETTS PRIOR TO ANY CONSTRUCTION.
- 11) THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GLOUCESTER AND THE COMMONWEALTH OF MASSACHUSETTS PRIOR TO ANY CONSTRUCTION.

**LEGEND**

- EXISTING WATER GATE
- EXISTING FIRE ALARM
- EXISTING UTILITY POLE
- EXISTING STREET LIGHT
- EDGE OF WETLANDS
- EXISTING OVER HEAD WIRES
- WETLAND FLAG
- PARKING SPACE TOTAL
- PROPOSED GRADING CONTOUR
- PROPOSED PAVED WHITE TRAFFIC ARROW



## CITY OF GLOUCESTER PLANNING BOARD

CITY CLERK  
GLOUCESTER, MA  
15 MAY -8 AM 9:13

**Date:** May 8, 2015  
**To:** City Council  
**From:** Planning Board  
**RE:** 2014 Harbor Plan Implementation Marine Industrial District Zoning Amendments

In accordance with the provisions of MGL Chapter 40A, Section 5, and the Gloucester Zoning Ordinance, Section 1. 1.11.2(a) of Zoning Ordinance, at its May 7, 2015 meeting the Planning Board voted unanimously (6-0) to initiate the following proposed zoning amendments to further the implementation of the goals and objectives of the 2014 Harbor Plan.

**1) Exclude new (or conversions to) housing units or residential facilities**

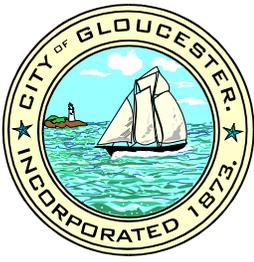
The Planning Board proposes to amend Section 2.3 Use Tables 2.3.1 Residential Uses, by changing the use allowance of Residential Use #10 Boarding House, rooming house, lodging house or hostel, licensed by the Licensing Board from allowed by special permitted issued by the Zoning Board of Appeals (SPS) to a prohibited use (N).

**2) Bring consistency between the use allowances of the Designated Port Area and Marine Industrial District Zoning**

In recognition of the limit of the state's jurisdiction to filled and flowed tidelands in the Designate Port Area, the Planning Board proposes to amend footnote #1 to Section 2.3 Uses Tables by striking the words "and uplands" from the first sentence so it will read:

*"(1) In the MI District, Supporting Designated Port Area (DPA) Uses, as defined in 310 CMR 9.02, shall not in the aggregate occupy more than 50% of the ground level area on filled tidelands ~~and uplands~~ on a lot within the DPA. Such uses shall also be subject to dimensional requirements of 310 CMR 9.0. Within the water-dependent use zone, as defined in 310 CMR9.02, in the MI District no use shall be permitted unless it provides access to water-borne vessels."*

By adopting these proposed amendments the local zoning requirements outlined in the Section 5 of the 2014 Harbor Plan and decision of approval from the Executive Office of Energy and Environmental Affairs will be satisfied, activating all of provisions of the Harbor Plan including the outlined amplifications and substitutions to the Designated Port Area regulations tailored to support the Gloucester Designated Port Area.



# CITY OF GLOUCESTER

## Planning Division

3 Pond Road, Gloucester, MA 01930

Tel 978-281-9781

Fax 978-281-9779

**Date: May 4, 2015**

**To: Planning Board**

**From: Gregg Cademartori**

**RE: 2014 Harbor Plan Implementation – Marine Industrial Zoning Amendments**

Planning Board members will recall on December 19, 2014, the City of Gloucester received the approval of the 2014 Municipal Harbor Plan/ Designated Port Area Master Plan (MHP) from Maeve Valley Bartlett, Secretary of the Executive Office of Energy and Environmental Affairs (attached for reference). As with the previously approved 2009 MHP the approval was conditional, requiring that local zoning changes be implemented in order for it to take effect. Accordingly series of zoning amendments were adopted in March of 2010. The 2014 MHP and its approval also outline a few areas where the local MI zoning needs to be either amended or clarified to avoid interference or conflicts with traditional water dependent marine industrial uses, as is the intent of both the Designated Port Area (DPA) and the MI zoning. Amendments and clarifications and as described in Section 5.2.3 of the MHP (also attached for reference) are outlined below.

**1) Exclude new (or conversions to) housing units or residential facilities (Amendment)**

If one examines Section 2.3 Use Tables 2.3.1 Residential Uses, currently all line items are identified as prohibited (designated by an “N” in the table under the MI column), with the exception of use #10 *Boarding House, rooming house, lodging house or hostel, licensed by the Licensing Board*. To be consistent with the prohibition of residential uses in the DPA regulations it is proposed that zoning ordinance be amended by ***changing this current special permitted use to a prohibited use***. Any such housing currently existing in the MI district needing to be modified would require a variance or special permit by the Zoning Board of Appeals.

**2) Exclude new hotels, motels, and other facilities of transient lodging (Clarification)**

The use allowance of hotel, motel and transient lodging is a point of clarification. Hotel/motel uses are specifically identified as use #11 *Hotel, motel motor inn (under 30 units)* and #12 *Hotel, motel motor inn (more than 30 units)* in Section 2.3 Use Tables 2.3.1 Residential Uses. It is highlighted here that they are currently prohibited in the MI district, designated by an “N” in the table under the MI column. An exception has been made, through a very public process, in the adoption of the Hotel Overlay District (HOD). It is important to note that the area of the HOD is not within the current or former bounds of the DPA. New hotel/motel use will continue to be prohibited in the DPA and MI district. *Therefore no amendment is required.*

### **3) Exclude hospitals, nursing homes, and other care facilities (Clarification)**

Similar to the discussion above concerning hotel/motel, discussion of this use this is also merely a point of clarification. These uses are specifically identified as use #6 *Nursing home, convalescence or rest home, hospital* in Section 2.3 Use Tables 2.3.2 Community Service Uses. It is once again highlighted here that they are currently prohibited in the MI district, designated by an “N” in the table under the MI column. This continued prohibition remains consistent with the intended protection of water dependent industrial uses in the Marine Industrial zoning district and the DPA. *No amendment is required.*

### **4) Exclude Day-care centers, primary schools, and secondary schools, or other schools unrelated to maritime trades or marine science and technology (Clarification)**

Nursery schools and day-care centers are currently identified in use #10 *Nursery school, day care center* in 2.3 Use Tables 2.3.2 Community Service Uses and are allow as of right represented by a “Y” in the MI column. To avoid future interference or conflicts with present and potential future marine industrial uses it is proposed that this use be carefully considered in any new Chapter 91 license with the general position that this may introduce conflict. Primary and secondary schools use #12 *Business or commercial schools* are already prohibited in the MI district designated by a “N” in the MI district column. So while no amendments are proposed to the use allowance, they are discussed here to highlight attention needed in these areas when new Chapter 91 licenses are sought and considered. *No amendment is required.*

The final zoning consideration discussed in the MHP pertains to the allowance of Supporting Uses as defined in the Chapter 91 DPA regulations. These are uses that are categorized as providing either operational or financial support to a water dependent uses of a site. In the middle of the most recent harbor planning effort a DPA boundary review was conducted. Much of the East Gloucester waterfront was determined not to meet the minimum characteristics of a DPA (see attached redrawn Gloucester DPA Map). Additionally, the area of jurisdiction was also clarified. The state’s DPA use allowances, limitations and restrictions only apply to those lands within Chapter 91 jurisdiction (bounded by yellow) and do not extend to the DPA boundary (in red). In 2010 land uses consistent with the DPA regulations were regulated through municipal zoning across all the land within the DPA. Specific attention was given to limiting Supporting Uses to 50% of lots within the MI district by adopting the following footnote to the tables in Section 2.3 Use Tables:

*"(1) In the MI District, Supporting Designated Port Area (DPA) Uses, as defined in 310 CMR 9.02, shall not in the aggregate occupy more than 50% of the ground level area on filled tidelands and uplands on a lot within the DPA. Such uses shall also be subject to dimensional requirements of 310 CMR 9.0. Within the water-dependent use zone, as defined in 310 CMR9.02, in the MI District no use shall be permitted unless it provides access to water-borne vessels."*

Given that the term Supporting Use only applies to land within state jurisdiction (filled tidelands), *it is proposed that the footnote #1 to Section 2.3 Use Tables be amended by striking the words “and uplands”.*

Staff will be available to answer any questions. If the Planning Board does not have any further questions and supports the proposals, the Board may make a motion to initiate the above outlined amendments under Section 1.11.2(a) of Zoning Ordinance, to further the implementation of the goals and objectives of the 2014 Harbor Plan.

## Chapter 5: Designated Port Area Master Plan – Regulatory Issues in the DPA: Providing for Gloucester’s Maritime Industry

### Section 5.1: Introduction

This section of the Gloucester Municipal Harbor Plan amends the Master Plan for the Designated Port Area (DPA) of Gloucester Inner Harbor to conform to the boundary modifications approved in the recent DPA Boundary Review conducted by CZM (Designation Decision for the Gloucester Inner Harbor Designated Port Area, April 23, 2014), below as Appendix C. The 2014 Gloucester Inner Harbor DPA Master Plan maintains the approach of the existing DPA Master Plan and provides a new, streamlined method to allow for a simple accounting of uses within the DPA and greater flexibility within the DPA regulations. The goals of the 2014 Gloucester Inner Harbor DPA Master Plan is to:

1. Strengthen Gloucester’s maritime industries;
2. Update the Plan and its provisions to reflect the revised DPA boundary; and
3. Help build a flexible future for Gloucester’s waterfront that is responsive to emerging maritime uses and industries.

To meet these goals, the specific objectives of the 2014 Gloucester Inner Harbor DPA Master Plan is to:

1. Simplify state Chapter 91 licensing for land owners;
2. Clarify local versus state licensing jurisdiction;
3. Maintain the goal of having up to 50% supporting uses for most DPA properties within Chapter 91 jurisdiction;
4. Develop a system for DPA supporting uses that is equitable among DPA landowners and easy to administer; and
5. Clarify the types of emerging marine science and technology activities that may be considered Water Dependent Industrial Uses.

Both the City and the State are committed to maintaining and strengthening Gloucester Harbor as a working waterfront. The heart and base from which to expand and strengthen the maritime economy in the port is the commercial fishery. Although the commercial fleet has been greatly reduced while fish stocks have been regulated for sustainability, the fishery is competitive and the port’s hub infrastructure has grown in regional importance as the industry has consolidated.

The City is promoting multiple possibilities to expand and diversify its maritime economy using its established and emerging resources. Envisioned expansion includes marine research, maritime professional development and training, and technology companies with a marine product focus. The City foresees an expansion of commercial and public uses as well, with these diverse mixed uses creating a fabric of economic health and activity.

To make the Gloucester Harbor DPA Master Plan effective, the City has examined the specific jurisdictional characteristics of the DPA to ensure maximum flexibility. Currently, the Gloucester Harbor DPA consists of: flowed tidelands, including the water sheet and pile-supported piers, both of which are subject to Chapter 91; filled tidelands, which are subject to Chapter 91; and upland areas that have always been landward of normal tidal action, which are not subject to Chapter 91. Because Chapter 91

jurisdiction extends only to filled and flowed tidelands, DPA land use regulations do not apply to upland areas within the boundary of the larger DPA.

## **Section 5.2: DPA Master Plan Framework**

### ***Section 5.2.1: Approach to DPA Land Use Determinations***

In the 2009 Gloucester Inner Harbor DPA Master Plan, upland DPA areas (i.e., areas within the boundary of the DPA but landward of chapter 91 licensing jurisdiction) were used to implement an innovative approach to provide flexibility for all DPA landowners, enabling them to use up to 50% of their property for Supporting Uses (SUs). However, because of complications associated with the Plan's implementation, the 2009 Master Plan may prove difficult to administer and could subject the DPA to future unintended decreases in WDIUs.

For the 2014 DPA Master Plan, the City will only consider those properties that are both within the DPA, as amended by the 2014 DPA Boundary Review, and on filled and flowed tidelands (i.e., within Chapter 91 jurisdiction). While this approach achieves the same flexibility with regard to SUs, it also distributes that flexibility more evenly and without the need to update and recalculate property use changes. The 2014 Gloucester Inner Harbor DPA Master Plan has the following components:

- Focuses only on those properties that are both within the DPA and on filled tidelands;
- Removes upland (non-filled tidelands) portions of the DPA and those areas excluded from the DPA by the 2014 CZM DPA Boundary Review from the SU calculations;
- Uses an amplification to expand upon the discretionary provisions of 310 CMR 9.12(b), providing DEP with guidance in the contemporary determinations to tailor the scope and the types of WDIUs allowed in the Gloucester Harbor DPA;
- Maintains the 2009 Gloucester Inner Harbor DPA Master Plan ratio of 72% WDIU and 28% SU area by reserving specific properties for WDIU and requiring a minimum of 50% WDIU on the remaining DPA properties within Chapter 91 jurisdiction;
- Establishes a presumption that 100% WDIUs continue on the following properties:
  - The State Fish Pier
  - The U.S. Coast Guard facility;
  - The portion of the Cruiseport that is within Chapter 91 jurisdiction;
  - All DPA roadways; and
  - All pile-supported piers;
- Requires a minimum of 50% WDIUs, and a maximum of 50% SUs, on the remaining DPA properties within Chapter 91 jurisdiction; and
- Maintains existing Maritime Industrial (MI) local zoning with minimum requirements on properties within the DPA.

The State Fish Pier, the U.S. Coast Guard facility, and the portion of the Cruiseport that is within Chapter 91 jurisdiction were identified because they currently provide acreage for key WDIUs and are unlikely to change use in the foreseeable future. A change to a non-WDIU on any of these properties would alter the maritime economy of the port and would require an amendment to the Gloucester Harbor MHP and DPA Master Plan, complete with full public involvement. DPA roadways that are located within Chapter 91 jurisdiction are essential to maintain access to WDIUs and are also included in the calculation to ensure their primary use is directly tied to the working waterfront. Under Chapter 91, pile-supported

July 30, 2014

piers within a DPA must be used for WDIUs and are therefore the fifth component of the areas set aside in this Plan for 100% WDIUs.

### ***Section 5.2.2: DPA Land Use Context and Calculations***

As amended by the 2014 CZM DPA Boundary Review, the combined area of pile-supported piers and filled tidelands within the Gloucester DPA is now approximately 49 acres. To maintain the 2009 requirement for a maximum of 28% Commercial Supporting Uses within the DPA, 35 acres within the new DPA Master Planning Area – approximately 72% of 49 acres – must be reserved for WDIUs.

Specific areas that are currently and will likely remain as WDIUs were identified, reducing the 35-acre requirement for WDIUs. These properties and areas, 100% of which are WDIUs, comprise:

- The State Fish Pier: approx. 8.0 acres
- The U.S. Coast Guard facility: approx. 2.0 acres
- The Cruiseport (in ch.91): approx. 0.3 acres
- All DPA roadways approx. 2.7 acres
- All pile-supported piers: approx. 8.0 acres
- Total approx. 21.0 acres

Of the 49 acres, these parcels and areas provide approximately 21 acres toward the 35 acres required for WDIUs. If a minimum of 50% of the remaining 28 acres of DPA filled tidelands is required to be WDIU, the minimum WDIU requirement for the Gloucester DPA is met:

21 acres (100% reserved WDIU) + 14 acres (50% of remaining 28 acres) = 35 acres

This approach maintains the existing 72% land area requirement for WDIUs within the Gloucester DPA, and up to 28% for SUs across the entire DPA. However, because some areas have been designated as 100% WDIU, the remaining DPA parcels may have up to 50% SU. No complex process to track future uses is required, and the conversion from WDIU to a SU by a large land owner will not affect the amount of SUs that other DPA property owners may have. City zoning becomes the operative land use mechanism for DPA properties outside Chapter 91 jurisdiction.

While the City anticipates that 50% SUs will be allowed on all filled tidelands within the DPA, with the exception of those properties and areas listed above, this Plan does not preclude the aggregation of parcels, or a process using transfer of development rights, to achieve the same goals. If a system using an aggregation of parcels or the transfer of development rights is adopted by the City, the City shall provide notification and details to the Department of Environmental Protection and the Office of Coastal Zone Management on the new system, an explanation as to how a minimum of 72% of the DPA area will be maintained as WDIUs, and if necessary amend the MHP.

### ***Section 5.2.3: Local DPA Zoning and Buffers Between DPA Industrial Uses and Other Community Uses (301 CMR 23.05(2)(e)(4)(c))***

Local Maritime Industrial (MI) zoning was an integral component of the 2009 Gloucester Inner Harbor DPA Master Plan and in this Plan remains an important tool for promoting WDIUs. The 2009 Plan recommended zoning changes to make the local zoning consistent with State DPA regulations, and to strengthen protections for the commercial fishing industry. Following the favorable Decision on

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December 9, 2009, from the State on the city's request for approval of the 2009 MHP and DPA Master Plan, these zoning changes were enacted by the Gloucester City Council on March 30, 2010.

Two components for further local zoning changes are recommended in this plan. First, the local zoning restriction that no more than 50% of any property in the Marine Industrial (MI) district can be supporting commercial use is no longer a required component of the MHP and DPA Master Plan. Second, the use table requires several additional restrictions to ensure consistency on the upland portion of property within the DPA planning area.

To avoid interference or conflicts with both traditional WDIUs and more contemporary WDIUs envisioned in this Master Plan, and to ensure the DPA Master Plan preserves and enhances the capacity of the DPA to accommodate WDIUs, the City commits to MI zoning in the upland portion of the DPA that, at a minimum, excludes new developments or conversions, unless considered accessory to a WDIU, for: (1) housing units and other residential facilities; (2) hotels, motels, and other facilities for transient lodging; (3) hospitals, nursing homes, and other care facilities; and (4) day-care centers, primary schools, and secondary schools, or other schools unrelated to maritime trades or marine science and technology.

The City believes this cooperative MI zoning approach also satisfies the provisions of 301 CMR 23.05(2)(e)(4)(c), which states that the Plan shall set forth a strategy that commits to maintaining "...a surrounding land development pattern that provides an appropriate buffer between industrial uses in the DPA and community uses that require separation therefrom in order to avoid significant operational conflict." The City further commits to move cautiously and judiciously, with full public involvement, so that any changes to MI zoning in the upland portions of the DPA do not interfere or conflict with WDIUs in the DPA.

#### ***Section 5.2.4: Continuation of Approved Amplifications and the Substitute Provision included in the 2009 Gloucester Harbor Plan and DPA Master Plan Supplement***

This Amendment includes and continues the approved Amplifications and the Substitute Provision that were included in a supplement to the 2009 Gloucester Harbor Plan and DPA Master Plan (Sections (2)(b) – (d), pp. 7 – 10).

As a result of a deepening economic recession following the approval of the 2009 Plan on December 11, 2009, and further restrictions on commercial fisheries, the anticipated benefits of the 2009 Amplifications and the Substitute Provision have not yet been fully realized. However, the City considers these Amplifications and the Substitute Provision as core components to its harbor planning efforts and the current Plan Amendment's focus on a diversified maritime economy. The Amplifications and the Substitute Provision are included here for reference and to clarify the City's intent to continue their provisions through the MHP and DPA Master Plan approval process.

The 2009 Supplement, Sections (2)(b) – (d), pp. 7 – 10, contained the following language:

(b) Provisions which amplify discretionary requirements of 310 CMR 9.00 must be complementary in effect to the underlying regulatory principles.

Requirements of the Waterways Regulations are considered "discretionary" if they do not specify numeric limitations and thus allow DEP the ability to determine which project elements do or do not comply with the regulatory principle of the regulation. A municipal harbor plan may include

**DECISION ON THE CITY OF GLOUCESTER'S  
REQUEST FOR APPROVAL  
OF THE  
GLOUCESTER MUNICIPAL HARBOR PLAN RENEWAL  
AND  
DESIGNATED PORT AREA MASTER PLAN  
PURSUANT TO 301 CMR 23.00**

**December 19, 2014  
Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs  
Maeve Vallely Bartlett, Secretary**

## I. INTRODUCTION

Today, as Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs (EEA), I am approving a renewal to the City of Gloucester's Municipal Harbor Plan ("Plan") dated August 2014. The original Plan was approved by the Secretary on July 6, 1999, and the last update was approved on December 11, 2009. This Decision on the renewal to the 2014 Plan presents a synopsis of the Plan's content, together with my determinations on how the renewal Plan complies with the standards for approval set forth in the Review and Approval of Municipal Harbor Plan regulations at 301 CMR 23.00 et seq.

Pursuant to the review procedures contained therein, the Plan renewal was submitted in August 2014. Following a review for completeness, CZM published a notice of public hearing and 30-day opportunity to comment in the *Environmental Monitor* dated September 10, 2014. Oral testimony was accepted during a public hearing held in the City of Gloucester on September 22, 2014, and 36 written comment letters and one petition signed by 157 people were received prior to the close of the public comment period on October 10, 2014. In addition, the review process led on my behalf by the Massachusetts Office of Coastal Zone Management (CZM), included consultation between CZM, the Waterways Program of the Massachusetts Department of Environmental Protection (MassDEP), and the City of Gloucester ("City"). The Plan review followed the administrative procedures set forth at 301 CMR 23.04 and in accordance with the standards in 301 CMR 23.05. In reaching my approval decision, I have taken into account the oral and written testimony submitted by the public, as well as supplemental information submitted by the City during the consultation session and noticed in the November 5, 2014 *Environmental Monitor*.

As shown in Figure 1 and unchanged since the 2009 Plan, the Harbor Planning Area encompasses the entirety of the Gloucester Inner Harbor and adjacent landside areas extending from the Rocky Neck peninsula to the Fort neighborhood, and including the shoreline of the western side of the outer harbor to Stage Fort Park. On the landside, the area is bounded by Main Street, East Main Street, Rocky Neck Avenue, Commercial Street, and Stacy Boulevard. The main focus of this plan renewal continues to be primarily the inner harbor properties that lie within the Designated Port Area (DPA) as depicted in Figure 2 on page 2.

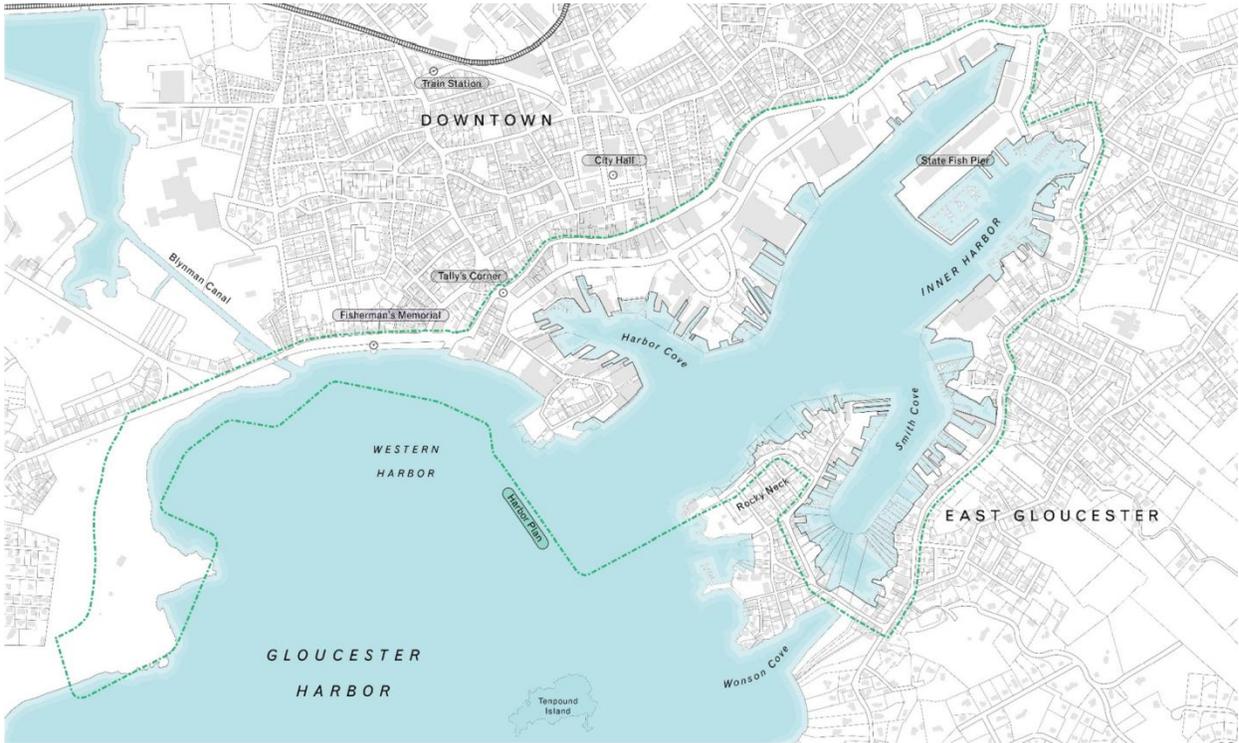


Figure 1. Gloucester Harbor Planning Area

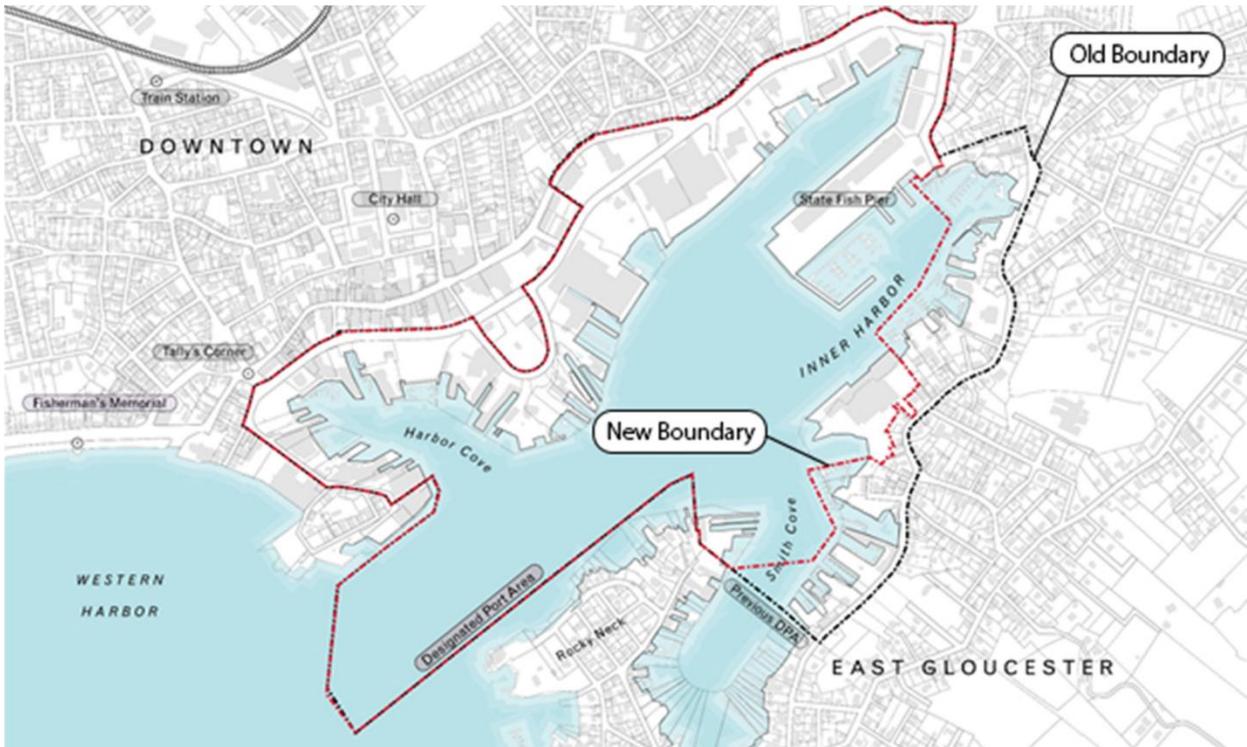


Figure 2. Gloucester DPA

The Plan incorporates the changes to the DPA boundary as determined by the CZM boundary review decision issued on April 23, 2014, and describes the harbor planning area in terms of the distinct planning units identified in that document. These include the Harbor Cove, North Channel, State Fish Pier, Cold Storage East Gloucester, and Rocky Neck planning areas, which remain in the DPA, and the East Gloucester, Smith Cove, and Boulevard/Stage Fort Park areas outside the DPA. The Harbor Cove area remains the traditional center of the fishing port from Fort Point to Harbor Loop and includes portions of the City's downtown. The North Channel/State Fish Pier is characterized by large parcels and buildings dedicated almost exclusively to marine industrial uses along the western side of the harbor from Harbor Loop to the head of the harbor, including the State Fish Pier. Most of East Gloucester and Smith Cove, with the exceptions of the wholly water-dependent industrial uses on the Cold Storage and Gloucester Marine Railways areas, is characterized by a more diverse mix of commercial, residential, and water-dependent uses.

The 2009 plan supported traditional port improvements while also seeking to provide expanded opportunities for redevelopment within the Harbor Planning Area, and identified a number of key strategies to maintain support for the important commercial fishing industry in the city while encouraging improved opportunity for economic development on the harbor. These strategies aimed to streamline regulatory review, stimulate investment, and improve economic conditions along the waterfront. The 2014 renewal continues the City's core commitment to the fishing industry and essential hub services, presents a detailed economic opportunity analysis of emerging marine industries, identifies potential for growth in a number of these industries, and develops a regulatory framework to allow expansion of these uses while protecting the traditional working waterfront in Gloucester.

The 2014 Plan renewal for Gloucester Harbor reflects a nearly two-year planning effort on the part of the City staff, Gloucester Harbor Plan Committee, and the public who participated in the development of the plan. Several key strategies that were identified as the core focus of the 2009 Gloucester Harbor Plan (and DPA Master Plan) continue in the 2014 amendment:

1. Support commercial fishing both directly, and by seeking to attract and expand the kind of businesses and industries that might build upon the existing marine assets and knowledge base of the community. Additionally, the 2014 Plan identifies additional opportunities for emerging water-dependent industries that may strengthen this effort to

diversify on the waterfront in ways that build upon and strengthen the fishing community.

2. Continue to provide flexibility for supporting commercial uses on waterfront property so that waterfront properties have more mixed-use investment options, while protecting the core water-dependent industrial nature of the port.
3. Promote public access along the waterfront in ways that do not interfere with industrial uses so as to create a more appealing environment for investment and to ensure the active use of the water's edge around the harbor.
4. Promote change that will benefit the downtown and other areas of the city.
5. Provide infrastructure and navigation improvements.
6. Enhance and focus the administrative resources of the city to support and strengthen the viability of the port.

The 2014 Plan seeks to continue one substitution and three amplifications that were previously approved in the 2009 Plan. In addition, the 2014 Plan seeks to add an additional amplification and modify the 2009 DPA Master Plan component governing flexibility for diversified uses within the DPA while ensuring an appropriate area in close proximity to the water is reserved for water-dependent industrial (WDI) use.

At the public hearing and in written comments, while support for the Plan was expressed by City officials, members of the Harbor Plan Committee, and others, thoughtful perspective and concerns were raised, particularly in regards to essential considerations such as protection of water-dependent industrial infrastructure and zoning considerations to prevent use conflicts with water-dependent industry. At the request of CZM in response to the oral and written testimony received during the public comment period and discussion during the formal consultation period, the City submitted a supplemental document to better clarify the provisions of the Plan.

In that document, the city affirmed that it is committed to the protection of the DPA, and that the proposed changes to the Marine Industrial (MI) zoning ordinance are intended to avoid interference or conflicts with WDI uses, and to ensure the DPA Master Plan preserves and enhances the capacity of the DPA to accommodate WDI uses. The zoning changes proposed will further restrict uses in the MI, and will not include any introduction of new uses. The City further clarified that hotel and residential uses have been and will continue to be excluded under MI zoning in the DPA, and that the Plan does not include any provisions to expand or allow recreational boating marinas or the proliferation of hotels or shopping centers in the DPA.

In my approval today, I find that the final 2014 Plan—in concert with the conditions established in this decision—serve to promote and protect the core marine and water-dependent industrial composition of the DPA, while providing for the local goals of enhanced support of the

commercial fishing industry, expansion of water-dependent industry, and continued allowances for flexibility in supporting DPA uses. On balance, I am confident that it will function as a clear and effective framework for achieving the City's goals in harmony with state policy governing stewardship of tidelands, including those located within a DPA.

## **II. PLAN CONTENT**

The Municipal Harbor Planning Regulations (301 CMR 23.00 et seq.) establish a voluntary process under which cities and towns may develop and submit Municipal Harbor Plans to the EEA Secretary for approval. These plans serve to promote and implement a community's planning vision for their waterfront and to inform and guide state agency decisions necessary to implement such a vision. Specifically, approved Municipal Harbor Plans provide licensing guidance to MassDEP in making decisions pursuant to MGL Chapter 91 (c. 91) and the Waterways Regulations (310 CMR 9.00 et seq.). Approved harbor plans may establish alternative numerical and dimensional requirements (i.e., substitute provisions) to the requirements specified by the Waterways Regulations, as well as specify provisions that amplify any of the discretionary requirements of these regulations.

While the 2014 Plan expresses continued support for the traditional fishing industry and infrastructure in Gloucester Harbor, the primary focus of the Plan is economic development of the port. The Plan quantifies the economic base of the port, identifies the city's best opportunities for expansion of traditional and emerging marine industries, and identifies a regulatory framework that may better support the development of these industries. As part of this framework, the Plan reevaluates the 2009 mechanisms for providing flexibility for supporting DPA uses in light of the modified DPA area resulting from CZM's April 23, 2014 DPA Boundary Review decision. The proposed DPA supporting use mechanisms in the 2014 Plan focus on reserving more area within filled and flowed tidelands within state Chapter 91 jurisdiction for water-dependent industrial (WDI) use, and slightly decreases the overall allowance for DPA supporting uses over the entire DPA land area, as compared to the existing mechanism under the 2009 Plan. Proposed local zoning would maintain most changes made pursuant to the 2009 Plan approval, which strengthened the local Marine Industrial (MI) zoning within the DPA by requiring more detailed project review and limiting the types of uses allowed in this zone. The 2014 Plan further strengthens existing zoning in the city's MI zone, by further restricting MI uses to assure that no conflicts with water-dependent

industrial use will occur within or outside of Chapter 91 jurisdiction. This approach better protects the DPA areas closest to the waterfront for WDI use, while still providing appropriate flexibility to accommodate compatible supporting uses within the DPA as a whole.

The 2014 Plan revises the 2009 approach to planning area land use descriptions, such that the conditions of land use in the harbor planning area are described for each of the planning sub-areas utilizing language directly from the final CZM DPA boundary review decision, “*Boundary Review of the Gloucester Inner Harbor Designated Port Area (April 24, 2014)*.” A discussion of existing navigation and waterway uses includes harbor access, vessel berthing and moorings, navigation and dredging, the city’s maritime economy, and the commercial lobster industry, and presents opportunities and challenges for each. The current regulatory environment as it relates to land use is also presented.

A major component of the 2014 Plan is the economic and opportunity analysis of the port economy. Here, the Plan quantifies the port’s economic base, identifies traditional and emerging maritime industries, and evaluates which of these offers Gloucester the best opportunities to expand and strengthen the port economy. Five major industrial sectors are identified in the Plan, including marine technology (including vessels), marine research, marine resources and renewables, fisheries and seafood, and coastal tourism. In addition, the Plan identifies a series of priority actions that the City should take to facilitate development of these industries and begin to diversify and strengthen the harbor economy.

The 2014 Plan also includes a Designated Port Area Master Plan that sets out a strategy to preserve and enhance the capacity of the DPA to accommodate water-dependent industry, expand the definition of water-dependent industrial uses, and prevent substantial displacement of these activities by other non-water-dependent uses. The DPA Master Plan proposes a regulatory framework and detailed implementation measures to ensure that extensive areas are reserved for water-dependent industrial uses, and puts forward limits on commercial uses to prevent incompatibility with marine industry while continuing to provide flexibility in the density and location of allowable DPA supporting uses.

A continued theme of the 2014 Plan is the support of commercial fishing both directly and by seeking to attract and expand businesses and industries that will build upon, strengthen and expand existing marine assets and knowledge-base within the community. Several key strategies to promote and protect existing and future investment in commercial fishing which were approved with the 2009 Plan are proposed for continuation in the 2014 Plan, including: regulatory changes to assure investment in improved waterfront marine industrial infrastructure; fostering maintenance or creation of commercial berthing wherever practicable; and enhancing protection from displacement for commercial fishing vessels. In addition, the 2014 Plan includes a provision to expand the definition of water-dependent industrial use to include a wider array of potential new marine-based industries, particularly marine science and technology uses, in order to promote marine industrial diversification in the port.

The 2009 Plan took advantage of the harbor planning process to provide greater flexibility for local supporting commercial uses on waterfront property in order to provide additional revenues that would support infrastructure improvement and waterfront activation. The 2009 approach allowed a modest increase in the overall amount of supporting uses allowed in the DPA, while providing more mixed-use investment options for those waterfront properties with the greatest challenges for development. While the city wanted to continue that flexibility with the 2014 Plan, the DPA boundary was modified since the approval of the 2009 Plan, requiring additional analysis to assure that overall water-dependent industrial uses in the DPA would not be adversely affected if the 2009 approach was to continue under this amendment. In its analysis, the City determined that continuing the 2009 approach under the modified DPA boundary would not adequately protect WDI uses and infrastructure nearest to the waterfront, as the implementation strategy would allow an inordinate amount of supporting use within filled and flowed tidelands. The new strategy proposed under this plan maintains significant flexibility for supporting commercial uses, but requires that a minimum area of filled and flowed tidelands within Chapter 91 jurisdiction is reserved for WDI use. This approach balances continued flexibility for diversified uses within the DPA with better protection of the areas closest to the waterfront for WDI use. Further, the Plan creates a means by which properties with particular challenges may work within the regulatory framework to achieve necessary flexibility in water-dependent use zone setbacks while protecting the marine industrial waterfront. These changes benefit the downtown and other areas of the city by fostering a

closer link between the waterfront and the commercial business district, without diminishing the integrity of the water-dependent industrial core.

The 2014 Plan continues to support the effort to improve, wherever possible, activation of the water's edge and public access in recognition of the harbor's importance to the visitor based economy and public enjoyment in Gloucester, with an understanding that public safety and port security are important issues to be addressed. The Plan calls for promoting public access along the waterfront where appropriate and in ways that do not interfere with industrial uses. This reinvigorated access would create a more appealing environment for investment and would foster more active use of the water's edge around the harbor. Strategies to achieve this include maintaining 2009 Plan measures (including both c.91 and local zoning) to provide waterfront access whenever practicable, as well as taking advantage of marine industrial locations that are occupied only seasonally for such use.

In continued support and promotion of port and harbor planning, the Plan recommends continuation of the City's administrative resources through the Community Development Department and its Harbor Coordinator position to serve as the primary liaison to waterfront property owners. The Plan also calls for the creation of a Port and Harbor Committee to serve in an advisory capacity to the Community Development Department and to monitor and promote implementation of the 2014 Plan.

#### **A. Consistency with CZM Program Policies and Management Principles**

The federally-approved CZM Program Plan establishes 20 enforceable program policies and 8 management principles which convey the formal coastal program policy of the Commonwealth. The policies and management principles applicable to the 2014 Plan are briefly summarized here:

- Water Quality Policy #1: Ensure those point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.
- Water Quality Policy #2: Ensure that non-point pollution controls promote the attainment of state surface water quality standards in the coastal zone.
- Habitat Policy #1: Protect coastal, estuarine, and marine habitats—including salt marshes, shellfish beds, submerged aquatic vegetation, dunes, beaches, barrier beaches,

banks, salt ponds, eelgrass beds, tidal flats, rocky shores, bays, sounds, and other ocean habitats—and coastal freshwater streams, ponds, and wetlands to preserve critical wildlife habitat and other important functions and services including nutrient and sediment attenuation, wave and storm damage protection, and landform movement and processes.

- Protected Areas Policy #3: Ensure that proposed developments in or near designated or registered historic places respect the preservation intent of the designation and that potential adverse effects are minimized.
- Ports and Harbors Policy #1: Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity and public health, and take full advantage of opportunities for beneficial re-use.
- Ports and Harbors Policy #2: Obtain the widest possible public benefit from channel dredging and ensure that Designated Port Areas and developed harbors are given highest priority in the allocation of resources.
- Ports and Harbors Policy #3: Preserve and enhance the capacity of Designated Port Areas to accommodate water-dependent industrial uses and prevent the exclusion of such uses from tidelands and any other DPA lands over which an EEA agency exerts control by virtue of ownership or other legal authority.
- Ports and Harbor Policy #5: Encourage, through technical and financial assistance, expansion of water-dependent uses in Designated Port Areas and developed harbors, re- development of urban waterfronts, and expansion of physical and visual access.

The aforementioned policies are relevant to the major opportunities identified in the renewal, including expansion of industries such as marine tech, marine research, marine resources and renewables, fisheries and seafood, and coastal tourism. The Plan presents evidence of its accord with these policies and management principles, and, as required by 301 CMR 23.05(1), CZM has affirmed its consistency. As was true of the 2009 Plan, this renewal continues to view protection and promotion of the DPA and water-dependent industry as central to the working waterfront, even as it explores opportunities to expand the traditional scope of water-dependent industrial uses and maintain compatible commercial uses to support this industry and the economic vitality of the port overall.

#### **B. Consistency with Tidelands Policy Objectives**

As required by 301 CMR 23.05(2), I also must find that the Plan renewal is consistent with state tidelands policy objectives and associated regulatory principles set forth in the state Waterways Regulations of MassDEP (310 CMR 9.00 et seq.). As promulgated, the Waterways Regulations provide a uniform statewide framework for regulating tidelands projects. Municipal

Harbor Plans present communities with the opportunity to integrate their local planning goals into state c.91 licensing decisions by proposing modifications to the c.91 regulatory standards through either: 1) the amplification of the discretionary requirements of the Waterways Regulations; or 2) the adoption of provisions that—if approved—are intended to substitute for the minimum use limitations or numerical standards of 310 CMR 9.00 et seq. The approved substitute provisions of Municipal Harbor Plans, in effect, allow MassDEP to waive specific c.91 use limitations and numerical standards affecting projects in tidelands, in favor of the modified provisions specified in an approved Municipal Harbor Plan.

The Plan sections relating to 301 CMR 23.05(2) have been effectively summarized in Chapter 5 of the Plan, and further clarified in supplemental documentation submitted during the consultation period. The Plan proposes guidance that will have a direct bearing on MassDEP licensing decisions within the Harbor planning Area. Included in this proposed guidance are:

- A provision for a substitution of certain specific minimum numerical standards in the regulations;
- Several provisions that amplify certain discretionary requirements of the Waterways Regulations; and
- A suite of provisions that together comprise a Master Plan for the lands and waters within the Gloucester Harbor DPA.

These provisions are subject to particular approval criteria under 301 CMR 23.05(2)(b) through 301 CMR 23.05(2)(e). The analysis of the proposed provisions is explained below.

#### **Evaluation of Proposed Substitute Provisions**

The general framework for evaluating all proposed substitution provisions to the c.91 Waterways requirements is established in the Municipal Harbor Plan Regulations at 301 CMR 23.05(2)(c) and 301 CMR 23.05(2)(d). In effect, the regulations set forth a two-part analysis that must be applied individually to each proposed substitution in order to ensure that the intent of the Waterways requirements with respect to public rights in tidelands is preserved.

Applying part one of the analysis, in accordance with 301 CMR 23.05(2)(c), there can be no waiver of a Waterways requirement unless the Secretary determines that the requested alternative requirements or limitations ensure that certain conditions, specifically applicable to

each minimum use limitation or numerical standard, have been met. Part two of the analysis, as specified in 301 CMR 23.05(2)(d), requires that the municipality demonstrate that a proposed substitute provision will promote, with comparable or greater effectiveness, the appropriate state tidelands policy objective.

A municipality may propose alternative use limitations or numerical standards that are less restrictive than the Waterways requirements as applied in individual cases, provided that the plan includes other requirements that—considering the balance of effects on an area-wide basis—will mitigate, compensate for, or otherwise offset adverse effects on water-related public interests.

For substitute provisions relative to the minimum use and numerical standards of 310 CMR 9.51(3)(a) through CMR 9.51(3)(e), any proposal must ensure that nonwater-dependent uses do not unreasonably diminish the capacity of tidelands to accommodate water-dependent uses. Similarly, substitute provisions for nonwater-dependent projects on Commonwealth Tidelands must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes, as provided in 310 CMR 9.53.

#### Water Dependent Use Zone

To approve any substitute provision to 310 CMR 9.51(3)(c), I must first determine that the Plan specifies alternative distances and other requirements that ensure new or expanded buildings for nonwater-dependent use are not constructed immediately adjacent to a project shoreline, in order that sufficient space along the water's edge will be devoted exclusively to water-dependent use and public access associated therewith as appropriate for Gloucester Harbor. Second, within the context of its Plan, the City must demonstrate that the substitute provision will, *with comparable or greater effectiveness*, meet this objective. My determination relative to whether or not this provision promotes this tideland policy with comparable or greater effectiveness is conducted in accordance with the MHP regulatory guidance is discussed below. A summary of the proposed substitute provision for the 2014 Plan, which is a continuation of an approved provision in the 2009 Plan, is provided below in Table 1.

Establishment and maintenance of an adequate and functional Water Dependent Use Zone (WDUZ) is critical to assuring necessary waterfront access for water-dependent industrial

uses within the DPA, and essential to sustaining these uses. Within the DPA, the Plan endorses the application of the WDUZ requirement at 310 CMR 9.51(3)(c) for the majority of parcels within the DPA. The Plan notes however, that in a few cases strict adherence to the stipulated dimensional requirements of the WDUZ may result in an oddly configured WDUZ and inefficient siting of uses. In these cases, the configuration of the WDUZ as directed by the Waterways standards may be less effective in providing use of the water's edge for water-dependent industrial use than another configuration allowed with flexibility to the existing standards. To address this concern, the Plan proposes a substitution to the WDUZ requirement at 310 CMR 9.51(3)(c) only for those parcels where (1) it can be demonstrated that the application of the c.91 standard would result in inefficient siting of uses without minor modification, and (2) a modified reconfiguration would achieve greater effectiveness in the use of the water's edge for water-dependent industrial use. For these limited properties, the City proposes a minimum width of 25 feet for the WDUZ along the project shoreline and ends of piers and 10 feet minimum along the sides of piers, as long as there is no net loss of WDUZ area on the site. The Plan further clarifies that application of this provision would be applied only upon a clear showing that application of the prescribed dimensions results in a diminished effectiveness of the WDUZ due to unusual configuration of the site itself and not the preferred characteristics in a development proposal.

While the Plan includes parameters to appropriately limit the application of this substitution to only those parcels where such application would provide improved effectiveness in the use of the water's edge for water-dependent industrial use and lays out clear alternative setback distances and appropriate maintenance of the net area of WDUZ, as a condition of my approval, projects proposed for modification of the WDUZ under this provision shall be subject to the review and approval of MassDEP, prior to the issuance of a Chapter 91 license.

As a result of my review, and with the conditions included in this Decision, I believe that the proposed substitute provision has been clearly articulated and has been sufficiently offset by limitations that achieve greater effectiveness of water-dependent use and ensure no net loss of WDUZ, so that the proposed substitute provision promotes the state's tidelands policy objective for guaranteeing that sufficient space along the water's edge will be devoted exclusively to water-dependent use as appropriate for Gloucester Harbor.

**Table 1. Summary of Substitute Provision for Gloucester Harbor Plan**

Regulatory Provision	Chapter 91 Standard	Substitution	Offsetting Measures
310 CMR 9.51(3)(c): Establishment of a Water Dependent Use Zone (Continuation from 2009 Plan)	“...along portions of a project shoreline other than edges of piers and wharves, the zone extends for the lesser of 100 feet or 25% of the weighted average distance from the present high water mark to the landward lot line of the property, but no less than 25 feet...” and “...along the ends of piers and wharves, the zone extends for the lesser of 100 feet or 25% of the distance from the edges in question to the base of the pier or wharf, but no less than 25 feet” and “...along all sides of piers and wharves, the zone extends for the lesser of 50 feet or 15% of the distance from the edges in question to the edges immediately opposite, but no less than ten feet.”	For project sites that meet the eligibility standard, the required WDUZ dimensions may be modified as long as a minimum width of 25 feet is maintained along the project shore line and the ends of piers and wharfs and a minimum of 10 feet along the sides of piers and wharves, and as long as the modification results in no net loss of WDUZ area.	Substitution provision can only be applied to those project sites where it is shown that application of the Ch. 91 standard would result in an inefficient siting of uses in the WDUZ, and where the reconfiguration achieves greater effectiveness in the use of the water’s edge for water- dependent industrial use.  The reconfigured zone must be adjacent to the waterfront and result in an increase in WDUZ immediately adjacent to the water.  In no case will a reconfigured WDUZ that results in an area separated from the waterfront or in a net loss of WDUZ be allowed.

**Evaluation of Proposed Amplification Provisions**

The Review and Approval of Municipal Harbor Plans regulations at 301 CMR 23.05(2)(b) require a finding that any provision that amplifies a discretionary requirement of the Waterways regulations will complement the effect of the regulatory principle(s) underlying that requirement. Upon such a finding, MassDEP is committed to “adhere to the greatest reasonable extent” to the applicable guidance specified in such provisions, pursuant to 310 CMR 9.34(2)(b)(2). The renewal Plan contains four provisions that will have significance to the Chapter 91 licensing process as amplifications, pursuant to 301 CMR 23.05(2)(b). My determination of the relationship of these proposed local amplification provisions to c.91 standards in accordance with the MHP regulatory guidance is discussed below. A summary of the proposed amplification provisions for the 2014 Plan is provided below in Table 2.

Standards to Protect Water-Dependent Uses [9.36(4)(b)]

The c.91 standard at 310 CMR 9.36(4)(b) states that “...the project shall include arrangements determined to be reasonable by the Department for the water-dependent use to be continued at its existing facility, or at a facility at an alternative location having physical

attributes, including proximity to the water, and associated business conditions which equal or surpass those of the original facility as may be identified in a municipal harbor plan...”. In the first proposed amplification provision, the Plan specifies that proposed projects with new uses will not displace existing commercial fishing vessel berthing in Gloucester Harbor without providing reasonably equivalent berthing space on site or at a suitable alternative site not already used by commercial fishing vessels.

The Plan recognizes that commercial berthing space on the harbor is limited, specifically for commercial fishing vessels, and seeks to protect these valuable spaces wherever possible. The proposed amplification will specifically protect commercial fishing vessels from displacement from an existing berth without the assurance of reasonable accommodation at a comparable and suitable alternative site, and assures that no commercial fishing vessel will be displaced at the alternative site. As an enduring stated goal of the 2014 Plan is to improve and protect commercial fishing fleet berthing, I find that this proposal will achieve this local goal while complementing the underlying principle of the c.91 regulatory standard, and I approve this amplification subject to the conditions provided at the end of this Decision.

Standards to Protect Water-Dependent Uses [9.36(5)(b)4]

The standard at 310 CMR 9.36(5)(b)4 states that “...in the case of supporting DPA use, conditions governing the nature and extent of operational or economic support must be established to ensure that such support will be effectively provided to water-dependent-industrial uses.”

The Plan continues to emphasize the importance of improving the water-dependent marine industrial infrastructure on the waterfront, and therefore proposes to maintain an amplification approved under the 2009 Plan. Particularly, the Plan maintains that certain marine-industrial uses are critical to preserving Gloucester Harbor as a full-service regional port for the commercial fishing industry, and recognizes that maintenance of these uses directly related to commercial fishing is of utmost importance to the viability of the commercial fishing industry in Gloucester. However, the Plan acknowledges that in some cases, there may be no marine industrial use on a site or a clear opportunity to directly support such improvements on a given project site. For this proposed amplification provision, the Plan builds on the current c.91

requirement—where, in the absence of a water-dependent-industrial use on site, MassDEP identifies financial or other means (e.g., capital waterfront improvements) of direct support for the DPA—by providing specific guidance to MassDEP in their application of this standard. Specifically, the Plan offers a tiered approach to assure that supporting use funds provided under the above cited c.91 standard will be applied with due consideration for priority water-dependent marine industrial infrastructure. These tiers are set up as follows:

1. For properties with a water-dependent industrial port use, economic support from the supporting use to the water-dependent industrial use will be presumed.
2. If no water-dependent industrial use exists or is proposed on the site, an investment in on-site waterfront infrastructure (e.g., piers, wharves, or dredging) to improve capacity for water-dependent industrial use will be required. Whenever feasible, maintenance of existing berthing and creation of new berthing for commercial vessels should be required.
3. If, and only if, none of the above can be achieved adequately, a contribution to the Gloucester Port Maintenance and Improvement Fund will be required as mitigation. This fund shall be used only for investment in water-dependent industrial infrastructure within the DPA.

I find that the proposed amplification compliments the underlying principle of the c.91 regulatory provision within the local goals and context, and I approve the amplification as described above and subject to conditions below.

#### Utilization of Shoreline for Water-Dependent Purposes [9.52(1)(a)]

The standard at 310 CMR 9.52(1)(a) states that, for nonwater-dependent projects, “...when there is a water-dependent use zone, the project shall include one or more facilities that generate water-dependent activity of a kind and to a degree appropriate for the site given the nature of the project, conditions of the adjacent water body and other relevant circumstances.” Activation of the waterfront continues to be an important theme in the 2014 Plan. The three amplifications proposed for this standard seek to improve public access to the working harbor without interfering with the water-dependent industrial uses that make up the waterfront.

The first amplification to the c.91 standard above proposes to incorporate public access as the open space requirement for nonwater-dependent supporting DPA use projects wherever possible, but only when it can be sited in a manner that is compatible with and not interfere with the water-dependent industrial uses and activities on the site. In this way, the City is able to encourage incorporation of public access into projects and move forward its goal of improved

access to the harbor, while assuring that the access is appropriate for the site and use in question. Successful public access in the DPA requires assurance that any such facilities will be designed and sited such that it does not interfere with the primary water-dependent industrial uses of a working waterfront. As this amplification acknowledges this need for balance, I am satisfied that this proposal effectively compliments the regulatory principle of this provision.

The second proposed amplification to the utilization of shoreline for water-dependent purposes standard requires areas of waterfront that are used only seasonally for water-dependent industrial activity be activated for temporary public access. In this way, the Plan allows flexibility in use to meet the City's public access goal, while still promoting the primary use of the waterfront for water-dependent industrial use. Again, because the provision maintains the water-dependent industrial character and use of these areas, while supporting considered shoreline use through public access, I find the proposal compliments the underlying regulatory principle of the standard.

The last requested amplification provision under 9.52(1)(a) requires that a proposed project include a provision to allow access to water-borne vessels wherever possible. This provision is intended to improve access to vessel berthing and activate the waterfront to the greatest extent possible. As the Plan clearly articulates the need for additional berthing and access to water-borne vessels as an important municipal priority, I find that the proposed amplification adequately compliments the effect of this regulatory principle.

#### Amplification of DPA Water-Dependent Industrial Uses [9.12(2)(b)]

The standard for water-dependent use at 301 CMR 9.12(2) requires that to be authorized, a use must "...require direct access to or location in tidal or inland waters, and therefore cannot be located away from said waters." Within this definition, 301 CMR 3.12(2)(b) provides specific examples of the types of activities that shall be considered to be water-dependent industrial. The Plan describes diversification of Gloucester's working waterfront as the cornerstone of the City's economic development and port development strategies, and proposes to amplify the discretionary aspects of this definition to include marine science and technology activities that have equivalent characteristics to those currently listed under 310 CMR 9.12(2)(b).

The proposed amplification preserves the use-based definition and water-related characteristics of the c.91 standard to clarify that marine research, testing, or development

activities with certain minimum characteristics, may be considered to be water-dependent industrial uses in the Gloucester DPA. These characteristics include:

1. A requirement to access coastal waters for research, testing, or development (310 CMR 9.12(2)(b)(2); and
2. Commercial fishing facilities, including those engaged in research, testing, or development related to commercial fishing safety, conservation, and sustainability (310 CMR 9.12(2)(b)(4); or
3. Boatyards, dry docks, and other facilities related to the construction, serving, maintenance, repair, or storage of vessels or other marine structures engaged in marine science and technology, including research, development, or testing (310 CMR 9.12(2)(b)(5); or
4. Facilities for tug boats, barges, dredges, or other vessels engaged in port operations or marine construction, including those related to marine research, development, or testing (301 CMR 9.12(2)(b)(6).

To approve this provision, I must find that the proposed amplification will not contradict the corresponding provisions of the Waterways regulations; does not alter the substantive nature of the requirement, narrow the range of factors that may be considered or otherwise unreasonably affect the ability of MassDEP to exercise discretion in the interpretation and application of the relevant c.91 provisions; and assure that the amplification is consistent with other relevant state agency regulations and statutes. Here I find that, because this amplification provision reasonably builds upon existing definitions of water-dependent industrial uses in the Waterways regulations, assures that the principal requirement for direct access to water is met, and provides broad discretion to MassDEP in the interpretation of the standard, the proposed amplification does not alter the effect of the underlying regulatory principle.

**Table 2: Summary of Amplifications**

Regulatory Provision	Chapter 91 Standard	Proposed Amplification
9.36(4)(b) Standards to Protect Water- Dependent Uses (displacement) (Continuation from 2009 Plan)	“...the project shall include arrangements determined to be reasonable by the Department for the water-dependent use to be continued at its existing facility, or at a facility at an alternative location having physical attributes, including proximity to the water, and associated business conditions which equal or surpass those of the original facility and as may be identified in a municipal harbor plan...”	No project will displace existing commercial fishing vessel berthing in Gloucester Harbor without providing reasonably equivalent berthing space on site or at a suitable alternative site not already used by commercial fishing vessels.

<p>9.36(5)(b)(4) Standards to Protect Water-Dependent Uses (operational or economic support) (Continued from 2009 Plan)</p>	<p>“...in the case of supporting DPA use, conditions governing the nature and extent of operational or economic support must be established to ensure that such support will be effectively provided to water-dependent- industrial uses...”</p>	<p>For properties with a water-dependent industrial hub port use, economic support from the supporting use to the hub use will be presumed.</p> <p>If no water-dependent industrial use exists or is proposed on the site, an investment in on-site waterfront infrastructure (piers, wharves, dredging) to improve capacity for water-dependent industrial use will be required. Whenever feasible, maintenance of existing berthing and creation of new berthing for commercial vessels should be required.</p> <p>If, and only if, none of the above can be achieved adequately, a contribution to the Gloucester Port Maintenance and Improvement Fund will be required as mitigation. This fund shall be used only for investment in water-dependent industrial infrastructure (piers, wharves, dredging) within the DPA.</p>
<p>9.52(1)(a) Utilization of Shoreline for Water Dependent Purposes (Continuation from 2009 Plan)</p>	<p>When there is a water-dependent use zone, “the project shall include ... one or more facilities that generate water-dependent activity of a kind and to a degree appropriate for the site given the nature of the project, conditions of the adjacent water body and other relevant circumstances...”</p>	<p>To the extent practicable for a site, public access facilities shall be integrated into a project to activate the waterfront as part of the open space required with a non water-dependent supporting DPA use but must be sited to be compatible with and not interfere with water-dependent industrial uses and activities.</p> <p>Open areas used to support working waterfront activities seasonally during the year shall accommodate temporary public access when possible.</p> <p>Within the water-dependent use zone no use shall be licensed unless it provides access to water-borne vessels wherever possible.</p>
<p>9.52(1)(a) Utilization of Shoreline for Water Dependent Purposes (Continuation from 2009 Plan)</p>	<p>When there is a water-dependent use zone, “the project shall include ... one or more facilities that generate water-dependent activity of a kind and to a degree appropriate for the site given the nature of the project, conditions of the adjacent water body and other relevant circumstances...”</p>	<p>To the extent practicable for a site, public access facilities shall be integrated into a project to activate the waterfront as part of the open space required with a non water-dependent supporting DPA use but must be sited to be compatible with and not interfere with water-dependent industrial uses and activities.</p> <p>Open areas used to support working waterfront activities seasonally during the year shall accommodate temporary public access when possible.</p> <p>Within the water-dependent use zone no use shall be licensed unless it provides access to water-borne vessels wherever possible.</p>

<p>9.12(2)(b) Standard for Water-Dependent Industrial Uses</p>	<p>The Department shall find to be water-dependent-industrial the following uses:</p> <ol style="list-style-type: none"> <li>1. Marine terminals and related facilities for the transfer between ship and shore, and the storage of bulk materials or other goods transported in waterborne commerce;</li> <li>2. Facilities associated with commercial passenger vessel operations;</li> <li>3. Manufacturing facilities relying primarily on the bulk receipt or shipment of goods by waterborne transportation;</li> <li>4. Commercial fishing and fish processing facilities;</li> <li>5. Boatyards, dry docks, and other facilities related to the construction, serving, maintenance, repair, or storage of vessels or other marine structures;</li> <li>6. Facilities for tug boats, barges, dredges, or other vessels engaged in port operations or marine construction;</li> <li>7. Any water-dependent use listed in 310 CMR 9.12(2)(a)9 through 14, provided the Department determines such use to be associated with the operations of a Designated Port Area;</li> <li>8. Hydroelectric power generating facilities;</li> <li>9. Offshore renewable energy infrastructure facilities in the Commonwealth, including ocean wave energy facilities used to deliver electricity, natural gas or telecommunications services to the public from an offshore facility located outside the Commonwealth; and</li> <li>10. Other industrial uses or infrastructure facilities which cannot reasonably be located at an inland site as determined in accordance with 310 CMR 9.12(2)(c) or (d).</li> </ol>	<p>In addition to existing allowable water-dependent industrial uses, MassDEP may find that marine research, testing or development activities are water-dependent industrial uses if they include the following characteristics:</p> <ol style="list-style-type: none"> <li>1. Access to coastal waters for research, testing or development; AND</li> <li>2. Commercial fishing facilities; including those engaged in research, testing, or development related to commercial fishing safety, conservation, and sustainability; or</li> <li>3. Boatyards, dry docks, and other fishing facilities related to the construction, serving, maintenance, repair, or storage of vessels or other marine structures engaged in marine science and technology, including research, development, or testing; or</li> <li>4. Facilities for tug boats, barges, dredges, or other vessels engaged in port operations or marine construction, including those related to marine research, development, or testing.</li> </ol>
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### Evaluation of DPA Master Plan

Because the Plan is intended to serve, in part, as a Master Plan for the DPA, the approval criteria at 301 CMR 23.05(2)(e) requires a finding that the Plan preserves and enhances the

capacity of the DPA to accommodate water-dependent industrial use and prevent substantial exclusion of such use by any other use eligible for licensing in the DPA pursuant to 310 CMR 9.32. Specifically, the Plan must ensure that extensive amounts of the total DPA area are reserved for water-dependent industrial uses and that commercial uses will not, as a general rule, occupy more than 25% of the DPA land area covered by the master plan. The Plan must also set forth reasonable limits on commercial uses that would significantly discourage present or future water-dependent industrial uses and ensure that commercial uses mix compatibly and will not alter the predominantly maritime industrial character of the DPA. The Plan should also identify industrial and commercial uses allowable under local zoning that will qualify as a supporting DPA use, and identify a strategy for the ongoing promotion of water-dependent industrial use.

The stated goals of the DPA Master Plan section of Gloucester's Municipal Harbor Plan are to strengthen Gloucester's maritime industries, update the plan and its provisions to reflect the recent CZM boundary review decision, and help to build a flexible future for the waterfront that is responsive to emerging maritime uses and industries. To achieve these goals, the Plan proposes to amend the approach to meeting the above approvability standards in a way that will simplify state Chapter 91 licensing within the DPA and better clarify local versus state permitting jurisdictions by focusing the DPA master plan on the land area within Chapter 91 jurisdiction only. The new approach requires one-hundred percent WDI uses on the State Fish Pier; the U.S. Coast Guard Facility; Cruiseport Gloucester; or within or on any DPA roadway or pile-supported pier, while still maintaining the goal of allowing up to fifty percent supporting uses within Chapter 91 jurisdiction on most properties. This 2014 approach transfers the area to be reserved for WDI uses to be fully within filled and flowed tidelands in the DPA. Because these areas will be subject to Chapter 91 licensing, the approach provides a method to track WDI and commercial uses that is more equitable and easier to administer than the 2009 method. In terms of limiting commercial uses that would significantly discourage present or future water-dependent industrial uses, the proposed approach results in an increase of area reserved for WDI use in close proximity to the water as compared to the 2009 method (35 acres vs. 30 acres), and a slight increase of the total area of supporting uses that could be allowed within jurisdiction over that allowed under Chapter 91 (without an MHP), from 25% to approximately 28% (12.25 acres to 14 acres). The master plan also allows additional flexibility in location of the required WDI uses, promoting greater use flexibility for those properties with the greatest challenges for redevelopment in the planning area.

The DPA Master Plan continues to prevent commitments of space or facilities that would significantly discourage present or future water-dependent industrial activity, especially on waterfront sites, through amplifications of the Waterways regulations as discussed above, through maintenance of previous revisions to the local zoning ordinance that require special conditions through site plan review to address this standard as approved for the 2009 Plan, and through a more targeted approach to reserving WDI use area within Chapter 91 jurisdiction. While the local zoning provisions limiting commercial uses on parcels within the DPA to fifty percent will be removed to accommodate this new approach, I find that the proposed requirements serve to more effectively avoid displacement of existing uses, prevent interference of water-dependent industrial uses, and assure compatibility of uses between the working waterfront and the surrounding areas.

The 2014 Plan includes a recommendation to maintain most zoning changes implemented under the 2009 Plan, and further amend the City's Use Regulations Schedule, which identifies any industrial and commercial uses to be allowable for licensing by MassDEP as Supporting DPA Uses, to exclude new developments or conversions for (1) housing units and other residential use; (2) hotels, motels, and other facilities for transient lodging; (3) hospitals, nursing homes, and other care facilities; and (4) daycare centers, primary schools, secondary schools, or other schools unrelated to maritime trades or marine science and technology. Noting that all supporting DPA uses allowable for licensing must comply with the provisions of both the local zoning ordinance and the definition at 310 CMR 9.02, I find that the allowable industrial and commercial uses to be licensed as Supporting DPA Uses for the Gloucester DPA are appropriate.

Finally, the DPA Master Plan includes a strategy to guide the on-going promotion of water-dependent industrial use. The strategy includes recommendations for capital and operational improvements to be provided by projects involving DPA supporting uses, including specific recommendations that such improvements or use of funds be directed toward commercial berthing, dredging and improvement of water-dependent industrial infrastructure (wharves, piers) only. The Plan also seeks to support the fishing industry both directly and by seeking to attract and expand the kind of businesses and industries that might build upon the existing marine assets and knowledge base of the fishing community in order to further strengthen it. Toward this end, the Plan includes a provision to clarify that marine research,

testing, or development activities with certain key characteristics may be determined to be water-dependent industrial uses within the Gloucester DPA in order to provide direct and/or indirect support for commercial fishing while supporting the City's marine diversification goals. Further, the Plan maintains recommendations to support needed dredging, maintain commercial vessel berthing for the commercial fleet, support initiatives to bring more cruise ships to Gloucester, and further encourage new marine industrial technologies, such as producing new products from fish processing. Locally, the management and implementation of the goals of the DPA Master Plan will continue to be handled through the City's Community Development Office. These elements together will serve as a functional and effective strategy to guide the ongoing promotion of water-dependent industrial use for the Gloucester Harbor DPA.

Based on the information provided in the Plan as discussed above and subject to the conditions at the end of this Decision, I find that the DPA Master Plan components of the Plan are consistent with the requirements of 301 CMR 23.05(2)(e).

### **C. Relationship to State Agency Plans**

The only state-owned property in Gloucester Harbor is the Jodrey State Fish Pier, which is owned by the Department of Conservation and Recreation and managed by MassDevelopment. The 2014 Plan includes three recommendations affecting activities on the State Fish Pier, which are consistent with the State's ongoing efforts to revitalize and diversify uses in order on the Pier to expand the harbor's capabilities and support the fishing industry in Gloucester. Recommendations carried over from the 2009 Plan include a plan to dredge the north face of the pier to provide for better vessel access, and a recommendation to allow some marine industrial businesses to utilize existing truck parking on the State Fish Pier in order to minimize the number of trucks parking along downtown streets. The third recommendation under this 2014 Plan is to maintain the State Fish Pier as one-hundred percent water-dependent industrial use, consistent with its mission. The City coordinated with MassDevelopment throughout the preparation of the Harbor Plan, therefore I find that no incompatibility exists with agency plans for continued operation.

### **D. Implementation Strategy**

Pursuant to 301 CMR 23.05(4), the Plan must include enforceable implementation commitments to ensure that, among other things, all measures will be taken in a timely and

coordinated manner to offset the effect of any plan requirement less restrictive than that contained in 310 CMR 9.00. The provisions of this Plan will be implemented through proposed amendments to the Gloucester Zoning Ordinance. These local rule revisions, in concert with the Chapter 91 licensing provisions approved under this Plan will ensure that an extensive amount of the total DPA land area in close proximity to the water will be reserved for water-dependent industrial use and that commercial uses and any accessory uses thereto would be limited in the DPA. Further, the amended zoning provisions will assure that permitted uses are consistent with the approved substitute provision, offsetting measures and amplifications described in the plan. The Plan further provides additional direction in the application and issuance of Chapter 91 licenses for sites in the planning area. Accordingly, I find that this approval standard is met subject to the condition detailed below which requires local enactment of the implementation commitments.

## **II. EFFECTIVE DATE AND TERM OF APPROVAL**

This Decision shall take effect immediately upon issuance on December 19, 2014. The City requested a five year approval for this Decision. However, in keeping with current practice, the Decision shall expire ten (10) years from this effective date, recognizing that a renewal request may be filed prior to that date in accordance with the procedural provisions of 301 CMR 23.06. No later than six months prior to such expiration date, in addition to a notice to the City required under 301 CMR 23.06(2)(b), the City shall notify the Secretary in writing of its intent to request a renewal and shall submit therewith a review of implementation experience relative to the promotion of state tidelands policy objectives.

## **III. STATEMENT OF APPROVAL**

Based on the planning information and public comment submitted to me pursuant to 301 CMR 23.04 and evaluated herein pursuant to the standards set forth in 301 CMR 23.05, I hereby approve the 2014 Plan renewal as the Municipal Harbor Plan for the City of Gloucester, subject to the following conditions:

1. The DPA Master Plan elements of the MHP will not be in effect and MassDEP shall not issue a license reflecting water-dependent industrial use and supporting DPA use standards approved by this Plan until the local implementation commitments laid out in the 2014 Plan through amendments to the Gloucester Zoning Ordinance have been

enacted through the City's established governance process. The Plan shall be updated to reflect the final local code and standards accepted as required in condition 10.

2. MassDEP shall not license commercial DPA supporting uses within the Gloucester DPA within filled and flowed tidelands in the following areas: on the State Fish Pier; the U.S. Coast Guard Facility; Cruiseport Gloucester; or within or on any DPA roadway or pile-supported pier.
3. MassDEP shall apply a substitute reconfigured Water Dependent Use Zone (WDUZ) as described above only when a clear showing has been made that the application of the c.91 standard would result in an inefficient siting of uses in the WDUZ and where the resultant reconfiguration achieves greater effectiveness in the use of the water's edge for water-dependent industrial use. For reconfiguration of any WDUZ the following conditions shall apply:
  - a. The reconfiguration shall result in no net loss of WDUZ area;
  - b. The reconfigured WDUZ shall be adjacent to the water and must adhere to the following minimum dimensions: 25 feet width maintained along the project shoreline and the ends of piers and wharfs, and 10 feet width along the sides of piers and wharves; and
  - c. The reconfigured WDUZ shall not result in an area of WDUZ separated from the water.
4. MassDEP shall not license a project use in the WDUZ zone unless access to water-borne vessels is provided, wherever possible.
5. MassDEP shall not license any project which will displace any commercial fishing vessel berthing in Gloucester Harbor without reasonable accommodation to provide equivalent berthing space on site or at a suitable alternative site not already used by commercial fishing vessels.
6. During licensing of projects with supporting DPA uses, MassDEP should establish the extent of operational or economic support provided to water-dependent industrial uses by supporting DPA uses, as follows:
  - a. For properties with a water-dependent industrial hub port use (i.e., uses directly related to commercial fishing), economic support from the supporting use to the hub use will be presumed.

- b. If no water-dependent industrial use exists or is proposed on the site, an investment in on-site waterfront infrastructure (piers, wharves, dredging) to improve capacity for water-dependent industrial use will be required. Whenever feasible, maintenance of existing berthing and creation of new berthing for commercial vessels should be required.
- c. If, and only if, none of the above can be achieved adequately, a contribution to the Gloucester Port Maintenance and Improvement Fund will be required as mitigation. This fund shall be used only for investment in water-dependent industrial infrastructure (piers, wharves, dredging) within the DPA.

In the limited circumstances where a contribution to the Fund is required, MassDEP will determine the amount of the contribution and will require payment as a condition of licensing, consistent with current practice. The City will be responsible for creating and administering the Fund. Expenditures from the Fund are restricted to investment in water-dependent infrastructure within the DPA (such as, but not limited to: repairs or construction of piers and wharves or for support for marine industrial dredging) and will be made in accordance with a priorities plan to be prepared and maintained by a Port and Harbor Committee to be appointed by the mayor. The City shall submit to MassDEP an annual report detailing the Fund expenditures and balances.

7. MassDEP shall allow, to the extent practicable for a site, the integration of public access facilities into a project to activate the waterfront as part of the open space required with a nonwater-dependent supporting DPA use, so long as it is sited to be compatible with and not interfere with water-dependent industrial uses and activities.
8. MassDEP shall allow open areas used to support working waterfront activities seasonally during the year to accommodate temporary public access when possible.
9. In addition to existing allowable water-dependent industrial uses, MassDEP may find that marine research, testing or development activities are water-dependent industrial uses if they include the following characteristics:
  - a. A requirement to access coastal waters for research, testing, or development; and
  - b. Commercial fishing facilities, including those engaged in research, testing, or development related to commercial fishing safety, conservation, and sustainability; or
  - c. Boatyards, dry docks, and other facilities related to the construction, serving, maintenance, repair, or storage of vessels or other marine structures engaged in marine science and technology, including research, development, or testing; or
  - d. Facilities for tug boats, barges, dredges, or other vessels engaged in port operations or

marine construction, including those related to marine research, development, or testing.

10. The City shall prepare a final, approved Gloucester Harbor Plan (“Approved Plan”) to include:

- a. The Plan dated July 2014 as amended during the consultation period as further described in the supplemental documentation submitted by the Mayor on October 31, 2014, and by City enactment of local zoning; and
- b. This Approval Decision.

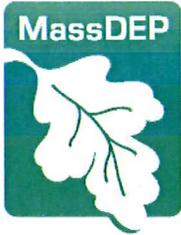
Copies of the final, approved plan shall be provided to CZM and MassDEP’s Waterways Program, kept on file at the City Clerk and Community Development Offices, and made available to the public through the city’s website and copies at the library. For waterways licensing purposes, the Approved Plan shall not be construed to include any of the following:

1. Except as described above, any subsequent addition, deletion, or other revision to the submitted plan dated July 2014, except as may be authorized in writing by the Secretary as a modification unrelated to the approval standards of 301 CMR 23.05 or as a plan amendment in accordance with 301 CMR 23.06(1); and
2. Any provision which, as applied to the project-specific circumstances of an individual license application, is determined by MassDEP to be inconsistent with the Waterways regulations at 310 CMR 9.00 or with any qualification, limitation, or condition stated in this Approval Decision.

In a letter from the Waterways Program Chief dated December 19, 2014, MassDEP has expressed support for approval of the renewal Plan and stated that the Plan will become operational for waterways licensing for all applications upon the effective date of Plan approval and in accordance with the conditions above. Subsequent to Plan approval, a determination of conformance with the Plan will be required for all proposed projects in accordance with 310 CMR 9.34(2).

  
Maeve Valley-Bartlett  
Secretary of Energy and Environmental Affairs

  
Date



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK  
Governor

MAEVE VALLELY BARTLETT  
Secretary

DAVID W. CASH  
Commissioner

December 19, 2014

Maeve Vallely Bartlett, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, 9<sup>th</sup> floor  
Boston, MA 02114

**RE: DEP Recommendation for the Approval of the City of Gloucester's Municipal Harbor Plan and Designated Port Area Master Plan Renewal, dated July 30, 2014.**

Dear Secretary Vallely-Bartlett:

The Department of Environmental Protection, Waterways Regulation Program ("the Department") has reviewed the City of Gloucester's Municipal Harbor Plan and Designated Port Area Master Plan Renewal ("Plan"), dated July 30, 2014, and the supplemental information submitted by the City on October 31, 2014. The Department's staff members have worked closely with the Massachusetts Office of Coastal Zone Management (CZM) and representatives of the City of Gloucester throughout the planning process and our comments have been adequately addressed and incorporated into the final Plan. The WRP, therefore, recommends that you approve the Plan and make a finding that it is consistent with state tidelands policy objectives, as required by 301 CMR 23.05(3).

The Department will adopt as binding guidance in all License application review any Substitute Provisions contained in the Approved Plan. The Plan has been carefully structured to ensure that any applicable Substitutions and Offsets will adequately meet or exceed the protected interests pursuant to 310 CMR 9.00. The only Substitution contained in the Plan will modify the standards pursuant to 310 CMR 9.51(3)(c), which governs allowable uses and setbacks in the Water-dependent Use Zone (WDUZ). Based on the conditions that must be met to qualify for this Substitute provision, and the minimum dimensional requirements that must be adhered to in the application thereof, the Department has determined that the Plan has established appropriate Offsets for this Substitution.

The Plan also establishes several important Amplifications, pursuant to 310 CMR 9.34(2)(b)2, whereby applicants must adhere to the greatest reasonable extent to the guidance specified in the Plan. Those Amplifications include carryover provisions from the Approved 2009 Plan, including protections against displacement of existing Water-dependent Industrial Uses, including commercial berthing, pursuant to 310 CMR 9.36(4)(b); conditions governing the nature and extent of the operational and economic support to effectively provide and promote water-dependent industrial use,

pursuant to 310 CMR 9.36(5)(b)4; the appropriate location and seasonal use standards for facilities to generate water-dependent active use of the project shoreline, pursuant to 310 CMR 9.52(1)(a)1; and an Amplification new to the 2014 Plan, to clarify that under the definitions of Water-dependent Industrial Use, marine research, testing, or development activities with certain minimum characteristics, may be considered to be water-dependent industrial uses in the Gloucester DPA, pursuant to 310 CMR 9.12(2)(b).

In accordance with the provisions of 310 CMR 9.34(2), the Department will require conformance with any applicable provisions of the approved Plan in the case of all waterways license applications submitted subsequent to the Plan's effective date. It will apply as well to all pending applications for which no public hearing has occurred or where the required public comment period has not expired by the effective date of the approved Plan.

The Department looks forward to continuing its work with CZM and the representatives of the City of Gloucester in the implementation of this important planning effort. Should you have any questions in regard to the foregoing, please contact me at (617)292-5615. Thank you for your consideration.

Sincerely,



Ben Lynch  
Program Chief  
Waterways Regulation Program

Cc: Mayor Carolyn Kirk, City of Gloucester  
Greg Cademartori, Planning Director, City of Gloucester  
James Caulkett, City of Gloucester Harbormaster  
Rick Noonan, Chair, Gloucester Harbor Planning Committee  
Bruce Carlisle, Director, CZM  
Brad Washburn, Assistant Director, CZM  
Kathryn Glenn, Northern Regional Coordinator, CZM  
WRP MHP files



# Gloucester Inner Harbor

Designated Port Area (DPA)

For planning purposes only. In the event of conflict between this map and the accompanying written description, CZM shall issue a written clarification pursuant to the Designated Port Area (DPA) regulations at 301 CMR 25.00.



-  Point of Beginning
-  Chapter 91 Presumptive Line
-  Assessor's Parcel
-  Designated Port Area Boundary
-  Municipal Boundary



Base map: MassGIS 1:5,000 Color Ortho Imagery, 2001.  
 Map coordinate system: North American Datum of 1983,  
 Massachusetts State Plane Coordinate System,  
 Mainland Zone (FIPS zone 2001), meters.



**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, April 28, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Paul McGeary; Vice Chair, Councilor Robert Whynott; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Paul Lundberg; Councilor William Fonvielle; Councilor Robert Stewart

**Absent:** None.

**Also Present:** Mayor Sefatia Theken; Linda T. Lowe; Kenny Costa; Jim Destino; John Dunn; Chip Payson; Tom Daniel; Noreen Burke; Joan Whitney; Caitlin Kreitman

The meeting convened at 7:00 p.m. The Council President announced in accordance with state Open Meeting Law that this meeting is recorded by video broadcast and audio.

**Flag Salute & Moment of Silence.** Council President McGeary dedicated the Moment of Silence to the people of the country of Nepal suffering in the wake of the effects from devastating earthquakes.

**Oral Communications:** None.

**Presentations/Commendations:**

**1 of 1: Commendation to be presented to the Healthy Gloucester Collaborative Gloucester Youth Council**

Council President McGeary announced that the Council was honored to present a commendation to the Healthy Gloucester Collaborative's Gloucester Youth Leadership Council as a token of respect for the work that they have done to date to encourage their peers to live drug-free lives. He noted that that the Healthy Gloucester Collaborative has been working for many years to reduce the incidence of substance abuse among young people. He said that the work of the Collaborative's Youth Council was singled out and recently honored by the state. He then read the Council's citation honoring the teens.

Mayor Sefatia Theken acknowledged Noreen Burke, Health Department Director; Joan Whitney, Director of the Healthy Gloucester Collaborative, and Caitlin Kreitman, advisor to the Gloucester Youth Council all of whom were present. She noted her work in her former position at the Addison Gilbert Hospital which gave her a unique opportunity to work with the Youth Council and observe their work. She commended the teens of the Youth Council for their outstanding efforts to stand up on behalf of their peers in the community to remain drug free in order to live wholesome, purposeful lives.

Council President McGeary ended his remarks by saying that this is a wonderful organization and an outstanding effort on all the teens' part to help deal with this problem in the city.

**Consent Agenda:**

- **CONFIRMATION OF REAPPOINTMENTS**
  - **MAYOR'S REPORT**
1. Appointment of James Destino As Chief Administrative Officer for one year TTE 02/14/16 (following a 90-day temporary appointment (Refer O&A)
  2. Draft Lease Agreement #15142 between the City of Gloucester and Good Harbor Beach Inn Corp. for the Witham Street Parking Area (Good Harbor Beach) (Refer P&D)
  3. Special Budgetary Transfer Request (#2015-SBT-42) from Police Department (Refer B&F)
  4. Memorandum from Principal Assessor re: Declaration of Overlay Surplus & Supplemental Appropriation-Budgetary Request (2015-SA-27) (Refer B&F)
  5. Request City Council acceptance of a \$2,000 donation to the City by David Putnam (Refer B&F)
  6. Reappointment: Council on Aging Susan Goodall (TTE 02/14/17) (Refer O&A)
  - New Appointment: Conservation Commission Michelle Cain (TTE 02/18/18) (Refer O&A)
- **COMMUNICATIONS/INVITATIONS**
  - **APPLICATIONS/PETITIONS**
  - **COUNCILORS ORDERS**
1. CC2015-017 (LeBlanc) Amend GCO Chapter 22, Sec. 22-280 "Fifteen-minute parking" re: Maplewood Avenue (Refer O&A)
    - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
  1. City Council Meeting: April 14, 2015 (Approve/File)
  2. Standing Committee Meetings: B&F 04/23/15 (under separate cover), O&A 04/20/15 (No meeting), P&D 04/22/15 (Approve/File)

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

**Councilor Cox** asked to remove under Approval of Minutes, Item No. 1, City Council Meeting minutes of April 14, 2015. She explained that on page 15 of 16 of the April 14 City Council minutes that in the "Committee Recommendation" and the "Motion" for Annisquam Woods Off Cycle CPA funding, each had a mistake. In the sentence that breaks out the appropriation into two different accounts it reads, "...\$50,000 from Open Space Reserves..." and it should read, "\$15,000 from Open Space Reserves..." She moved to amend the April 14 minutes as stated. **Councilor Whycott**, seconded. **On a vote of 9 in favor, 0 opposed, the April 14, 2015 City Council minutes, page 15 of 16 were amended in the Committee Recommendation and the Motion related to the Annisquam Woods CPA Off Cycle Funding to strike "...\$50,000 from Open Space Reserves..." and insert in its place, "\$15,000 from Open Space Reserves..."**.

**Councilor Stewart** said additionally in the same minutes on the same page he meant to indicate Bennett Street, not Dennison Street and asked in the two instances where Dennison Street was used that it now read Bennett Street. **By unanimous consent of the Council the City Council minutes of April 14, 2015 were also amended to include the "Bennett Street" in two instances where it says "Dennison Street."**

**Councilor Ciolino** asked to remove Items No. 2 and No. 5 under the Mayor's Report. He explained that with regard to Item No. 2, the draft lease agreement between the City of Gloucester and Good Harbor Beach Inn Corp. for the Witham Street Parking Area (Good Harbor Beach) that not only does the P&D Committee review the lease but that in general the B&F Committee reviews the financials involved. He asked that the matter of the draft lease also be referred to B&F. **By unanimous consent the Council referred the matter of the draft lease agreement between the City of Gloucester and Good Harbor Beach Inn Corp. for the Witham Street Parking Area (Good Harbor Beach) to the B&F Committee.**

Referring to Mayor's Report Item No. 5, **Councilor Ciolino** expressed concern that the \$2,000 donation to the city from David Putnam came to the Council with no back-up paperwork or explanation. **Councilor Cox** pointed out that the copy of the checks are annotated that the funds are to be used at the discretion of the Mayor, but that the Council would have to wait to learn more about the donation at the B&F meeting on May 7.

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

#### **Committee Reports:**

##### **Budget & Finance: April 23, 2015**

- 1. *Communication, Grant Application & Checklist from Co-Chair of the Gloucester Historical Commission re: acceptance of 2015 Survey & Planning Grant from Massachusetts Historical Commission and the Dusky Foundation in the amount of \$30,000***

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted unanimously to recommend that the City Council under MGL c. 44, §53A accept a federal grant of \$15,000 from Department of the Interior, National Park Service as passed through the Massachusetts Historical Commission for the purpose of supporting the City of Gloucester, Mass., Survey Update for Historical Inventory project.

#### **DISCUSSION:**

**Councilor Cox** explained that project funding included, a \$15,000 grant from the Massachusetts Historical Commission which is a pass-through federal reimbursement grant from the National Park Service of the Department of the Interior, and a required match, will be met by the Dusky Foundation's donation for \$15,000 bringing the total grant to the Gloucester Historical Commission to \$30,000. The city will be pay the project costs and then receive the reimbursement through the grants, she said.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A to accept a federal grant of \$15,000 from Department of the Interior, National Park Service as passed through the Massachusetts Historical Commission for the purpose of supporting the City of Gloucester, Mass., Survey Update for Historical Inventory project.**

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted unanimously to recommend that the City Council under MGL c. 44, §53A accept a private grant of \$15,000 from the Dusky Foundation for the purpose of supporting the City of Gloucester, Mass., Survey Update for Historical Inventory project.

**DISCUSSION:**

**Council President McGeary** extended his thanks to Linzee Coolidge and the Dusky Foundation for the many good things they do for the city. The latest grant is yet another example, he said.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A to accept a private grant of \$15,000 from the Dusky Foundation for the purpose of supporting the City of Gloucester, Mass., Survey Update for Historical Inventory project.**

**2. Memorandum from Community Development Director re: acceptance of anticipated CDBG Entitlement Allocation PY2015 & HOME Funding Annual Appropriations**

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted unanimously to recommend that the City Council under MGL c. 44, §53A accept federal grants in the amount of \$618,141 for the Community Development Block Grant Program from the U.S. Department of Housing and Urban Development for Program Year 2015 and the HOME grant from the North Shore HOME Consortium for Program Year 2015/Fiscal Year 2016 in the amount of \$63,091.

**DISCUSSION:**

**Councilor Cox** said the motion was for the annual acceptance of the CDBG (Community Development Block Grant) and HOME Grant Funds. Once the funds are accepted it is up to the Administration on how the program funding is spent.

**Tom Daniel**, Community Development Director, at the request of the Council President, explained that these grant programs provide services that have been important to the community. The HOME Funds are used for the city's first-time homebuyer assistance program.

He also said CDBG funds would be used as follows:

- For the city's housing rehab program which helps low- and moderate- income individuals make improvements to their homes;
- Economic development programs which include the city's small business loan program helping to support city businesses creating jobs for low- and moderate-income people;
- Public services and public facilities.
- Funding the city's public service partners are organizations like The Open Door, HAWC, the YMCA, and the Grace Center. These organizations help residents with housing, health issues, job training programs, etc., he noted.

There is always more demand than can be met with CDBG dollars, **Mr. Daniel** noted, and these funds help those organizations provide very necessary services in the community. Money for public facilities involves projects that support city infrastructure. He cited these examples: Funds this year will support the Backyard Growers for their growing beds at public housing locations. Another element of the funding under public facilities supports the Department of Public Works in terms of making sidewalks compliant with the Americans with Disabilities Act (ADA). He noted the sidewalk project done last year on Washington Street sidewalks which ran from Railroad Avenue to Centennial Avenue. He said that he is working with the DPW Director to look at improvements to Railroad Avenue building off of the planning work done last year for that area by leveraging some funds the DPW has and augment with some CDBG funds.

**Council President McGeary** asked if it was hoped that Railroad Avenue would be improved within this year's paving season. **Mr. Daniel** said that was his hope, but he suggested in talking with the DPW Director that some preliminary work may take place this year with more next year and remained to be seen.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A to accept federal grants in the amount of \$618,141 for the Community Development Block Grant Program from the U.S. Department of Housing and Urban Development for Program Year 2015 and the HOME grant from the North Shore HOME Consortium for Program Year 2015/Fiscal Year 2016 in the amount of \$63,091.**

**3. *Addendum to Mayor's Report: Memorandum, Grant Application & Checklist from Community Development Director re: City Council acceptance of a grant in the amount of \$50,000 from the Seaport Advisory Council***

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted unanimously to recommend that the City Council under MGL c. 44, §53A accept a grant through the Executive Office of Energy and Environmental Affairs from the Massachusetts Seaport Advisory Council for \$50,000 for the purpose of implementation of the city's Municipal Harbor Plan – Project P14-2883-G27 (3974).

**DISCUSSION:**

**Councilor Cox** said that this grant money came in last June to the city but was never accepted by the Council. She said the funds have to be accepted to place the money into an account in order to be spent. The grant funds will be used to implement the zoning work needed for the Designated Port Area and for the East Gloucester waterfront, which were actions identified in the approved Municipal Harbor Plan.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A to accept a grant through the Executive Office of Energy and Environmental Affairs from the Massachusetts Seaport Advisory Council for \$50,000 for the purpose of implementation of the city's Municipal Harbor Plan – Project P14-2883-G27 (3974).**

**4. *Memorandum, Grant Application & Checklist from the Community Development Department & the Department of Public Works re: U.S. Economic Development Administration Public Works & Economic Adjustment Assistance Grant for the Blackburn Seafood Processing Cluster***

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted unanimously to recommend that the City Council permit the Community Development Department to apply for a U.S. Economic Development Administration's Investments for Public Works and Economic Development Assistance Grant for a total of \$555,500 for the purpose of making infrastructure improvements in the Blackburn Industrial Park to allow expansion of the Cape Ann Seafood Processing Innovation District Project.

**DISCUSSION:**

**Councilor Cox** explained that: The Community Development and Public Works departments are seeking permission to apply for a U.S. Economic Development Administration's (EDA) Public Works and Economic Adjustment Assistance Grant of \$555,500 with a project total of \$1.111 million to support infrastructure work at the Blackburn Industrial Park, including replacement of two old pump stations and some sewer work. The most the city can ask for is 50 percent of the total project cost from the EDA, and the city would provide 50 percent of the project funding (\$550,000). The funding for the match would come from the city's Water and Sewer Enterprise Funds. The result of the project is expected to generate more revenue because of Gloucester Seafood Processing having opened up operations utilizing more city water and sewer. That revenue should cover the cost of the improvements, she said.

**Councilor Ciolino** asked for further information on the infrastructure work, noting that the park was originally built with heavy-duty infrastructure, and asked what the funds will improve. **Mr. Daniel** said the project consists of two lift (pump) stations that are about 40 years old and need to be upgraded having reached their life expectancy. An extension of pipe of 2,700 feet also needs to be placed. Weston & Sampson, an engineering consulting firm, was retained by the DPW to analyze the scope and costs related to the project, **Mr. Daniel** confirmed.

**Councilor Ciolino** asked if the Economic Development Industrial Corporation (EDIC) which manages the industrial park, had cash reserve funds to reinvest in the industrial park. **Councilor Lundberg** said that he requested that the Mayor's office have the EDIC be at the next Council meeting to describe what they do, what their plans are and what their current projects are. **Councilor Cox** pointed out that this is just permission to apply for a grant. There will be further discussions, she said, should the city be fortunate enough to be awarded this grant. **Councilor Ciolino** added that there was more information that should come forward to learn whether the EDIC has money in their reserve account which was supposed to have been established to put money each time a property was sold in the park in order to help fund these kinds of maintenance and infrastructure improvement issues.

**Council President McGeary** noted that people have raised the issue of this grant application being tied to the fish/lobster processor, Mazzetta Company, coming to Gloucester and asked for an explanation as to how much is

tied to that occurrence, and why Mazzetta was mentioned specifically in the grant application. **Mr. Daniel** said these EDA grants are very competitive and are tied to job creation and tax base increases. He said the infrastructure work needed to be done regardless. He explained that Mazzetta's coming in and taking over the Good Harbor Fillet property and opening up Gloucester Seafood Processing, would bring jobs to the industrial park -- 100 full time and 125 seasonal jobs. Additionally there are two remaining undeveloped parcels that are estimated to be able to produce another 175 jobs, should they be developed. The city can make a case that there are potentially 400 jobs to be supported by this infrastructure work and supporting other businesses already established within the industrial park. Although the grant application specifically mentions Mazzetta, it is in the context of leveraging the private investment in the city to obtain federal support for a city infrastructure project.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to permit the Community Development Department to apply for a U.S. Economic Development Administration's Investments for Public Works and Economic Development Assistance Grant for a total of \$555,500 for the purpose of making infrastructure improvements in the Blackburn Industrial Park to allow expansion of the Cape Ann Seafood Processing Innovation District Project.**

**5. Memorandum, Grant Application & Checklist from Public Health Director re: acceptance of grant in the amount of \$3,500 from the National Association of County & City Health Officials (NACCHO)**

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted unanimously to recommend to the City Council that under MGL c. 44, §53A it accept a federal grant of \$3,500 from the National Association of County and City Health Officials (NACCHO) to provide funding to expand the capacity of the North Shore Medical Reserve Corps (MRC) volunteers.

**DISCUSSION:**

**Councilor Cox** explained that: This is an annual grant which the city has received for several years and is intended to help to expand the capacity of the North Shore Medical Reserve Corps volunteers. The city is lead regional coordinator for that program. This grant allocates and assigns volunteers with medical skills in times of regional emergency. The MRC also takes volunteers who are not medical professionals as well, she noted. The plan this year is to coordinate strike teams covering activities such as: Emergency dispensing site management, shelter management and triage site management. The money is matched only with in-kind contributions and with existing staff time. Any money not used rolls over to the next fiscal year. This is the fourth year this grant has been received by the city.

She then declared under MGL c. 268A, that she is a volunteer member of the Medical Reserve Corps but has no financial involvement with the organization and can vote on the acceptance of the grant.

**Council President McGeary** highlighted the work of Councilor Cox as a non-medical volunteer with the MRC.

**MOTION: On a motion by Councilor Cox, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A to accept a federal grant of \$3,500 from the National Association of County and City Health Officials (NACCHO) to provide funding to expand the capacity of the North Shore Medical Reserve Corps (MRC) volunteers.**

**Ordinances & Administration: April 20, 2015 - No Meeting -- Patriot's Day Holiday**

**Planning & Development: April 22, 2015**

**1. Special Events Application: request to hold St. Peter's Fiesta 5K Road Race on Thursday, June 25, 2015**

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Cape Ann YMCA on June 25, 2015 to hold the St. Peter's Fiesta 5K Road Race with the following conditions:

1. Certificate of Insurance:  
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.

2. **Road Closure Plans:**  
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Applicant and its staff must comply with specific directives of the Police Chief for managing runner traffic. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. A route map must be provided to the City Council.
3. **Refuse and Comfort Stations:**  
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 11 p.m. the day of the event.
4. **Emergency Services** are as determined by City EMS Director.
5. **Staffing:**  
Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
6. **Responsibility of the Cape Ann YMCA:**  
The applicant is also required to obtain any necessary approvals from the Licensing Board the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

#### **DISCUSSION:**

**Councilor Verga** said that the Fiesta 5K Road Race is a repeat event with all the city signoffs in place. As a result, the P&D Committee gave its unanimous assent to permit the road race.

**MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the Cape Ann YMCA on June 25, 2015 to hold the St. Peter's Fiesta 5K Road Race with the following conditions:**

1. **Certificate of Insurance:**  
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
  2. **Road Closure Plans:**  
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Applicant and its staff must comply with specific directives of the Police Chief for managing runner traffic. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. A route map must be provided to the City Council.
  3. **Refuse and Comfort Stations:**  
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 11 p.m. the day of the event.
  4. **Emergency Services** are as determined by City EMS Director.
  5. **Staffing:**  
Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
  6. **Responsibility of the Cape Ann YMCA:**  
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.
2. *Special Events Application: request to hold Mother of Grace Fiesta on September 12 & 13, 2015*

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Fonvielle, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Mother of Grace Club to hold its annual Mother of Grace Fiesta on Saturday, September 12, 2015 from 6 p.m. to 10

p.m. and on Sunday, September 13, 2015 from 7 p.m. to 9 p.m. at 48 Washington Street. Additionally, the City Council hereby permits a procession by the Mother of Grace Club to commence on or around 2:00 p.m. on Sunday, September 13 and to conclude on or around 2:45 p.m. on a route from 48 Washington Street and returning to 48 Washington Street requiring street closures at Prospect and Granite Streets as directed by the Gloucester Police Department. Traffic control during the procession will be overseen by the Gloucester Police Department and no police detail is required.

#### **DISCUSSION:**

**Councilor Verga** noted that the Mother of Grace Fiesta's plans are unchanged from the previous year. Organizers went before the Special Events Advisory Committee for review and sign offs which are in place.

**MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, to permit the Mother of Grace Club to hold its annual Mother of Grace Fiesta on Saturday, September 12, 2015 from 6 p.m. to 10 p.m. and on Sunday, September 13, 2015 from 7 p.m. to 9 p.m. at 48 Washington Street. Additionally, the City Council hereby permits a procession by the Mother of Grace Club to commence on or around 2:00 p.m. on Sunday, September 13 and to conclude on or around 2:45 p.m. on a route from 48 Washington Street and returning to 48 Washington Street requiring street closures at Prospect and Granite Streets as directed by the Gloucester Police Department. Traffic control during the procession will be overseen by the Gloucester Police Department and no police detail is required.**

**Councilor Verga** said the Committee voted to amend the Code of Ordinance language related to the Special Events Advisory Committee to move the matter to public hearing. The amendments will eliminate the need for these types of events to come to the full Council. If the Special Events Advisory Committee reviews and approves an event, final approval would be at the P&D Committee level should the Council approve the amendments to the Code. This will save a step for the applicants, he said.

#### **Scheduled Public Hearings:**

1. **PH2015-018: Amend GCO Sec. 22-287 entitled "Disabled veteran, handicapped parking" by DELETING one (1) handicapped parking space in front of Chestnut Street #13**

**This public hearing is opened at 7:33 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 7:33 p.m.**

#### **DISCUSSION:**

**Council President McGeary** explained that this will be the last time that the Council will have to deal with handicapped parking space deletions. The Council passed an ordinance last year that ceded the responsibility of the creation and deletion of disabled veteran, handicapped parking spaces to the city's Traffic Commission as an administrative matter. He noted that there were some parking spaces that were grandfathered in under the ordinance, and so the two handicap spaces the Council takes up in these two public hearings will need to be removed from the GCO.

**MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO c. 22, Sec. 22-287 "Disabled veteran, handicapped parking" by DELETING one (1) handicap parking space in front of Chestnut Street #13.**

2. **PH2015-019: Amend GCO Sec. 22-287 entitled "Disabled veteran, handicapped parking" by DELETING one (1) handicapped parking space in front of Liberty Street #14**

**This public hearing is opened at 7:35 p.m.**

**Those speaking in favor: None.**  
**Those speaking in opposition: None.**  
**Communications: None.**  
**Councilor Questions: None.**  
**This public hearing is closed at 7:36 p.m.**

**DISCUSSION:**

**Councilor Cox, Councilor Whynott and Council President McGeary** briefly touched upon the particulars of how handicapped parking signage is removed once a space is deleted, and how quickly it could occur. It was determined that sign removal or placing a sign for a new handicapped parking space was prompt upon the request of the Traffic Commission, or in these two instances, at the request of the ward Councilor.

**Councilor Cox** noted the two handicapped space deletions came forward because people had moved or passed away and was simply a matter of administrative housekeeping.

**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 c. 22, Sec. 22-287 “Disabled veteran, handicapped parking” by DELETING one (1) handicap parking space in front of Liberty Street #14.**

**For Council Vote:**

- 1. CC2015-013 (Cox) Whether the City Council wishes to petition the state to lower the speed limit on Burnham Street to 20 miles per hour**

**Councilor Cox** asked to continue this matter noting that the Traffic Commission didn't get the speed study and weren't able to take it up at their last meeting. She said she is working with Sen. Tarr's office to figure how to do this because the speed study and the accident report do not support the request but that the residents of the neighborhood are extremely interested in lowering the speed limit. Because the Traffic Commission won't meet until May 14 or 24, she asked that the Council continue the matter until May 26.

**With the assent of the Council, this matter is continued to May 26, 2015.**

**Unfinished Business: None.**

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

**Councilors' Requests to the Mayor:**

**Councilor Lundberg** noted the Council President would speak to the Saturday joint meeting with the Board of Health and highlighted it.

**Councilor Cox** thanked everyone who came out to clean up Burnham's Field on Saturday, April 18, and for everyone who supported Pride Stride on Sunday, April 26. She said that there will be a Stamp out Hunger food drive May 9.

**Councilor Ciolino** said that he was approached earlier in the evening by a gentleman who uses the city bocce court on Stacy Boulevard. He said there are two benches installed there and he would like to donate a bench himself. He said he wanted to get the word out for others who may wish to do that also. **Councilor Ciolino** said that there is a collapse of the sidewalk just before the Fishermen's Wife's memorial which is a safety hazard and wanted to ensure it is made safe. The contract has been given out to start work for the Boulevard Seawall. The work will start by the cannons and proceed down to the bridge tender's house at the Cut. He said this was in the nick of time as the condition of the Boulevard is dire. He asked that Councilors LeBlanc and Fonvielle meet with the DPW Director for plans to make the look of Stacy Boulevard more uniform, and it should be given some thought especially in light of the city's 400<sup>th</sup> anniversary in 2023 to make it much more user friendly and better maintained. He also noted the efforts of former Councilor Jackie Hardy to see that restrooms are installed adjacent to the bridge tender's house, and said he wanted to ensure that part of the work is done. He said that the FY16 budget should be scrutinized to ensure that public restrooms are maintained at Burnham's Field and at other places around the city.

**Councilor LeBlanc** asked that the DPW look at crosswalks around the city. He also highlighted the very poor condition of heavily travelled secondary roadways, Gloucester Avenue between Washington Street and Maplewood Avenue and asked that the DPW prioritize the patching of those roads.

**Council President McGeary** highlighted a forum, community service fair and a joint meeting of the City Council and Board of Health taking place on Saturday, May 2, at City Hall to look at the issue of opiate addiction, and learn what services are available for help and hope. He noted that Kyrouz Auditorium will open at 9 a.m. for the community service fair, and then the joint City Council and Board of Health meeting will start at 10 a.m. to hear from the Police Chief, learn about services that are available and how the community can be involved to help alleviate the scourge of opiate addiction in the community. He thanked Councilor Lundberg for suggesting the Council's presentation on the subject at the April 14 Council meeting. After the joint meeting of the Council and Board of Health, there will be an open forum on the issues. People whose lives have been touched by this scourge will be able to exchange ideas and offer hope in a supportive community environment.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:50 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson**  
**Clerk of Committees**

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

**JOINT MEETING CITY COUNCIL AND BOARD OF HEALTH  
MEETING MINUTES**

**May 2, 2015**

**(under separate cover)**

**SPECIAL GLOUCESTER CITY COUNCIL MEETING**

Tuesday, May 5, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Paul McGeary; Vice Chair, Councilor Robert Whynott; Councilor Melissa Cox; Councilor Joseph Ciolino; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Robert Whynott; Councilor Paul Lundberg; Councilor William Fonvielle

**Absent:** None.

**Also Present:** Mayor Sefatia Theken; Linda T. Lowe; Jim Destino; Kenny Costa; John Dunn; Jonathan Pope; Fire Chief Eric Smith; James Pope

The meeting was called to order at 7:00 p.m.

**Flag Salute & Moment of Silence.**

**Oral Communications:** None.

**Presentation:** Mayor Sefatia Theken – Presentation of Mayor's Proposed FY16 Budget

Mayor Sefatia Theken informed the City Council that the Fiscal Year 2016 Budget was officially transmitted to the City Clerk's office today and pointed out her budget transmittal memorandum (on file) for the fiscal year beginning July 1, 2015, and ending June 30, 2016. She thanked the efforts of city staff for their assistance in the development of the FY16 budget: Jim Destino, Chief Administrative Officer; John Dunn, Chief Financial Officer; Kenny Costa, City Auditor; Chris Pantano, Executive Assistant to the Mayor; and Grace Macan, Fiscal Analyst.

***Budget Transmittal Memorandum Review:***

The Mayor read from her FY2016 Budget Transmittal Memorandum as follows:

"I am pleased to present to the City Council the annual budget for the City of Gloucester for Fiscal Year 2016. This plan reflects our commitment to provide quality and essential services to all Gloucester residents. It also allows the city to begin the process of addressing the significant fiscal challenges that our team inherited this year when we took office.

The budget is progressive and practical. It addresses some of the major fiscal issues that confront our community and it provides the necessary resources to continue to improve our schools, to boost our visitor economy and to create economic development opportunities for our hard-working residents and small business owners. We are proud of this budget and believe that it sets the right course for the city.

Our city workers and public safety officials deserve as much support as can be provided to them. Our taxpayers, especially those who manage on limited resources, also deserve protection from sudden, unexpected increases in their property tax bills and their water and sewer bills.

In any municipal budget, balance is required. Our team has stepped forward to propose a sound, sensible and sustainable budget that gives taxpayers the protections they need and ensures the city's long-term fiscal stability.

We must examine our decisions and weigh them against our future obligations. As a city, we have a moral duty to act in a manner that is fiscally responsible. As your mayor, I take that duty very seriously.

The FY2016 budget we propose tonight uses a better, smarter and more responsible approach. When we looked at spending, our team employed long-term trend forecasting as the basis of covering ongoing expenses. We did the same with income, taking great care to treat recent and sudden increase of revenue as one-time occurrences.

Our team is proud to tell you we are proposing a policy that will address the ongoing maintenance of equipment and facilities. Deferring maintenance is irresponsible and inevitably leads to higher costs in the future.

In this spirit, we hope that the City Council will support and adopt the proposed Capital Plan Funding and Free Cash Distribution Policy. The purpose of this policy is to improve the City of Gloucester's capital planning and investment. By creating and funding a Capital Stabilization Fund and a Building Maintenance Stabilization Fund that leverages and invests certified 'free cash' into our existing assets, we will ensure that we have the resources to fix what we need and grow where we can. We must not build a facility we cannot maintain and we must not start a program we cannot sustain.

We also ask the City Council to support and adopt our recommended policy changes to link a fixed percentage of the local hotel tax to the city's tourism budget. This approach will create a predictable and growth-oriented stream of revenue to jobs and opportunity in a sector of our city's economy that is very important and on the rise.

As you can see from these proposals our team has presented a budget that supports the best interests of our community.”

Outside of the Mayor’s written remarks she made the following comment:

As an example of how the city’s employees work as a team with the Administration, the Mayor highlighted their effort in saving the taxpayers over \$250,000 despite the increase in healthcare costs. The city’s health care costs were increasing over 9.5 percent for FY16. They found an affordable, accessible, good healthcare coverage. She thanked the City of Gloucester employees for allowing them to trust me to help them in this change over in healthcare insurance.

Returning to her prepared statement the Mayor said that:

“As you know I am passionate about Gloucester. The budget before you and the recommended new policies represent our commitment--my commitment--to running the city with a responsible plan that respects our taxpayers and invests in our future.

We’re proud to offer real solutions that are necessary to address the significant fiscal challenges that we face and ensure a sustainable financial future for the city.

We believe that this budget is the right course of action for Gloucester and we hope that you will support it and accept it. As always my staff will be available to answer questions and provide more information as necessary during the budget review conducted by the Budget & Finance Committee as well as any inquiries that come from the City Councilors individually. Our door is always open. Thank you for your time and I look forward to working with in in the coming weeks to right the city’s financial ship.”

**Council President McGeary** thanked the Mayor for her remarks and said that the Council looks forward to working Mayor Theken and her administration in crafting the blueprint for the \$120 million corporation.

**Councilor Cox**, Chair of the Budget & Finance Committee, noted this would start a long and intense process for the Budget & Finance Committee, comprised of herself as Chair; Councilor William Fonvielle, Vice Chair; and Council President McGeary, as member of the review of the FY16 budget. She invited the public to attend the budget meetings which will continue through the middle of June. A copy of the Budget & Finance Committee’s budget meeting schedule can be found on the city’s website, she noted. She highlighted some of the meetings to be held during the FY16 budget process:

- A public hearing on the budget at the City Council meeting of June 9;
- June 16 the Council will vote on the budget;
- Water and Sewer Rates and Enterprise Funds will be discussed on May 6;
- the Fire Department on June 5;
- Department of Public Works on May 28,
- Police Department on May 29;
- and the School Department on June 1.

**MOTION: On motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, that in accordance with MGL c.44, §32 and pursuant to the Gloucester City Charter Sec. 6 that the City Council accepts receipt of the Mayor’s FY16 Proposed Budget and becomes the budget of the City Council and to refer this budget to the Budget & Finance City Council Standing Committee for further review.**

**Councilor Cox** requested that the Administration provide an Excel Spreadsheet copy of the FY16 budget for the Council to be made available in time for the first budget meeting the following evening.

**Councilor Fonvielle** highlighted that the city played host to municipal water departments from across the state, and the city’s Department of Public Works received an award for the improvements made to the city’s water system over the last few years. He said it was a well-deserved accolade.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:14 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **City of Gloucester FY16 Proposed Budget**

DRAFT

**SPECIAL CITY COUNCIL MEETING  
MINUTES**

**May 7, 2015**

**(under separate cover)**

**BUDGET & FINANCE  
MEETING MINUTES**

**May 7, 2015**

**(under separate cover)**

**Ordinances & Administration Committee**  
Monday, May 4, 2015 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
**-Minutes-**

**Present: Chair, Councilor Robert Whynott; Vice Chair, Councilor Bob Stewart; Councilor Joseph Ciolino**  
**Absent: None.**

**Also Present: Mayor Theken; Councilor Cox; Councilor Lundberg; Councilor McGeary; Councilor Verga;**  
**Councilor LeBlanc; Councilor Fonvielle (arrived 6:20 p.m.); Jim Destino; Linda T. Lowe; Chip Payson; Tony**  
**Gross**

The meeting convened at 6:00 p.m. There was a quorum of the City Council present throughout the entire meeting. **Councilor Lundberg** left the meeting at 6:33 p.m.; **Councilor McGeary** left the meeting at 6:45 p.m.; **Councilor Cox** left the meeting at about 7:00 p.m.; **Councilor Fonvielle** left the meeting at 7:09 p.m.

**1. Reappointments:**

Council on Aging Susan Goodall TTE 02/14/17

**Ms. Goodall** indicated she wished to continue to volunteer on the Council on Aging. She discussed with the Committee issues surrounding the Senior Food Lunch Program and her work to improve the program as the number of seniors participating is dropping off yet there are so many seniors who are clearly in need, she pointed out.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Susan Goodall to the Council on Aging, TTE 02/14/17.**

Downtown Development Commission Suzanne Silveira TTE 02/14/18 (Cont'd from 04/06)

**Ms. Silveira** said she would like to continue as a member of the Downtown Development Commission (DDC) having been involved with the Commission for 15 years, now serving as its Chair.

Both **Councilor Whynott** and **Councilor Ciolino** highlighted what a great job Ms. Silveira has done with the DDC. **Councilor Ciolino** noted he recruited Ms. Silveira years ago to the DDC, and expressed his appreciation of her tireless work to improve the city's downtown.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Suzanne Silveira to the Downtown Development Commission, TTE 02/14/18.**

Historic District Commission Stephen Goodick TTE 02/14/18 (Cont'd from 03/16)

**Mr. Goodick** said that he is a lifelong resident and carpenter in the city. He said he wished to continue to serve on the Historic District Commission. **Councilor Ciolino** said that Mr. Goodick does fine work on the Commission and recommended him for reappointment.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Stephen Goodick to the Historic District Commission, TTE 02/14/18.**

Open Space & Recreation Committee Patricia Amaral TTE 02/14/18 (Cont'd from 04/06)

**Ms. Amaral** said that keeping open spaces open is important even during the winter which has become an issue. She said the Open Space & Recreation Committee is comprised of a great group of volunteers, noting she has been a member for eight years. She described several projects she was involved in -- the Emerald Forest, Mattos Field and Burnham's Field.

**Councilor LeBlanc** asked Ms. Amaral to forward to him a list of open spaces that are not open to the public, and the reasons, in the winter so that he might be able to aid her efforts.

**Councilor Ciolino** thanked Ms. Amaral for her efforts.

**Ms. Amaral** said there is a lot more work to be done and that she looks forward to tackling it all. She said she wants to see recycling happen in the downtown. **Mayor Theken** added that Ms. Amaral is working closely with her office to get the recycling in the downtown and lauded her work on behalf of the city.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Patricia Amaral to the Open Space & Recreation Committee, TTE 02/14/18.**

Traffic Commission

Robert Francis

TTE 02/14/18 (Cont'd from 04/06)

**Mr. Francis**, a long-standing member of the Traffic Commission, said that he wished to continue his tenure with the Commission. He noted he is a 32 year veteran of the Gloucester Fire Department. He said he's been on the Commission for at least two terms.

**Councilor Ciolino** noted that Mr. Francis started as a Commission alternate and has progressed through and done a good job.

**Mayor Theken** added that all the Commission's members are there for the city's residents. They work very hard to ensure the safety of the city, that traffic patterns work to make sure traffic flows properly. **Councilor Cox** noted traffic issues from Ward 2 and 3 are before the Commission most often, and said she appreciated Mr. Francis' unique and experienced view.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Robert Francis to the Traffic Commission, TTE 02/14/18.**

## 2. *New Appointments:*

Conservation Commission

Michelle Cain

TTE 02/14/18

The Committee was in receipt of a memo from the Mayor informing them that Ms. Cain, due to work commitments, was unable to move forward with her appointment to the Conservation Commission at this time.

**MOTION: On a motion by Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept the withdrawal by the Mayor to appoint Michelle Cain to the Conservation Commission.**

Historical Commission

Michelle Bader Mustone (Alternate Member)

TTE 02/14/18

**Ms. Mustone** reviewed for the Committee her extensive background as an educator at Endicott College as an Associate Professor, and as a lawyer. She said she saw an ad in the newspaper for new members to the Commission and put her name forward. She said as a resident of Gloucester she has an abiding interest in the city's history and wished to serve on the Commission not only to preserve the city's history but to make historic areas accessible for businesses, residents and tourists alike.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Michelle Bader Mustone to the Historical Commission (Alternate Member), TTE 02/14/18.**

Clean Energy Commission

Robert Myers

TTE 02/14/17

**Mr. Myers** noted he has a background in the computer industry, and now retired he has the time to devote to the city as a volunteer. He said he has a great interest in the work of the Clean Energy Commission and that his background would make him an asset to the Commission. He said that there is a lot of conservation and energy that can be used, such as insulation use. He said the city has done some exemplary implementations for clean energy but

there is more that can be done. If there is any place that understands the commercial use of wind, it is Gloucester, he added.

**Councilor Ciolino** said that this Commission is well established and that Mr. Myers is joining a very hard working group of volunteers, to which **Mr. Myers** added his agreement.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Robert Myers to the Clean Energy Commission, TTE 02/14/17.**

Stage Fort Park Advisory Committee Marie Demick (Glou. Dog Park Rep.)

TTE 02/14/18

**Ms. Demick**, a founder and member of the Board of the Gloucester Dog Park has been asked to serve on this new Committee. She is a well-known proponent and founding member of the Gloucester Dog Park. It was noted that Ms. Demick is also an employee of the city in the Community Development Department, and so has an intimate knowledge of city processes necessary to support such a working committee.

Although Ms. Demick had been present prior to the Committee taking up her appointment and had to leave, the Committee determined it would put her name forward for appointment.

**Councilor Ciolino** said he had high expectations from the new Stage Fort Park Advisory Committee, as the premier city park, “never had a mother or a father.” Now the park has a nice group of volunteers to see to its needs. He reminded the Committee that the city’s 400<sup>th</sup> anniversary is in 2023 and that the park will be a centerpiece for the city’s celebration. It will be important that Stage Fort Park be ready for that, and this new Committee is key in that preparation. He offered whatever the Councilors can to do help them in their work to let them know.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Marie Demick to the Stage Fort Park Advisory Committee (Gloucester Dog Park Representative), TTE 02/14/18.**

Donna Polizzia (rep. for gardening/landscaping)

TTE 02/14/18

**Ms. Polizzia** highlighted her abiding interest in Stage Fort Park as a lifelong resident. She has been the president of the Civic Gardening Council which built and maintains the Elizabeth Gordon Smith Park at the beginning of the Lucy Davis Walkway at the park (also known as the “Rose Garden”). She said she would like to see the rest of Stage Fort Park maintained the way the Civic Gardening Council maintains the Rose Garden.

**Councilor Ciolino** highlighting Ms. Polizzia’s gardening expertise and mentioned the reconstruction of the Boulevard seawall, and asked she work with the SFPAC to coordinate efforts with the DPW for the continued gardening and landscaping efforts in the area of Stacy Boulevard and briefly discussed it with her.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Donna Polizzia to the Stage Fort Park Advisory Committee (Gardening/Landscaping Representative), TTE 02/14/18.**

David Dow (At Large)

TTE 02/14/18

**Mr. Dow**, a long-time resident and proponent of Stage Fort Park and the creation of the Advisory Committee said he was pleased to be able to participate on the newly formed Committee and looked forward to working towards the improvement and maintenance of the Park. He noted to the Committee it was he that brought the damage done to the park by the Cyclo-Cross event and the institution of the Stage Fort Park Revolving Fund by the Council. He discussed briefly with the Committee some of the on-going issues resulting from the Cyclo-Cross event and what could be done to ameliorate the issues resulting from that September event.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint David Dow to the Stage Fort Park Advisory Committee (At Large Representative), TTE 02/14/18.**

3. *Appointment of James Destino as Chief Administrative Officer for one-year term to expire February 14, 2016 (following a 90-day temporary appointment)*

**Mayor Theken** said that she endorses Mr. Destino's appointment as Chief Administrative Officer. She recounted his experience as a former City Councilor as the Chair of Budget & Finance, and his years as a successful businessman in the community. While some may question Mr. Destino's lack of a degree or term served, she pointed out that in taking office in January of this year; she had no time to waste. She said she needed someone she could count on, who would move the city forward, who knew the community and bring reassurance and trust to it. She added that she looked for someone she could work with as a team player, not a micromanager, or someone who would take. She pointed out the improvement in staff morale during Mr. Destino's short tenure to date, and that there is a great team atmosphere being fostered which she attributed to Mr. Destino's leadership. She said that he works tirelessly on behalf of the city, and has proven himself over and over to the benefit of the city. She pointed out there is no 9 to 5 mentality with Mr. Destino who has been hands on, during the worst snow season in years, in developing a very difficult budget set to be released to the Council tomorrow evening. She said she believed Mr. Destino's appointment as Chief Administrative Officer should be moved forward, as he has proven himself.

**Councilor Whynott** said notwithstanding the job description requirements, he pointed out that this is one position that the Mayor should have anyone they see fit as they need someone who is loyal and supportive. He said while other appointees should require great scrutiny, with this position the Mayor should be able to choose whomever they want. He said he would support the appointment.

**Councilor Ciolino** recounted his experience in working with Mr. Destino when they both were members of the Council's Budget & Finance Committee, saying that Mr. Destino has always been very sharp with the city's finances. He said Mr. Destino has done a great job and lauded the Mayor's move to appoint Mr. Destino.

**Councilor Stewart** said he, too, would support Mr. Destino's appointment. He noted Mr. Destino has a lot of things on his resume other than the two or three things mentioned. The City Charter provision says other complimentary factors, or words to that affect, which Mr. Destino possesses, he said. He said he was pleased that Mr. Destino was the city's CAO and that the Mayor has seen fit to appoint him.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the appointment of James Destino as Chief Administrative Officer, TTE 02/14/16.**

4. *Memorandum from Harbormaster re: Waterways Board request to create a season pass for the Gloucester Harbor Launch for permitted mooring holders (Referred from the B&F Committee)*

**Tony Gross**, Waterways Board Chair explained that the Waterways Board, in an effort to up ridership on the city's launch is endorsing a season's pass for the launch, for a fee of \$100, and for the launch's range. He said the Board believes this would be a cost effective alternative for mooring holders, and encourage the utilization of the launch and act as a big service to the mooring holders. It was noted previously sent to the Committee a proposed rendering of the actual seasonal pass that would be issued to a city mooring holder upon paying the \$100 fee and would be encased in plastic. It was also noted that the pre-numbered passes will be tracked and assigned was confirmed by **Mr. Gross**. The pass is good for four passengers round trip per day, and if there were more than four to be transported from one vessel, **Mr. Gross** said that there would be individual payment for two adults at \$5 apiece one way and four people would be transported under the pass. Children, he noted, under 12 are transported for free. This launch only goes to harbor moorings and doesn't go beyond the Blynman Bridge, it was pointed out -- the Coast Guard restricts the launch to the harbor. **Mr. Gross**, in response to Councilor Ciolino, said that the docks which will be taken out because of the remediation of the water sheet by National Grid, they will return temporary docks and the Harbormaster's boat will be at either St. Peter's docks or Cripple Cove.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 10, Section 10-51(e) Fees by ADDING the following after the last sentence:**

**"A Season Pass for permitted mooring holders within the boundaries of the Gloucester Harbor Launch with a limit of four people will cost One Hundred Dollars (\$100)."**

This matter will be advertised for public hearing.

5. *CC2015-006 (Fonvielle) Request O&A & Traffic Commission review existing parking restrictions in GCO Sections 22-270 & 22-291 for Kondelin Road from its intersection with Magnolia Avenue for its entire length and to review existing signage for consistency with GCO c. 22*

**Councilor Fonvielle** reviewed that the Traffic Commission took up his Order at their April 16 meeting and recommended the changes before the Committee to amend the Traffic Ordinances. He asked that this matter be continued as he'd like to meet with owners and business managers to be sure that this matter is fully vetted. He discussed that there are signs on the easterly side of the street that were not put up by the city, and that there are competing signs that have no city ordinance behind it.

**Councilor Fonvielle** said he was unable to attend the next meeting of the O&A Committee due to business commitments. **Councilor Cox** said she would speak with the business owners and report to the O&A Committee with Councilor Fonvielle's agreement in order to move the matter forward.

**This matter is continued to May 18, 2015.**

6. *Memorandum from General Counsel & pertinent material re: proposed Ordinance for the creation of the Stage Fort Dog Park Commission*

**Councilor Whynott** said that this matter is being continued as there is legal language still to be worked out for the ordinance amendment.

**This matter is continued to June 1, 2015.**

7. *Memorandum from General Counsel & pertinent material re: proposed changes to the Acts of 1956 relative to the Gloucester Fisheries Commission*

**Mr. Payson** said that before the Committee is a motion for approval so that the Council can vote to forward to the state legislature a request to amend the Acts of 1956 relative to the Gloucester Fisheries Commission and reviewed that: In early march the Gloucester Fisheries Commission sent a document to the Mayor's office asking that the enabling legislation of 1956 be amended. He noted the documents in the packet on file which showed the new drafted legislation and the statute and Acts as currently written with the most recent amendment dates attached to each section. He said that he took the document the Fisheries Commission had submitted to him and put it into appropriate legislative language.

He then reviewed the documentation with the Committee for the proposed changes:

**Section 1:** The word "original" was struck from the Acts as currently amended, as they didn't want the Commission's seal, which they are allowed to have, to be too close to the city seal and that it should be easily discernable. The language now will allow the members of the Commission to choose an official seal and to change it.

**Section 2:** This section had not been amended since 1956. The last line was a new addition, "Said Commission shall also participate in the promotion and marketing of all City of Gloucester seafood." This was added at the request of the Fisheries Commission.

**Section 3:** This section was amended multiple times, and has been changed in its entirety with the new language. It was pointed out that the Commission is now down from 13 members to 10 members, and who makes up the membership of the Commission has been changed also.

**Councilor Discussion of Amended Sections:**

**Councilor Whynott** commented that huge Committees are unwieldy, and said he was encouraged that the Commission is being reduced.

**Councilor Stewart** offered the suggestion that in the first line of Section 3 it should say, "...the Mayor or his or her designee..." **Mr. Payson** pointed out such a suggestion to add to the language would remove it from it being consistent with the rest of the Acts. He reminded the Councilors this was not an ordinance they were amending, but an Act of the State Legislature.

**Councilor Stewart** highlighted that the original language said the Chairman of the Commission shall be elected by a vote of the majority of the members present and voting and it now says nothing about the election of a Chairman and questioned as to how the Commission gets a Chair appointed. **Mr. Payson** said this is consistent with what the Fisheries Commission had asked and couldn't respond.

**Councilor Verga**, the Council's appointed representative to the Fisheries Commission, said that he assumed the Executive Director would be the Chair. He pointed out that when Councilor Theken became the Mayor, the Commission lost her as a member which brought to light how outdated the Acts were pursuant to the Commission. He recounted that he and the Mayor met with Rep. Ferrante and Sen. Tarr who suggested that the city give them something to work with reflecting what the Commission needs are now. **Mr. Payson** added that in Section 3A already in the Act, the Mayor, upon the recommendation of the Commission shall appoint an Executive Director.

**Councilor Whynott** expressed concern that there should be language that speaks to the need of a quorum present in order for meetings to be held and votes taken and be inserted where it says that the Chairman of the Commission shall be elected by a vote of the majority of the members present and voting in the original documentation.

**Mr. Payson** again reminded the Councilors that this is not an ordinance amendment but an amendment to state legislation, an Act; that the Gloucester Fisheries Commission gave a list of proposed changes and is what is before the Committee. The additions the Committee is suggesting didn't come from the Fisheries Commission, and asked the advice of the Chair, because the proposals of the Commission are not what the Fisheries Commission asked for.

**Mayor Theken** asked that the Committee put this forward to the Council to get this acknowledged by the state legislature, and said that then once acknowledged by the state legislature, the Council could come back and make an ordinance, but these changes are necessary to be legislated first. **Councilor Verga** said he also recommended that the Committee forward the Fisheries Commission recommendations as presented which is concise and updates the Commission more modern. **Councilor Stewart** confirmed that once the Acts have been updated the Council can enact an ordinance to fill in the gaps on matters such as the election of a Chair, for instance. **Mr. Payson** again reiterated that this document to request to update the Acts regarding the Fisheries Commission must be filed with the state legislature by either Sen. Tarr or Rep. Ferrante on behalf of the city and be passed and signed by the Governor. Councilor McGeary likened the process to a Home Rule Petition whereby the Council passes a request for a Home Rule Petition which is signed by the Mayor and then sent to the city's state legislators for filing with the state legislature for enactment. As a result, he said, they could amend the language before it is submitted, but it is a question of whether it should be amended or not by right. **Mr. Destino** said to Mr. Payson's point, if they wanted to amend the language, the Fisheries Commission should be consulted and may wish to weigh in on the Councilors' suggested changes.

**Councilor Stewart** expressed concern about eliminating the residency requirement--that by leaving it out it could be interpreted that by the legislature passing it as it stands; the legislature wants members from outside the city to be members by virtue of not having a residency requirement maintained in the legislative language. He said a residency requirement could be helpful. **Councilor Verga** said he speculated it was done at the request of the city, not that the legislature. **Mayor Theken** recounted when she was a member in the past that there were issues with commercial boat owners who docked in the city, but weren't residents of the city who were expressing concern over some changes with shore side facilities but weren't represented. It had been changed that a member had to be a resident of the city, as with all boards, committees and commissions in the city. Councilor Stewart then expressed concern that the city would be in violation of a state statute about residency if the specific statute is eliminated should the city institute in its ordinances a residency requirement for membership. **Mayor Theken** said that some suggestions could be made to the Fisheries Commission and that the matter could be continued to get its feedback.

**Councilor Verga** summarized that there could be a communication at the next Fisheries Commission through him as the Council's liaison on the following points: The election of a chair; a quorum being present necessary for a meeting and votes; a 10 member Commission being an even number of members could create a tie in a vote -- that an odd number would be preferred, and the residency requirement matter which Councilor Stewart noted in the original Act language. **Councilor Stewart** said he agreed the possible changes should be vetted by the Fisheries Commission.

**This matter is continued to July 20, 2015.**

8. *CC2015-010 (Verga) Request P&D Committee review the Special Event Advisory Committee & Amend GCO Chapter 11 "Hawkers, Peddlers & Transient Vendors" (Also referred to P&D Committee)*

**Councilor Verga** said his Council Order before the Committee is an effort to remove at least one step in the process for event permitting in the city which constitutes a compromise of the Council by allowing the P&D Committee to be the final stop in the permitting process after the Special Events Advisory Committee has reviewed the event. He said the Special Events Advisory Committee comprised of key city staff has worked exceptionally well since its inception. He pointed out that it is a redundancy to move an event permit all the way to the City

Council. He said based on his and the P&D Committee's experience the event permitting process is a smooth one, and that by ending it at the P&D Committee it will work well. He added that if there is a big issue surrounding the event, it is always at the discretion of the P&D Committee to move it to Council for further discussion and vote.

**Councilor LeBlanc** said he endorsed the Ordinance changes. P&D can debate and change what is needed for additional work on permitting a particular event with the At Large and Ward Councilors involved if need be, he added.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Advisory Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the title of GCO Chapter 11, "Hawkers, Peddlers, and Transient Vendors" by DELETING the entire title and ADDING a new title, "Hawkers, Peddlers, Transient Vendors and Special Events."**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 11, Section 1 "Definitions" by ADDING a new definition as follows:**

**"Special Event means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival."**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 11 by ADDING a new Section 11-10(f) as follows:**

**"Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the City Clerk, the Building Inspector, the Assistant Department of Public Works Director, the Assistant Chief of Police, the Assistant Fire Chief, the Emergency Medical Services Director, the Health Department Food Inspector, the Harbormaster and the Community Development Tourism Manager. The Committee shall review all Special Events applications and shall assist applicants with any necessary approvals including approvals by the City Council as referenced in Section 11-10(a)(5). If City Council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the Special Event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings.**

These matters will be advertised for public hearing.

9. *CC2014-014 (Fonvielle/Ciolino) Amend GCO Sec. 2-556 "Tenure, composition, requirements re: Magnolia Woods Oversight & Advisory Committee*

**Councilor Fonvielle** said that the Magnolia Woods Oversight & Advisory Commission (MWOAC) has not met in some time which has been caused by an inability to obtain a quorum. The Ordinance as currently written is very specific of who is represented on the Commission, and the idea is to loosen the requirement a bit in order for a larger pool of eligible residents be made available in order to fill open slots on the Committee, he pointed out.

**Councilor Ciolino** added that this came to light during the reappointment of Dean Sidell to the MWOAC who advised O&A of this issue.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 2, Section 2-556 "Tenure, composition requirements" by DELETING Subsection (b) in its entirety and ADD a new Subsection (b) as follows:**

**"(b)The successors to these initial appointees shall serve for a term of three years. Five (5) appointed members shall be selected from the Magnolia community at large provided that these members shall be registered voters in Ward 5 of the city. One of these five (5) appointed members shall be from a neighborhood abutting the Magnolia Woods. For the remaining four members, preference shall be given to members of organizations that utilize the facilities of Magnolia Woods including, but not limited to, the**

**Fisherman Youth Soccer Association, the Cape Ann Youth Lacrosse Association, the Cape Ann Model Airplane Flying Association, and the Magnolia Bike Club. In addition, a sixth member may be a representative from the city at large, provided that this member will be a registered voter of the city.”**

This matter will be advertised for public hearing.

**10. CC2015-015 (Cox) Amend GCO c. 2, Division 10 “Committee for the Arts” Sec. 2-508-Created, subsection (b)**

**Councilor Cox** asked that this matter be continued to May 18.

**This matter will be continued to May 18, 2015.**

**Councilor Fonvielle** left the meeting at 7:09 p.m.

**11. CC2015-016 (Cox) Request Traffic Commission review area of the stairs (top & bottom) at Herrick Court & make their recommendation to the Ordinances & Administration Committee on whether the GCO Sec. 22-270 “Prohibited parking at all times” be amended accordingly**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-270 “Parking prohibited at all times” by ADDING as follows:**

**Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction.”**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-291 “Tow-away zones” by ADDING as follows:**

**Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction.”**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-292 “Fire Lane” by ADDING as follows:**

**“Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs).”**

These matters will be advertised for public hearing.

**12. CC2015-017 (LeBlanc) Amend GCO Sec. 22-280 “Fifteen-minute parking” for Maplewood Avenue, easterly side in order to install a handicapped parking sign for a newly created handicapped parking space at 89 Maplewood Avenue**

**Councilor LeBlanc** said at the April 16 Traffic Commission meeting with the permitting of a handicap parking space at 89 Maplewood Avenue, it became apparent that there was an ordinance under Sec. 22-280 “Fifteen-minute parking” that would need to be removed, as there used to be a storefront there, in order to erect the signage for the handicap parking space needed at that location.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-280 “Fifteen-minute parking” by DELETING as follows:**

**“Maplewood Avenue, easterly side in a northerly direction from a point 154’ from Derby Street for a distance of 62’ between the hours of 9:00 a.m. to 9:00 p.m. on Fridays and between 9:00 a.m. and 5:30 p.m. on other weekdays.”**

This matter will be advertised for public hearing.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:13 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

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

DRAFT

**PLANNING & DEVELOPMENT  
MEETING MINUTES**

**May 6, 2015**

**(under separate cover)**



# GLOUCESTER CITY COUNCIL 2015 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2015-020  
**SUBJECT:** Amend Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" by DELETING Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m.; and amend Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" by ADDING Kondelin Road, from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m.

**DATE OPENED:** May 12, 2015  
**CONTINUED TO:** May 26, 2015  
**CONTINUED FROM:**  
**COMMITTEE:** O&A

**PUBLIC HEARING 5/12/15  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS**

The Gloucester City Council will hold public hearings on **Tuesday, May 12, 2015** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to Chapter 22 of the Gloucester Code of Ordinances as follows:

**Amend Sec. 22-270 "Parking prohibited at all times"** by DELETING as follows: Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m., and **Sec. 22-291 "Tow-away zones"** by DELETING as follows: Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m.

**Amend Sec. 22-270 "Parking prohibited at all times"** by ADDING as follows: Kondelin Road, from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m., and **Sec. 22-291 "Tow-away zones"** by ADDING as follows: Kondelin Road, from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m.

**Amend Sec. 22-270 "Parking prohibited at all times"** by ADDING as follows: Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction, and **Sec. 22-291 "Tow-away zones"** by ADDING as follows: Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction.

**Amend Sec. 22-292 "Fire lanes"** by ADDING as follows: Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs).

**Amend Sec. 22-280 "Fifteen-minute parking"** by DELETING as follows: Maplewood Avenue, easterly side in a northerly direction from a point 154' from Derby Street for a distance of 62' between the hours of 9:00 a.m. to 9:00 p.m. on Fridays and between 9:00 a.m. and 5:30 p.m. on other weekdays.

At the public hearings, all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Linda T. Lowe, City Clerk



# GLOUCESTER CITY COUNCIL 2015 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2015-021  
**SUBJECT:** Amend Chapter 2, Division 10 "Committee for the Arts" by ADDING additional language to subsection (b)

**DATE OPENED:** May 12, 2015  
**CONTINUED TO:** May 26, 2015  
**CONTINUED FROM:**  
**COMMITTEE:** O&A

**PUBLIC HEARING 5/12/15  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS**

The Gloucester City Council will hold public hearings on **Tuesday, May 12, 2015** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the **Gloucester Code of Ordinances** as follows:

**Amend the title of GCO Chapter 11, "Hawkers, Peddlers, and Transient Vendors" by DELETING the entire title and ADDING a new title, "Hawkers, Peddlers, Transient Vendors and Special Events."**

**Amend Chapter 11, Section 1 "Definitions" by ADDING a new definition as follows:** "Special Event means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival."

**Amend Chapter 11 by ADDING a new Section 11-10(f) as follows:** "Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the City Clerk, the Building Inspector, the Assistant Department of Public Works Director, the Assistant Chief of Police, the Assistant Fire Chief, the Emergency Medical Services Director, the Health Department Food Inspector, the Harbormaster and the Community Development Tourism Manager. The Committee shall review all Special Events applications and shall assist applicants with any necessary approvals including approvals by the City Council as referenced in Section 11-10(a)(5). If City Council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the Special Event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings."

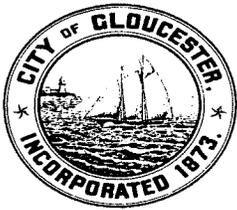
**Amend Chapter 2, Magnolia Woods & Oversight Committee, Sec. 2-556 "Tenure, composition requirements" by DELETING Subsection (b) in its entirety and ADDING a new Subsection (b) as follows:** "(b) The successors to these initial appointees shall serve for a term of three years. Five (5) appointed members shall be selected from the Magnolia community at large provided that these members shall be registered voters in Ward 5 of the city. One of these five (5) appointed members shall be from a neighborhood abutting the Magnolia Woods. For the remaining four members, preference shall be given to members of organizations that utilize the facilities of Magnolia Woods including, but not limited to, the Fisherman Youth Soccer Association, the Cape Ann Youth Lacrosse Association, the Cape Ann Model Airplane Flying Association, and the Magnolia Bike Club. In addition, a sixth member may be a representative from the city at large, provided that this member will be a registered voter of the city."

**Amend Chapter 2, Division 10 "Committee for the Arts" by ADDING after the last sentence of subsection (b) the following:** "Should the mayor choose to accept the committee's recommendation, after consultation with the Department of Public Works Director and the Building Inspector, he shall forward it to the city council for a public hearing and vote of the council."

**At the public hearings, all interested persons will have the opportunity to be heard.**

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD#13270849  
CAB 5/1/15



# GLOUCESTER CITY COUNCIL 2015 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2015-022

**SUBJECT:**

Amend Chapter 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" by ADDING Herrick Court (Friends Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction; and Sec. 22-292 "Fire lanes" by ADDING Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs)

**DATE OPENED:**

May 12, 2015

**CONTINUED TO:**

**CONTINUED FROM:**

**COMMITTEE:**

O&A 5/4/2015

**PUBLIC HEARING 5/12/15  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS**

The Gloucester City Council will hold public hearings on **Tuesday, May 12, 2015** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to Chapter 22 of the Gloucester Code of Ordinances as follows:

**Amend Sec. 22-270 "Parking prohibited at all times"** by DELETING as follows: Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m.; and **Sec. 22-291 "Tow-away zones"** by DELETING as follows: Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m.

**Amend Sec. 22-270 "Parking prohibited at all times"** by ADDING as follows: Kondelin Road, from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m.; and **Sec. 22-291 "Tow-away zones"** by ADDING as follows: "Kondelin Road, from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m.

**Amend Sec. 22-270 "Parking prohibited at all times"** by ADDING as follows: Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction; and **Sec. 22-291 "Tow-away zones"** by ADDING as follows: Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction.

**Amend Sec. 22-292 "Fire lanes"** by ADDING as follows: Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs).

**Amend Sec. 22-280 "Fifteen-minute parking"** by DELETING as follows: Maplewood Avenue, easterly side in a northerly direction from a point 154' from Derby Street for a distance of 62' between the hours of 9:00 a.m. to 9:00 p.m. on Fridays and between 9:00 a.m. and 5:30 p.m. on other weekdays.

At the public hearings, all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Linda T. Lowe, City Clerk

**Fisherman Youth Soccer Association, the Cape Ann Youth Lacrosse Association, the Cape Ann Model Airplane Flying Association, and the Magnolia Bike Club. In addition, a sixth member may be a representative from the city at large, provided that this member will be a registered voter of the city.”**

This matter will be advertised for public hearing.

**10. CC2015-015 (Cox) Amend GCO c. 2, Division 10 “Committee for the Arts” Sec. 2-508-Created, subsection (b)**

Councilor Cox asked that this matter be continued to May 18.

This matter will be continued to May 18, 2015.

Councilor Fonvielle left the meeting at 7:09 p.m.

→ **11. CC2015-016 (Cox) Request Traffic Commission review area of the stairs (top & bottom) at Herrick Court & make their recommendation to the Ordinances & Administration Committee on whether the GCO Sec. 22-270 “Prohibited parking at all times” be amended accordingly**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-270 “Parking prohibited at all times” by ADDING as follows:**

**Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction.”**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-291 “Tow-away zones” by ADDING as follows:**

**Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction.”**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-292 “Fire Lane” by ADDING as follows:**

**“Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs).”**

These matters will be advertised for public hearing.

**12. CC2015-017 (LeBlanc) Amend GCO Sec. 22-280 “Fifteen-minute parking” for Maplewood Avenue, easterly side in order to install a handicapped parking sign for a newly created handicapped parking space at 89 Maplewood Avenue**

Councilor LeBlanc said at the April 16 Traffic Commission meeting with the permitting of a handicap parking space at 89 Maplewood Avenue, it became apparent that there was an ordinance under Sec. 22-280 “Fifteen-minute parking” that would need to be removed, as there used to be a storefront there, in order to erect the signage for the handicap parking space needed at that location.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-280 “Fifteen-minute parking” by DELETING as follows:**



# GLOUCESTER CITY COUNCIL 2015 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2015-023  
**SUBJECT:** Amend Chapter 22, Sec. 22-280 "Fifteen-minute parking" by DELETING Maplewood Avenue, easterly side in a northerly direction from a point 154' from Derby Street for a distance of 62' between the hours of 9:00 a.m. to 9:00 p.m. on Fridays and between 9:00 a.m. and 5:30 p.m. on other weekdays

**DATE OPENED:** May 12, 2015  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** O&A 5/4/2015

PUBLIC HEARING 5/12/15  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, May 12, 2015** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to Chapter 22 of the Gloucester Code of Ordinances as follows:

**Amend Sec. 22-270 "Parking prohibited at all times"** by DELETING as follows: Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m.; and **Sec. 22-291 "Tow-away zones"** by DELETING as follows: Kondelin Road, both sides from its intersection with Magnolia Avenue for its entire length from 10:00 p.m. to 4:00 a.m.

**Amend Sec. 22-270 "Parking prohibited at all times"** by ADDING as follows: Kondelin Road, from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m.; and **Sec. 22-291 "Tow-away zones"** by ADDING as follows: Kondelin Road, from its intersection with Magnolia Avenue, for its entire length, on the westerly side (even numbered properties) from 10:00 p.m. to 4:00 a.m.

**Amend Sec. 22-270 "Parking prohibited at all times"** by ADDING as follows: Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction; and **Sec. 22-291 "Tow-away zones"** by ADDING as follows: Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction.

**Amend Sec. 22-292 "Fire lanes"** by ADDING as follows: Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs).

**Amend Sec. 22-280 "Fifteen-minute parking"** by DELETING as follows: Maplewood Avenue, easterly side in a northerly direction from a point 154' from Derby Street for a distance of 62' between the hours of 9:00 a.m. to 9:00 p.m. on Fridays and between 9:00 a.m. and 5:30 p.m. on other weekdays.

At the public hearings, all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Linda T. Lowe, City Clerk

**Fisherman Youth Soccer Association, the Cape Ann Youth Lacrosse Association, the Cape Ann Model Airplane Flying Association, and the Magnolia Bike Club. In addition, a sixth member may be a representative from the city at large, provided that this member will be a registered voter of the city."**

This matter will be advertised for public hearing.

**10. CC2015-015 (Cox) Amend GCO c. 2, Division 10 "Committee for the Arts" Sec. 2-508-Created, subsection (b)**

Councilor Cox asked that this matter be continued to May 18.

This matter will be continued to May 18, 2015.

Councilor Fonvielle left the meeting at 7:09 p.m.

**11. CC2015-016 (Cox) Request Traffic Commission review area of the stairs (top & bottom) at Herrick Court & make their recommendation to the Ordinances & Administration Committee on whether the GCO Sec. 22-270 "Prohibited parking at all times" be amended accordingly**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-270 "Parking prohibited at all times" by ADDING as follows:**

**Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction."**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-291 "Tow-away zones" by ADDING as follows:**

**Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction."**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-292 "Fire Lane" by ADDING as follows:**

**"Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs)."**

These matters will be advertised for public hearing.

**12. CC2015-017 (LeBlanc) Amend GCO Sec. 22-280 "Fifteen-minute parking" for Maplewood Avenue, easterly side in order to install a handicapped parking sign for a newly created handicapped parking space at 89 Maplewood Avenue**

Councilor LeBlanc said at the April 16 Traffic Commission meeting with the permitting of a handicap parking space at 89 Maplewood Avenue, it became apparent that there was an ordinance under Sec. 22-280 "Fifteen-minute parking" that would need to be removed, as there used to be a storefront there, in order to erect the signage for the handicap parking space needed at that location.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-280 "Fifteen-minute parking" by DELETING as follows:**

**“Maplewood Avenue, easterly side in a northerly direction from a point 154’ from Derby Street for a distance of 62’ between the hours of 9:00 a.m. to 9:00 p.m. on Fridays and between 9:00 a.m. and 5:30 p.m. on other weekdays.”**

This matter will be advertised for public hearing.

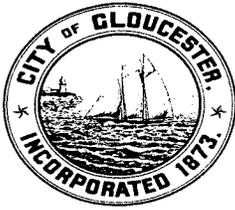
A motion was made, seconded and voted unanimously to adjourn the meeting at 7:13 p.m.

Respectfully submitted,

**Dana C. Jorgensson**  
Clerk of Committees

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

DRAFT



# GLOUCESTER CITY COUNCIL 2015 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2015-024  
**SUBJECT:** Amend Chapter 2, Magnolia Woods & Oversight Committee, Sec. 2-556  
"Tenure, composition, requirements" by **DELETING** subsection (b) in  
its entirety and **ADDING** a new subsection (b)

**DATE OPENED:** May 12, 2015  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** O&A 5/4/2015

**PUBLIC HEARING 5/12/15  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS**

The Gloucester City Council will hold public hearings on **Tuesday, May 12, 2015** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the **Gloucester Code of Ordinances** as follows:

**Amend the title of GCO Chapter 11, "Hawkers, Peddlers, and Transient Vendors" by DELETING** the entire title and **ADDING** a new title, "Hawkers, Peddlers, Transient Vendors and Special Events."

**Amend Chapter 11, Section 1 "Definitions" by ADDING** a new definition as follows: "Special Event means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival."

**Amend Chapter 11 by ADDING** a new Section 11-10(f) as follows: "Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the City Clerk, the Building Inspector, the Assistant Department of Public Works Director, the Assistant Chief of Police, the Assistant Fire Chief, the Emergency Medical Services Director, the Health Department Food Inspector, the Harbormaster and the Community Development Tourism Manager. The Committee shall review all Special Events applications and shall assist applicants with any necessary approvals including approvals by the City Council as referenced in Section 11-10(a)(5). If City Council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the Special Event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings."

**Amend Chapter 2, Magnolia Woods & Oversight Committee, Sec. 2-556 "Tenure, composition requirements" by DELETING** Subsection (b) in its entirety and **ADDING** a new Subsection (b) as follows: "(b) The successors to these initial appointees shall serve for a term of three years. Five (5) appointed members shall be selected from the Magnolia community at large provided that these members shall be registered voters in Ward 5 of the city. One of these five (5) appointed members shall be from a neighborhood abutting the Magnolia Woods. For the remaining four members, preference shall be given to members of organizations that utilize the facilities of Magnolia Woods including, but not limited to, the Fisherman Youth Soccer Association, the Cape Ann Youth Lacrosse Association, the Cape Ann Model Airplane Flying Association, and the Magnolia Bike Club. In addition, a sixth member may be a representative from the city at large, provided that this member will be a registered voter of the city."

**Amend Chapter 2, Division 10 "Committee for the Arts" by ADDING** after the last sentence of subsection (b) the following: "Should the mayor choose to accept the committee's recommendation, after consultation with the Department of Public Works Director and the Building Inspector, he shall forward it to the city council for a public hearing and vote of the council."

**At the public hearings, all interested persons will have the opportunity to be heard.**

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD#13270849  
CAB 5/1/15

Council. He said based on his and the P&D Committee's experience the event permitting process is a smooth one, and that by ending it at the P&D Committee it will work well. He added that if there is a big issue surrounding the event, it is always at the discretion of the P&D Committee to move it to Council for further discussion and vote.

**Councilor LeBlanc** said he endorsed the Ordinance changes. P&D can debate and change what is needed for additional work on permitting a particular event with the At Large and Ward Councilors involved if need be, he added.

**MOTION:** On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Advisory Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the title of GCO Chapter 11, "Hawkers, Peddlers, and Transient Vendors" by DELETING the entire title and ADDING a new title, "Hawkers, Peddlers, Transient Vendors and Special Events."

**MOTION:** On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 11, Section 1 "Definitions" by ADDING a new definition as follows:

"Special Event means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival."

**MOTION:** On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 11 by ADDING a new Section 11-10(f) as follows:

"Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the City Clerk, the Building Inspector, the Assistant Department of Public Works Director, the Assistant Chief of Police, the Assistant Fire Chief, the Emergency Medical Services Director, the Health Department Food Inspector, the Harbormaster and the Community Development Tourism Manager. The Committee shall review all Special Events applications and shall assist applicants with any necessary approvals including approvals by the City Council as referenced in Section 11-10(a)(5). If City Council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the Special Event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings.

These matters will be advertised for public hearing.

→ 9. *CC2014-014 (Fonvielle/Ciolino) Amend GCO Sec. 2-556 "Tenure, composition, requirements re: Magnolia Woods Oversight & Advisory Committee"*

**Councilor Fonvielle** said that the Magnolia Woods Oversight & Advisory Commission (MWOAC) has not met in some time which has been caused by an inability to obtain a quorum. The Ordinance as currently written is very specific of who is represented on the Commission, and the idea is to loosen the requirement a bit in order for a larger pool of eligible residents be made available in order to fill open slots on the Committee, he pointed out.

**Councilor Ciolino** added that this came to light during the reappointment of Dean Sidell to the MWOAC who advised O&A of this issue.

**MOTION:** On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 2, Section 2-556 "Tenure, composition requirements" by DELETING Subsection (b) in its entirety and ADD a new Subsection (b) as follows:

"(b) The successors to these initial appointees shall serve for a term of three years. Five (5) appointed members shall be selected from the Magnolia community at large provided that these members shall be registered voters in Ward 5 of the city. One of these five (5) appointed members shall be from a neighborhood abutting the Magnolia Woods. For the remaining four members, preference shall be given to members of organizations that utilize the facilities of Magnolia Woods including, but not limited to, the

**Fisherman Youth Soccer Association, the Cape Ann Youth Lacrosse Association, the Cape Ann Model Airplane Flying Association, and the Magnolia Bike Club. In addition, a sixth member may be a representative from the city at large, provided that this member will be a registered voter of the city."**

This matter will be advertised for public hearing.

**10. CC2015-015 (Cox) Amend GCO c. 2, Division 10 "Committee for the Arts" Sec. 2-508-Created, subsection (b)**

Councilor Cox asked that this matter be continued to May 18.

**This matter will be continued to May 18, 2015.**

Councilor Fonvielle left the meeting at 7:09 p.m.

**11. CC2015-016 (Cox) Request Traffic Commission review area of the stairs (top & bottom) at Herrick Court & make their recommendation to the Ordinances & Administration Committee on whether the GCO Sec. 22-270 "Prohibited parking at all times" be amended accordingly**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-270 "Parking prohibited at all times" by ADDING as follows:**

**Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction."**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-291 "Tow-away zones" by ADDING as follows:**

**Herrick Court (Friend Street side), for a distance of fifteen feet from the top of the stairs, in a northerly direction."**

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-292 "Fire Lane" by ADDING as follows:**

**"Herrick Court, both sides, from its intersection with Main Street in a northerly direction for a distance of 100 feet (to the bottom of the stairs)."**

These matters will be advertised for public hearing.

**12. CC2015-017 (LeBlanc) Amend GCO Sec. 22-280 "Fifteen-minute parking" for Maplewood Avenue, easterly side in order to install a handicapped parking sign for a newly created handicapped parking space at 89 Maplewood Avenue**

Councilor LeBlanc said at the April 16 Traffic Commission meeting with the permitting of a handicap parking space at 89 Maplewood Avenue, it became apparent that there was an ordinance under Sec. 22-280 "Fifteen-minute parking" that would need to be removed, as there used to be a storefront there, in order to erect the signage for the handicap parking space needed at that location.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council to Amend GCO Sec. 22-280 "Fifteen-minute parking" by DELETING as follows:**



# GLOUCESTER CITY COUNCIL 2015 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2015-025  
**SUBJECT:** Amend Chapter 10 "Waterways Administration" Sec. 10-51(e) re:  
season pass

**DATE OPENED:** May 12, 2015  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** O&A 5/4/2015

**PUBLIC HEARING 5/12/15  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS**

The Gloucester City Council will hold a public hearing on **Tuesday, May 12, 2015** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendment to the **Gloucester Code of Ordinances** as follows:

**Amend Chapter 10 "Waterways Administration" Sec. 10-51(e) "Fees"** by **ADDING** the following: A Season Pass for permitted mooring holders within the boundaries of the Gloucester Harbor Launch with a limit of four people will cost \$100.00.

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#13271276  
CAB 5/1/15

**Mayor Theken** said that she endorses Mr. Destino's appointment as Chief Administrative Officer. She recounted his experience as a former City Councilor as the Chair of Budget & Finance, and his years as a successful businessman in the community. While some may question Mr. Destino's lack of a degree or term served, she pointed out that in taking office in January of this year; she had no time to waste. She said she needed someone she could count on, who would move the city forward, who knew the community and bring reassurance and trust to it. She added that she looked for someone she could work with as a team player, not a micromanager, or someone who would take. She pointed out the improvement in staff morale during Mr. Destino's short tenure to date, and that there is a great team atmosphere being fostered which she attributed to Mr. Destino's leadership. She said that he works tirelessly on behalf of the city, and has proven himself over and over to the benefit of the city. She pointed out there is no 9 to 5 mentality with Mr. Destino who has been hands on, during the worst snow season in years, in developing a very difficult budget set to be released to the Council tomorrow evening. She said she believed Mr. Destino's appointment as Chief Administrative Officer should be moved forward, as he has proven himself.

**Councilor Whynott** said notwithstanding the job description requirements, he pointed out that this is one position that the Mayor should have anyone they see fit as they need someone who is loyal and supportive. He said while other appointees should require great scrutiny, with this position the Mayor should be able to choose whomever they want. He said he would support the appointment.

**Councilor Ciolino** recounted his experience in working with Mr. Destino when they both were members of the Council's Budget & Finance Committee, saying that Mr. Destino has always been very sharp with the city's finances. He said Mr. Destino has done a great job and lauded the Mayor's move to appoint Mr. Destino.

**Councilor Stewart** said he, too, would support Mr. Destino's appointment. He noted Mr. Destino has a lot of things on his resume other than the two or three things mentioned. The City Charter provision says other complimentary factors, or words to that affect, which Mr. Destino possesses, he said. He said he was pleased that Mr. Destino was the city's CAO and that the Mayor has seen fit to appoint him.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the appointment of James Destino as Chief Administrative Officer, TTE 02/14/16.**

→ 4. *Memorandum from Harbormaster re: Waterways Board request to create a season pass for the Gloucester Harbor Launch for permitted mooring holders (Referred from the B&F Committee)*

**Tony Gross**, Waterways Board Chair explained that the Waterways Board, in an effort to up ridership on the city's launch is endorsing a season's pass for the launch, for a fee of \$100, and for the launch's range. He said the Board believes this would be a cost effective alternative for mooring holders, and encourage the utilization of the launch and act as a big service to the mooring holders. It was noted previously sent to the Committee a proposed rendering of the actual seasonal pass that would be issued to a city mooring holder upon paying the \$100 fee and would be encased in plastic. It was also noted that the pre-numbered passes will be tracked and assigned was confirmed by **Mr. Gross**. The pass is good for four passengers round trip per day, and if there were more than four to be transported from one vessel, **Mr. Gross** said that there would be individual payment for two adults at \$5 apiece one way and four people would be transported under the pass. Children, he noted, under 12 are transported for free. This launch only goes to harbor moorings and doesn't go beyond the Blynman Bridge, it was pointed out -- the Coast Guard restricts the launch to the harbor. **Mr. Gross**, in response to Councilor Ciolino, said that the docks which will be taken out because of the remediation of the water sheet by National Grid, they will return temporary docks and the Harbormaster's boat will be at either St. Peter's docks or Cripple Cove.

**MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 10, Section 10-51(e) Fees by ADDING the following after the last sentence:**

**"A Season Pass for permitted mooring holders within the boundaries of the Gloucester Harbor Launch with a limit of four people will cost One Hundred Dollars (\$100)."**

This matter will be advertised for public hearing.



# GLOUCESTER CITY COUNCIL 2015 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2015-026  
**SUBJECT:** Amend Chapter 11 "Hawkers, Peddlers, and Transient Vendors" by adding a new title and amend Section 1 "Definitions" by ADDING a new Section 11-10(f)

**DATE OPENED:** May 12, 2015  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** O&A 5/4/2015, P&D 4/22/2015

**PUBLIC HEARING 5/12/15  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS**

The Gloucester City Council will hold public hearings on Tuesday, May 12, 2015 at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances as follows:

**Amend the title of GCO Chapter 11, "Hawkers, Peddlers, and Transient Vendors" by DELETING the entire title and ADDING a new title, "Hawkers, Peddlers, Transient Vendors and Special Events"**

**Amend Chapter 11, Section 1 "Definitions" by ADDING a new definition as follows: "Special Event means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival."**

**Amend Chapter 11 by ADDING a new Section 11-10(f) as follows: "Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the City Clerk, the Building Inspector, the Assistant Department of Public Works Director, the Assistant Chief of Police, the Assistant Fire Chief, the Emergency Medical Services Director, the Health Department Food Inspector, the Harbormaster and the Community Development Tourism Manager. The Committee shall review all Special Events applications and shall assist applicants with any necessary approvals including approvals by the City Council as referenced in Section 11-10(a)(5). If City Council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the Special Event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings."**

**Amend Chapter 2, Magnolia Woods  
Oversight Committee, Sec. 2-556**

**"Tenure, composition requirements" by DELETING Subsection (b) in its entirety and ADDING a new Subsection (b) as follows: "(b) The successors to these initial appointees shall serve for a term of three years. Five (5) appointed members shall be selected from the Magnolia community at large provided that these members shall be registered voters in Ward 5 of the city. One of these five (5) appointed members shall be from a neighborhood abutting the Magnolia Woods. For the remaining four members, preference shall be given to members of organizations that utilize the facilities of Magnolia Woods including, but not limited to, the Fisherman Youth Soccer Association, the Cape Ann Youth Lacrosse Association, the Cape Ann Model Airplane Flying Association, and the Magnolia Bike Club. In addition, a sixth member may be a representative from the city at large, provided that this member will be a registered voter of the city."**

**Amend Chapter 2, Division 10  
"Committee for the Arts" by ADDING**

**after the last sentence of subsection (b) the following: "Should the mayor choose to accept the committee's recommendation, after consultation with the Department of Public Works Director and the Building Inspector, he shall forward it to the city council for a public hearing and vote of the council."**

**At the public hearings, all interested persons will have the opportunity to be heard.**

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD#13270849  
CAB 5/1/15

**Councilor Verga**, the Council's appointed representative to the Fisheries Commission, said that he assumed the Executive Director would be the Chair. He pointed out that when Councilor Theken became the Mayor, the Commission lost her as a member which brought to light how outdated the Acts were pursuant to the Commission. He recounted that he and the Mayor met with Rep. Ferrante and Sen. Tarr who suggested that the city give them something to work with reflecting what the Commission needs are now. **Mr. Payson** added that in Section 3A already in the Act, the Mayor, upon the recommendation of the Commission shall appoint an Executive Director.

**Councilor Whynott** expressed concern that there should be language that speaks to the need of a quorum present in order for meetings to be held and votes taken and be inserted where it says that the Chairman of the Commission shall be elected by a vote of the majority of the members present and voting in the original documentation.

**Mr. Payson** again reminded the Councilors that this is not an ordinance amendment but an amendment to state legislation, an Act; that the Gloucester Fisheries Commission gave a list of proposed changes and is what is before the Committee. The additions the Committee is suggesting didn't come from the Fisheries Commission, and asked the advice of the Chair, because the proposals of the Commission are not what the Fisheries Commission asked for.

**Mayor Theken** asked that the Committee put this forward to the Council to get this acknowledged by the state legislature, and said that then once acknowledged by the state legislature, the Council could come back and make an ordinance, but these changes are necessary to be legislated first. **Councilor Verga** said he also recommended that the Committee forward the Fisheries Commission recommendations as presented which is concise and updates the Commission more modern. **Councilor Stewart** confirmed that once the Acts have been updated the Council can enact an ordinance to fill in the gaps on matters such as the election of a Chair, for instance. **Mr. Payson** again reiterated that this document to request to update the Acts regarding the Fisheries Commission must be filed with the state legislature by either Sen. Tarr or Rep. Ferrante on behalf of the city and be passed and signed by the Governor. Councilor McGeary likened the process to a Home Rule Petition whereby the Council passes a request for a Home Rule Petition which is signed by the Mayor and then sent to the city's state legislators for filing with the state legislature for enactment. As a result, he said, they could amend the language before it is submitted, but it is a question of whether it should be amended or not by right. **Mr. Destino** said to Mr. Payson's point, if they wanted to amend the language, the Fisheries Commission should be consulted and may wish to weigh in on the Councilors' suggested changes.

**Councilor Stewart** expressed concern about eliminating the residency requirement--that by leaving it out it could be interpreted that by the legislature passing it as it stands; the legislature wants members from outside the city to be members by virtue of not having a residency requirement maintained in the legislative language. He said a residency requirement could be helpful. **Councilor Verga** said he speculated it was done at the request of the city, not that the legislature. **Mayor Theken** recounted when she was a member in the past that there were issues with commercial boat owners who docked in the city, but weren't residents of the city who were expressing concern over some changes with shore side facilities but weren't represented. It had been changed that a member had to be a resident of the city, as with all boards, committees and commissions in the city. Councilor Stewart then expressed concern that the city would be in violation of a state statute about residency if the specific statute is eliminated should the city institute in its ordinances a residency requirement for membership. **Mayor Theken** said that some suggestions could be made to the Fisheries Commission and that the matter could be continued to get its feedback.

**Councilor Verga** summarized that there could be a communication at the next Fisheries Commission through him as the Council's liaison on the following points: The election of a chair; a quorum being present necessary for a meeting and votes; a 10 member Commission being an even number of members could create a tie in a vote -- that an odd number would be preferred, and the residency requirement matter which Councilor Stewart noted in the original Act language. **Councilor Stewart** said he agreed the possible changes should be vetted by the Fisheries Commission.

**This matter is continued to July 20, 2015.**



8. *CC2015-010 (Verga) Request P&D Committee review the Special Event Advisory Committee & Amend GCO Chapter 11 "Hawkers, Peddlers & Transient Vendors" (Also referred to P&D Committee)*

**Councilor Verga** said his Council Order before the Committee is an effort to remove at least one step in the process for event permitting in the city which constitutes a compromise of the Council by allowing the P&D Committee to be the final stop in the permitting process after the Special Events Advisory Committee has reviewed the event. He said the Special Events Advisory Committee comprised of key city staff has worked exceptionally well since its inception. He pointed out that it is a redundancy to move an event permit all the way to the City

5. *CC2015-007 Request the P&D Committee, Planning Board & General Counsel informally review GZO Sec. 5.13 "Personal Wireless Service Facility" and to retain expert legal counsel in order to amend & update the ordinance so that it is in compliance with current applicable federal laws*

This matter was addressed within context of SCP2015-001 taken up as Agenda Item #4.

6. *CC2015-008 Request the P&D Committee, Community Development Director, Planning Director & the Building Inspector, in regard to City "Permitting process" work together to structure a proposal to retain a consultant on zoning in Massachusetts & review the GZO) in order to recommend revisions to the Ordinance which will facilitate permitting & request that the Administration fund the proposal*

Jim Destino, CAO said in general everyone is in favor of the streamlining of the city's permitting process but that there needs to be a discussion of how best to do this which needs to be funded to be done correctly. He said if there is any way the permitting process can be done, it should be done. He asked the Committee for more time to hold staff discussions, speak with the Mayor, and take the matter up again after the completion of the FY16 budget season.

This matter is continued to July 22, 2015.

7. *CC2015-009 Request the P&D Committee review the matter of "Farmers Markets" under the GZO & add a new definition to Section VII "Definitions" and determine with Planning Director, Community Development Department the Building Inspector and Assistant DCPW Director whether Farmers Markets shall be permitted only on public land with a permit issued*

This matter is continued to May 6, 2015.



8. *CC2015-010 Request the P&D Committee review the Special Events Advisory Committee and amend GCO Chapter 11 "Hawkers, Peddlers & Transient Vendors"*

Ms. Lowe explained for the Committee that: This concept has been before the Committee previously. Because the P&D Committee created the Special Events Advisory Committee and has worked very well now they through Council action would have more responsibility delegated to it. The decision was that those events that go before the SEAC come directly to the P&D Committee, and she likened it to the Pole Petition process which ends with the P&D Committee. Through these amendments, events wouldn't have to move on to the Council for further confirmation of permitting. The amendments before the Committee to the Code of Ordinances would accomplish that goal. She said she recommended that the Committee vote in favor of amending the GCO.

Councilor Verga said these amendments help to streamline the event permitting process for applicants and is in keeping with the Committee's move to streamlining other areas of the city's permitting processes. Councilors Fonvielle and Lundberg both added their agreement.



**MOTION:** On a motion by Councilor Lundberg, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend the title of GCO Chapter 11, "Hawkers, Peddlers, and Transient Vendors" by DELETING the entire title and ADDING a new title, "Hawkers, Peddlers, Transient Vendors and Special Events."

**MOTION:** On a motion by Councilor Fonvielle, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 11, Section 1 "Definitions" by ADDING a new definition as follows:

"Special Event means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival."

**MOTION:** On a motion by Councilor Lundberg, seconded by Councilor Fonvielle, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend Chapter 11 by ADDING a new Section 11-10(f) as follows:

**“Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the City Clerk, the Building Inspector, the Assistant Department of Public Works Director, the Assistant Chief of Police, the Assistant Fire Chief, the Emergency Medical Services Director, the Health Department Food Inspector, the Harbormaster and the Community Development Tourism Manager. The Committee shall review all Special Events applications and shall assist applicants with any necessary approvals including approvals by the City Council as referenced in Section 11-10(a)(5). If City Council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the Special Event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings.**

These matters will be advertised for public hearing.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 6:05 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

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