

**GLoucester City Council, Tuesday, June 26, 2007**  
**Auditorium, City Hall**

**10 MINUTES OF SILENCE**

**PRESENTATIONS TO THE MAYOR**

**APPOINTMENTS**

Authority- TTE 05/28/2012:  
Commission- TTE 02/14/2010:

Andrew C. Nickas  
Ian Lane

**AGENDA**  
**OFF ADMINISTRATIVE OFFICER PACKET**

Supplemental Appropriation Request from Mayor Bell  
Eight Special Budgetary Requests

- 1. Request from CPA Alliance to place a question on the November Ballot
- 4. Memo from Tourism Coordinator requesting an acceptance of a grant
- 5. Memo from Harbormaster requesting an acceptance of a grant
- 6. Memo from Police Chief requesting an acceptance of a grant
- 7. Memo from City Auditor re: Accounts exceeding their appropriations

(Refer B&F)  
(Refer B&F)  
(Refer O&A)  
(Refer B&F)  
(Refer B&F)  
(Refer B&F)

**INFORMATION ONLY**

- 1. Letter from resident regarding the Conservation Commission
- 2. 2006 Annual Report: Gloucester Retirement System
- 3. Letter from District Highway Director RE: Grant Circle Rotary
- 4. Letter of Resignation from Capital Improvement Advisory Board
- 5. Article from the 06/20/2007 edition of the Boston Globe

**APPROVAL OF MINUTES**

- 1. City Council Meeting: 06/12/2007
- 2. City Council Meeting: 06/19/2007
- 3. City Council Meeting: 06/20/2007

**APPLICATIONS/PETITIONS**

- 1. SCP #2007-07: 15-17 Rocky Neck Avenue 2.3.6 (#63) & 2.3.7 (#70)
- 2. SCP #2007-08: 7 Crafts Road 5.5.4

(Under Separate Cover) (Approve/File)  
(Approve/File)  
(Approve/File)

**COMMUNICATIONS**

- 1. Request from CACC to close Main Street for the Sidewalk Bazaar

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

**ORDERS**

- 1. #2007-22- Speed limit on Bennett Street

(Refer P&D)

**FOR COUNCIL VOTE**

- 1. Resolution in Support of the Municipal Partnership Act

(Hardy)

(Refer O&A, TC)

**SCHEDULED PUBLIC HEARINGS**

- 1. SCP #2007-04: 65 Friend Street- 2.3.1. (4a)
- 2. SCP #2007-05: 7-9 Essex Avenue- 2.3.1. (4a)
- 3. SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (11A), 5.14, 3.2.3 footnote 2.
- 4. SCP: Gloucester Crossing: 1.4.2.2, 2.3.4 (49), 5.7, 3.2.2 footnote 3
- 5. SCP: Gloucester Crossing: 1.4.2.2, 5.17
- 6. SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (7) footnote 3, 5.7.1, 3.2.1, 3.2.1 (footnote 4)

(Continued from 05/29/2007)  
(Continued from 05/29/2007)  
(Continued from 06/12/2007)  
(Continued from 06/12/2007)  
(Continued from 06/12/2007)  
(Continued from 06/12/2007)

**COMMITTEE REPORTS**

- 1. P&D: 06/13/2007
- 2. O&A: 06/18/2007
- 3. P&D: 06/20/2007
- 4. B&F: 06/21/2007

(Under Separate Cover)

**COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR**  
**ROLL CALL - Councillor James Destino**

(Under Separate Cover)

*Robert D. M. [Signature]*

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
jbell@ci.gloucester.ma.us

**CITY OF GLOUCESTER**  
OFFICE OF THE MAYOR

**TO:** City Council  
**FROM:** John Bell, Mayor *John Bell*  
**DATE:** June 20, 2007  
**RE:** Mayor's Report for the June 26, 2007 City Council Meeting

1. **Enclosure 1** for your information is a copy of a letter from Patricia A. Leavenworth, District Highway Director, regarding changes MassHighway expects to implement in the near future to the existing pedestrian warning system located at Grant Circle rotary. A copy of the attached plans will be provided under separate cover.

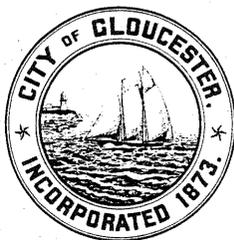
2. **Chief Administrative Officer Packet**

**Enclosure 2** is a communication from Mayor John Bell requesting reconsideration of a Supplemental Appropriation request into three accounts in the Sewer Enterprise Fund from the Essex/Rockport Sewer Stabilization Fund. The revised amount being requested is \$122,310 and we are respectfully requesting that the City Council approve the revised request. Also attached is a Special Budgetary Transfer Request in the amount of \$13,000. Joe Parisi will be available to answer questions and provide further information as required as the Council considers this matter.

**Enclosure 3** consists of eight Special Budgetary Transfer Requests. *Please refer these matters to the Budget and Finance subcommittee for review and approval.* Steve Magoon and other City staff will be available to answer questions and provide further information as required.

**Enclosure 4** is a request from The Community Preservation Act Alliance that the City Council take action to place a proposed ballot question on the November 6, 2007 City ballot. *Please refer this matter to the Ordinance and Administration subcommittee for review and approval.* Representatives of The Community Preservation Act Alliance 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  
jbell@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

**Enclosure 5** is a memo from Suzanne Silveira, Tourism Coordinator, requesting acceptance of a grant from the Essex National Heritage Commission in the amount of \$2,750. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Suzanne Silveira will be available to answer questions and provide further information as required.

**Enclosure 6** is a memo from Jim Caulkett, Harbormaster, requesting acceptance of a Massachusetts Clean Vessel Act Pumpout Grant in the amount of \$8,500. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Jim Caulkett will be available to answer questions and provide further information as required.

**Enclosure 7** is a memo from Police Chief John Beaudette requesting acceptance of a grant from the Statewide Emergency Telecommunications Board in the amount of \$8,400. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Chief Beaudette will be available to answer questions and provide further information as required.

**Enclosure 8** is a report from City Auditor Joseph Pratt regarding accounts which have expenditures exceeding their appropriations. *Please refer this matter to the Budget and Finance subcommittee for review.* Joe Pratt will be available to answer questions and provide further information as required.

**3. For Information Only**

**Enclosure 9** is a communication from James Giudotti regarding his resignation from the Capital Improvement Advisory Board.

**Enclosure 10** is an article from the June 20, 2007 edition of *The Boston Globe*.

# **ENCLOSURE 1**



Deval L. Patrick  
Governor

Timothy P. Murray  
Lt. Governor

Bernard Cohen  
Secretary

Luisa Paiewonsky  
Commissioner



May 30, 2007

Honorable John Bell  
9 Dale Avenue  
Gloucester, MA 01930

RECEIVED  
JUN 5 2007  
Mayor's Office

Dear Mayor Bell:

Attached please find two (2) copies of a plan depicting the changes MassHighway expects to implement in the near future to the existing pedestrian warning system located at the Grant Circle rotary on Route 128 in your community.

The primary change is the relocation of the portion of the crosswalk that crosses the northbound lanes of Route 128. The relocated crosswalk will improve the ability for those operating vehicles within the rotary or on the Washington Street approach to see a pedestrian that is either waiting to cross or that is within the crosswalk. The relocation of the crosswalk will also allow for the overhead illuminated warning sign to be repositioned to a location that will greatly improve its visibility by motorists.

As pedestrian safety at this location was previously an issue that was discussed with the City Council's Ordinance and Answers Committee, I would be happy to have District staff attend an upcoming meeting to advise the Committee of the upcoming work. We can also update the Committee on the issue of the long range study that was discussed at the previous meeting and was the subject of written inquiries by you and Council President James Destino.

Paul Stedman, the District's Operations Engineer, will contact your office in the coming weeks to discuss how you would like to proceed regarding providing this updated information. In the interim, we will request a cost proposal for the modifications to the warning system from the contractor that originally installed it.

Sincerely,

Patricia A. Leavenworth, P.E.  
District Highway Director

PAL/pds  
attachment

Xc: Senator Bruce Tarr (w/ attachment)  
Representative Anthony Verga (w/ attachment)  
M.O. File 6-2007-0047

# **ENCLOSURE 2**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
jbell@ci.gloucester.ma.us

## CITY OF GLOUCESTER OFFICE OF THE MAYOR

June 20, 2007

Dear Council President Destino and Gloucester City Councilors:

In my May Mayor's report, I submitted for your approval, a supplemental appropriation in the amount of \$152,310 into 3 accounts in the Sewer Enterprise Fund from the Essex/Rockport Sewer Stabilization Fund. These funds were requested in order to pay for \$47,310 in emergency pumping costs incurred at 3 Brier Neck Pump Stations during Patriot's Day storm. In addition, this funding request asked for \$75,000 to pay for costs incurred to repair the emergency generator at the Sewer Treatment Plant, where the earlier Valentine's Day rain storm resulted in storm water getting into the fuel tank of the generator causing damage to the generator. Finally, there was a request for \$30,000 to pay for an anticipated shortfall in the electric account to pay for electricity costs associated with operating the Sewer Treatment Plant and associated Pump Stations. At the City Council meeting of June 12, the Council voted not to approve this supplemental appropriation on a roll call vote of 4 in favor 5 opposed after considerable discussion on the matter.

Among the discussion, was the request that the Mayor make a commitment to reimburse the Essex/Rockport Sewer Stabilization fund with money received from future reimbursement funds from FEMA as part of the federal emergency declaration resulting from the Patriot's Day Storm and any funds received from insurance reimbursement resulting from the damage claim of the emergency generator. I want to confirm my commitment to direct these reimbursement funds to the Essex/Rockport Sewer Stabilization Fund once received and will forward the appropriate transfer forms to the City Council for your approval. I also recommend that this office and the City Council continue to increase the sewer stabilization fund whenever funds become available in order to provide for emergency situations that may arise in the future. This will assure the continued ability for a quick response from our sewer plant operators, sewer department employees and other necessary service providers in order to maintain safe and proper operation of our sewer infrastructure.

In addition, Public Works Director Parisi has informed me that he has identified available funding within the sewer operations funds to cover the anticipated \$30,000 shortfall in the electric account. Part of these identified funds require council approval, and I ask that you approve a transfer request in the amount of \$13,000 from Sewer Personal Funds available from lag in filling position vacancies in the Sewer Department. This action will eliminate the need for \$30,000 of supplemental funding, which reduces the supplemental

appropriation request to a revised amount of \$122,310. As this request moves forward for your vote, I will ask Director Parisi to continue to review the status of all Sewer Enterprise operating funds to further reduce the amount of supplemental funding requested if additional funds become available.

I look forward to resolving this matter at the next City Council meeting so that the City may pay the incurred costs to the vendors who responded without hesitation to the emergency situations that the City found itself during the storm events.

Sincerely,



John Bell  
Mayor

cc: Joseph P. Parisi Jr, Director of Public Works  
Steve Magoon, Chief Administrative Officer  
Anna Tenaglia, Chief Financial Officer  
Joseph Pratt, City Auditor

City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2007

RECEIVED

JUN 15 2007

Mayor's Office

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL\*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER: SEWER

TRANSFER # 07 46 DATE: 6/15/2007 BALANCE IN ACCOUNT \$51,449.23

(FROM) PERSONAL SERVICES ACCOUNT#: 60000010.440.51100.0000.00.000.00.051

Unifund Acct #

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

Unifund Acct #

Sewer Permanent Positions

Account Description

EXPLANATION OF SURPLUS: Funds available for transfer

(TO) PERSONAL SERVICES ACCOUNT#: \_\_\_\_\_

Unifund Acct #

(TO) ORDINARY EXPENSE ACCOUNT#: 600000.10.440.52110.0000.00.000.00.052

Unifund Acct #

Sewer Electric

Account Description

ANALYSIS OF NEED(S): Funds needed for electric bills through the end of the fiscal year.

TOTAL TRANSFER AMOUNT \$13,000.00

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT: \$38,449.23

TO ACCOUNT: \$13,495.20

APPROVALS:  
DEPT. HEAD: Joseph P. Pump

DATE: 6/15/07

ADMINISTRATION: Steve Hagan

DATE: 6/20/07

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

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

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

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

# CITY OF GLOUCESTER

SPECIAL BUDGETARY REQUEST- SUPPLEMENTAL APPROPRIATION  
FISCAL YEAR 2007

\*\*\*\*CITY COUNCIL APPROVAL- VOTES NEEDED 5 \*\*\*\*

AUDITOR'S INSPECTION \_\_\_\_\_

DEPARTMENT REQUESTING APPROPRIATION:

Account to appropriate from : **R/A- Essex / Rockport Stabilization Fund**

294014.10.996.59600.0000.00.000.00.059 \$ 122,310

Balance Before Appropriation [ 154,430. ]

Balance After Appropriation [ 32,120. ]

Account in need of Appropriation : **Sewer Enterprise - DPW - Contracted Services**

600000.10.440.52110.0000.00.000.00.052 \$ 30,000.

600000.10.440.52450.0000.00.000.00.052 \$ 75,000.

600000.10.440.53930.0000.00.000.00.052 \$ 47,310.

Purpose : To fund additional needs in the Sewer Enterprise Fund During Times of Extreme Weather.

APPROPRIATION AMOUNT : \$ 122,310.

APPROVALS :

DEPT. HEAD \_\_\_\_\_ DATE \_\_\_\_\_

ADMINISTRATION *Steve Mason* \_\_\_\_\_ DATE 6/20/07

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

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

# **ENCLOSURE 3**

# City of Gloucester Special Budgetary Transfer Request Fiscal Year 2007

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL\*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER:

TREASURER/COLLECTOR

TRANSFER # 07

38

DATE: 6/18/2007

BALANCE IN ACCOUNT

\$1,894.28

(FROM) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

(FROM) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

101000.10.145.59100.0000.00.000.00.059

Treasurer/Collector,Debt Service,Principal  
Account Description

EXPLANATION OF SURPLUS:

Funds available for transfer

(TO)PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

101000.10.900.51100.0000.00.000.00.051

(TO) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

Special Reserves-Salary/Wage-Permanent  
Account Description

ANALYSIS OF NEED(S): To fund various items

TOTAL TRANSFER AMOUNT \$1,894.28

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT: \$0.00

TO ACCOUNT: \$81,655.28

**APPROVALS:**

DEPT. HEAD: *Aud Lewis*

DATE: 6/21/07

ADMINISTRATION: *Steve Meyer*

DATE: 6/21/07

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

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

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

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

# City of Gloucester Special Budgetary Transfer Request Fiscal Year 2007

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL\*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER:

TREASURER/COLLECTOR

TRANSFER # 07

39

DATE: 6/18/2007

BALANCE IN ACCOUNT

\$63,871.94

(FROM) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

(FROM) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

101000.10.145.59150.0000.00.000.00.059

Treasurer/Collector, Debt Service, Int.-Long  
Account Description

EXPLANATION OF SURPLUS:

Funds available for transfer

(TO) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

101000.10.900.51100.0000.00.000.00.051

(TO) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

Special Reserves-Salary/Wage-Permanent  
Account Description

ANALYSIS OF NEED(S):

To fund various items

TOTAL TRANSFER AMOUNT \$63,871.94

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT:

\$0.00

TO ACCOUNT:

\$145,526.94

APPROVALS:

DEPT. HEAD:

[Signature]

DATE: 6/21/07

ADMINISTRATION:

[Signature]

DATE: 6/21/07

BUDGET & FINANCE:

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

CITY COUNCIL:

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

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2007**

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL \*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER: TREASURER/COLLECTOR

TRANSFER # 07 40 DATE: 6/18/2007 BALANCE IN ACCOUNT \$11,642.40

(FROM) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

(FROM) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

101000.10.145.59250.0000.00.000.00.059

Treasurer/Collector,Debt Service, Int.-Short  
Account Description

EXPLANATION OF SURPLUS: Funds available for transfer

(TO)PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

101000.10.900.51100.0000.00.000.00.051

(TO) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

Special Reserves-Salary/Wage-Permanent  
Account Description

ANALYSIS OF NEED(S): To fund various items

TOTAL TRANSFER AMOUNT \$11,642.40

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT: \$0.00

TO ACCOUNT: \$157,169.34

**APPROVALS:**

DEPT. HEAD: *Julie C...*

DATE: 6/20/07

ADMINISTRATION: *Steve Mason*

DATE: 6/21/07

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

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

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

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

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2007**

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL\*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER:

PERSONNEL

TRANSFER # 07

41

DATE: 6/18/2007

BALANCE IN ACCOUNT

\$87,082.33

(FROM) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #  
\_\_\_\_\_

(FROM) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

101000.10.152.51750.0000.00.000.00.051

Personnel-Health Insurance

Account Description

EXPLANATION OF SURPLUS:

Funds available for transfer  
\_\_\_\_\_  
\_\_\_\_\_

(TO) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

101000.10.900.51100.0000.00.000.00.051

(TO) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #  
\_\_\_\_\_

Special Reserves-Salary/Wage-Permanent

Account Description

ANALYSIS OF NEED(S):

To fund various items  
\_\_\_\_\_  
\_\_\_\_\_

TOTAL TRANSFER AMOUNT \$87,082.33

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT:

\$0.00

TO ACCOUNT:

\$244,251.67

APPROVALS:

DEPT. HEAD:

Donna Reete

DATE:

6/21/07

ADMINISTRATION:

Steve Wagon

DATE:

6/21/07

BUDGET & FINANCE:

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

CITY COUNCIL:

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

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2007**

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL\*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER: COMMUNITY DEV.

TRANSFER # 07 42 DATE: 6/18/2007 BALANCE IN ACCOUNT \$27,468.00

(FROM) PERSONAL SERVICES ACCOUNT#: Unifund Acct # 101000.10.181.51100.0000.00.000.00.051

(FROM) ORDINARY EXPENSE ACCOUNT#: Unifund Acct #

Comm. Dev.-Personal Services-Salary/Wa  
Account Description

EXPLANATION OF SURPLUS: Funds available for transfer

(TO)PERSONAL SERVICES ACCOUNT#: Unifund Acct # 101000.10.900.51100.0000.00.000.00.051

(TO) ORDINARY EXPENSE ACCOUNT#: Unifund Acct #

Special Reserves-Salary/Wage-Permanent  
Account Description

ANALYSIS OF NEED(S): To fund various items

TOTAL TRANSFER AMOUNT \$10,000.00

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT: \$17,468.00

TO ACCOUNT: \$254,251.67

APPROVALS:  
DEPT. HEAD: *Steve Mason*

DATE: 6/21/07

ADMINISTRATION: *Steve Mason*

DATE: 6/21/07

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

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

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

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

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2007**

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL\*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER: COMMUNITY DEV.

TRANSFER # 07 43 DATE: 6/18/2007 BALANCE IN ACCOUNT \$15,500.00

(FROM) PERSONAL SERVICES ACCOUNT#: Unifund Acct # 101000.10.181.51100.0000.00.000.00.051

(FROM) ORDINARY EXPENSE ACCOUNT#: Unifund Acct #

Comm. Dev.-Personal Services-Salary/Wa  
Account Description

EXPLANATION OF SURPLUS: Funds available for transfer

(TO) PERSONAL SERVICES ACCOUNT#: Unifund Acct # 101000.10.610.51100.0000.00.000.00.051

(TO) ORDINARY EXPENSE ACCOUNT#: Unifund Acct #

Library-Personal Services, Salary/Wage-FT  
Account Description

ANALYSIS OF NEED(S): To cover salary shortfall

TOTAL TRANSFER AMOUNT \$9,500.00

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT: \$6,000.00

TO ACCOUNT: \$6,000.00

APPROVALS:  
DEPT. HEAD: 

DATE: 6/21/07

ADMINISTRATION: 

DATE: 6/21/07

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

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

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

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

# City of Gloucester Special Budgetary Transfer Request Fiscal Year 2007

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL\*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER:

COMMUNITY DEV.

TRANSFER # 07

44

DATE: 6/19/2007

BALANCE IN ACCOUNT

\$6,000.00

(FROM) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

101000.10.181.51100.0000.00.000.00.051

(FROM) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

Comm. Dev.-Personal Services-Salary/Wa  
Account Description

EXPLANATION OF SURPLUS:

Funds available for transfer

(TO)PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

(TO) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

101000.10.138.53480.0000.00.000.00.052

Purchasing-Purchased Services, Advertisin  
Account Description

ANALYSIS OF NEED(S):

To cover year end advertisements

TOTAL TRANSFER AMOUNT \$6,000.00

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT:

\$0.00

TO ACCOUNT:

\$6,000.00

APPROVALS:

DEPT. HEAD:



DATE:

6/21/07

ADMINISTRATION:



DATE:

6/21/07

BUDGET & FINANCE:

\_\_\_\_\_

DATE:

\_\_\_\_\_

CITY COUNCIL:

\_\_\_\_\_

DATE:

\_\_\_\_\_

**City of Gloucester  
Special Budgetary Transfer Request  
Fiscal Year 2007**

\*\*\*\*\*INTER-DEPARTMENTAL REQUIRING CITY COUNCIL APPROVAL\*\*\*\*\*Requires 6 Votes

DEPARTMENT REQUESTING TRANSFER:

TREASURER/COLLECTOR

TRANSFER # 07

45

DATE: 6/20/2007

BALANCE IN ACCOUNT

\$28,257.37

(FROM) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

101000.10.145.53170.0000.00.000.00.052

(FROM) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

Treas./Collector-Financial Services

Account Description

EXPLANATION OF SURPLUS:

Funds available for transfer

(TO) PERSONAL SERVICES ACCOUNT#:

Unifund Acct #

101000.10.900.51100.0000.00.000.00.051

(TO) ORDINARY EXPENSE ACCOUNT#:

Unifund Acct #

Special Reserves-Salary/Wage-Permanent

Account Description

ANALYSIS OF NEED(S):

To fund various items

TOTAL TRANSFER AMOUNT \$22,645.46

NEW BALANCE IN ACCOUNTS AFTER TRANSFER

FROM ACCOUNT:

\$5,611.91

TO ACCOUNT:

\$276,897.13

APPROVALS:

DEPT. HEAD:

*Ann Carey*

DATE:

6/21/07

ADMINISTRATION:

*Steve Morgan*

DATE:

6/21/07

BUDGET & FINANCE:

DATE:

CITY COUNCIL:

DATE:

# **ENCLOSURE 4**

# COMMUNITY PRESERVATION ACT ALLIANCE

CPA Alliance  
c/o Sandra Dahl Ronan  
5 Magnolia Avenue  
Magnolia, MA 01930  
(978) 525-2022  
[famtherapy@verizon.net](mailto:famtherapy@verizon.net)

June 19, 2007

RECEIVED

JUN 19 2007

Mayor's Office

\_\_\_\_\_

Alliance Members

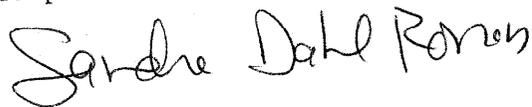
Jill Buchanan  
Jen Fahey  
Karen Gallagher  
Shawn Henry  
Al Johnson  
Kathy Leahy  
Paul McGeary  
Daniel Morris  
Sandra Dahl Ronan  
Maggie Rosa  
Janis Stelluto

The Honorable John Bell  
Mayor, City of Gloucester  
City Hall  
Nine Dale Avenue  
Gloucester, MA 01930

Dear Mayor Bell:

The Community Preservation Act Alliance respectfully requests, in accordance with City of Gloucester's City Charter, Article 9-5, that the attached proposed Ballot Question, along with the Executive Summary, be submitted by you to the City Council, at its June 26, 2007 meeting, requesting that the Council take action to place this Ballot Question on the November 6, 2007 City Ballot.

Respectfully yours,



Sandra Dahl Ronan  
Chair, CPAA

### Ballot Question

Shall the City of Gloucester accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by its legislative body a summary of which appears below?

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to acquire and preserve open space, parks and conservation land, protect public drinking water supplies, and scenic areas, protect farm land and forests from future development, restore and preserve historic properties, and help meet local families' housing needs. In the City of Gloucester, the Community Preservation Act will be funded by an additional excise of one (1%) percent on the annual tax levy on real property commencing in fiscal year 2008 and by matching funds provided by the state. EXCLUSIONS: property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the City of Gloucester, as defined in Section 2 of said Act, One Hundred Thousand (\$100,000.00) Dollars of the value of each taxable parcel of residential real property. Any other taxpayer receiving an exemption of real property authorized by Chapter 59 of the General Laws shall receive a pro rata reduction with respect to the portion exempt. A Community Preservation Committee composed of local citizens will make recommendations on the use of the funds and all expenditures will be subject to an annual audit.

## EXECUTIVE SUMMARY OF THE CPA

The Community Preservation Act provides new funding sources which can be used to address three core community concerns:

- ★ Acquisition and preservation of open space
- ★ Creation and support of affordable housing
- ★ Acquisition and preservation of historic buildings and landscapes

A minimum of 10% of the annual revenues of the fund must be used for each of the three core community concerns. The remaining 70% can be allocated for any combination of the allowed uses, or for land for recreational use. This gives each community the opportunity to determine its priorities, plan for its future, and have the funds to make those plans happen.

The Community Preservation Act is statewide enabling legislation to allow cities and towns to exercise control over local planning decisions. This legislation strengthens and empowers Massachusetts communities:

- ★ All decisions are local.
- ★ Local people must vote by ballot to adopt the Act.
- ★ Local legislatures must appoint a committee of local people to draw up plans for use of the funds.
- ★ These plans are subject to local comment and approval.
- ★ If residents don't feel the CPA is working as they expected, they can repeal it.

Property taxes traditionally fund the day-to-day operating needs of safety, health, schools, roads, maintenance and more. But until the CPA, there was no steady funding source for preserving and improving a community's infrastructure. The Community Preservation Act can give a community the funds needed to control its future.

In Gloucester there are a wide range of projects that would be eligible for CPA funding, for example; creation of new playgrounds, parks, or playing fields; preservation of our vernal ponds and open space throughout the city and restoration of our historical buildings and archives. In addition, CPA funds may also be used to help Gloucester reach the state mandated goal of having 10% of its housing classified as affordable by allowing the city to create housing that is consistent with its character.

Adopting the CPA as proposed at a 1% surcharge and with exemptions for the first \$100K of property value would raise approximately \$786,000 annually, which includes Gloucester's contribution and the State's matching funds. The cost to the average homeowner would be approximately \$35 per year.

# **ENCLOSURE 5**



**GLOUCESTER TOURISM OFFICE**  
**9 Dale Ave.**  
**Gloucester, MA 01930**

Phone: 978-282-4101 Fax: 978-281-9892

E-Mail: [ssilveira@gloucester-ma.gov](mailto:ssilveira@gloucester-ma.gov)

RECEIVED

JUN 12 2007

Mayor's Office

June 12, 2007

To: Mayor John Bell  
From: Suzanne Silveira

Subject: Essex National Heritage Commission 2007 Partnership Grant

Every year we apply for, and have been lucky enough to receive, grant money from Essex National Heritage. In past years, it has been through their Visitor Center Grant Program. This year, with changes in the organization, those grants were moved under the Partnership Grant program.

We are a very important visitor center to the ENHC. After the Maria Miles Visitor Center on Rte. 95 in Salisbury and the National Park Service Visitor Center in Salem, we have the most visitors going through our doors. This year competition was strong with the Partnership Grants. I attended the Partnership Grant Awards Breakfast this past Monday and there were many recipients. Although we applied for \$5,000, we received \$2,750 but are grateful that we received anything.

There is no cash match for this grant. The criteria this year is the same -that we are open and serving the public, explaining the Essex National Heritage Area to them, passing out ENHA brochures and sending the ENHC our visitor numbers and volunteer numbers that they need to meet their federal obligations.

I would appreciate your forwarding this memo in the Mayor's Report to City Council for acceptance of this grant money.

*Suzanne*



ESSEX NATIONAL HERITAGE COMMISSION

221 Essex Street • Suite 41 • Salem, MA 01970  
978.740.0444 tel ~ 978.744.6473 fax  
www.essexheritage.org

May 21, 2007

Ms. Suzanne Silveira  
City of Gloucester  
9 Dale Avenue  
Gloucester, MA 1930

Dear Ms. Silveira:

Congratulations! It is with great pleasure that we inform you that the City of Gloucester has been awarded a 2007 ENHC Partnership Grant in the amount of \$2750. This is the ninth year of our grant program and we are pleased to help organizations such as yours achieve your goals.

Please join Congressman John F. Tierney and the ENHC staff at the Partnership Grant Awards Breakfast **on the morning of Monday, June 11 at Glen Magna Farms located on Ingersoll Street in Danvers.** Directions are enclosed. We ask that at least one representative from your organization attend. Please RSVP for the breakfast and let us know who will be attending by contacting Emily Antone by emailing her at [emilya@essexheritage.org](mailto:emilya@essexheritage.org) or calling (978) 740-0444.

Your Partnership Grant is subject to the enclosed "Grant Implementation and Reporting Requirements," which outlines several mandated federal provisions. **Please review these requirements carefully, as they outline the regulations of the 2007 grant as well as how visitor center grants will be disbursed in the future.** Visitor Center grants will be paid in two disbursements: half of the grant will be paid when the signed contract is received, and half at the conclusion of your visitor season, or in October 2008.

Please confirm your acceptance of this grant award, compliance with federal laws and regulations as applicable, and any condition referred to above by signing the enclosed Grant Acceptance Form. **Please mail or fax (978-744-6473) the signed form to ENHC by June 1.** Grant contracts will be mailed following receipt of the acceptance form.

Finally, ENHC requests the opportunity to make the first public announcement of your 2007 Partnership Grant and asks that you delay any release of the news until one week after the grant awards breakfast. A sample press release will be provided with your Partnership Grant contract.

We look forward to working with you on your 2007 ENHC Partnership Grant project. If you have any questions, please contact Emily Antone at 978-740-0444 or [emilya@essexheritage.org](mailto:emilya@essexheritage.org)

Sincerely,

Laurence C. Harrington  
President

Annie C. Harris  
Executive Director

Enclosures

# **ENCLOSURE 6**



Nineteen Harbor Loop  
Gloucester, MA 01930

TEL 978-282-3012  
FAX 978-281-4188  
jcaulkett@ci.gloucester.ma.us

**CITY OF GLOUCESTER**  
HARBORMASTER'S OFFICE

**memorandum**

To: Mayor John Bell  
From: Jim Caulkett, Harbormaster  
Date: June 20, 2007  
Subject: Mayor's Report to Council

RECEIVED

JUN 20 2007

Mayor's Office

John,

In your next Report to Council will you include the attached Clean Vessel Pumpout Grant contract for the amount of \$8500.00.

If you have any questions please feel free to contact me.

Regards,

Jim Caulkett

Cc: Gloucester Waterways Board



# *The Commonwealth of Massachusetts*

*Division of Marine Fisheries*

*Clean Vessel Act Pumpout Program*

*251 Causeway Street – Suite 400*

*Boston, Massachusetts 02114-2153*

Massachusetts Clean Vessel Act Pumpout Grant Program

Dear Clean Vessel Act Subgrantee,

6/12/2007

*Congratulations on winning a Massachusetts Clean Vessel Act Pumpout Grant!*

Enclosed is a contract that you must complete, sign and return as soon as possible. If you are a marina, yacht club or other private sector business, you must have a state vendor number in order to receive reimbursements for your pumpout expenses. If you are not listed as a state vendor, please complete and return the enclosed form ("Request for Verification of Taxation Reporting Information").

The contract will need a signature date no later than 6/30/2007 in order to have an effective start date of 7/1/2007.

I have highlighted the lines which must be completed and enclosed all the forms that are necessary to complete the application process. For your convenience, I have enclosed a one-page list of invoicing instructions.

Please return the **ENTIRE** signed contract to my attention at the above address ASAP. **Do not separate the contract paperwork.**

As a reminder, please make sure that all bills from the present billing cycle (7/1/2006 thru 6/30/2007) are sent to Eileen Feeney at the New Bedford Field Facility prior to 8/10/2007. The address is as follows: New Bedford Field Facility MFI-NRTC 838 South Rodney French Blvd. New Bedford, Ma 02744. Phone 508-910-6305.

If you have any questions or need assistance, please contact me at (617) 626-1525.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom".

Thomas Beaulieu  
CVA Program Coordinator



# **ENCLOSURE 7**

**Gloucester Police  
Department**

# Memo

**To:** Mr. Steve Magoon, Chief Administrative Officer  
**From:** Chief John Beaudette  
**CC:**  
**Date:** 6/18/2007  
**Re:** Emergency Telecommunications Board Grant

RECEIVED  
JUN 20 2007  
Mayor's Office

---

The Statewide Emergency Telecommunications Board has notified the Department that it is eligible to participate in a grant in the amount of \$8,400.00 for ongoing emergency telecommunications personnel training. A copy of the contract award is enclosed herein. There is no match required by the City.

Please ask the City Council to accept these funds. Let me know if you have any questions or comments.



The Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF PUBLIC SAFETY  
**STATEWIDE EMERGENCY TELECOMMUNICATIONS BOARD**  
1380 Bay Street ~ Taunton, MA 02780-1088  
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585  
[www.mass.gov/e911](http://www.mass.gov/e911)



**DEVAL L. PATRICK**  
Governor

**KEVIN M. BURKE**  
Secretary of Public Safety

**TIMOTHY P. MURRAY**  
Lieutenant Governor

February 21, 2007

Chief John Beaudette  
Gloucester Police Department  
197 Main Street  
Gloucester, MA 01930

RECEIVED  
GLOUCESTER POLICE DEPT.  
2007 FEB 26 PM 12:06

Dear Chief Beaudette:

The Commonwealth of Massachusetts, Statewide Emergency Telecommunications Board (SETB) would like to thank you for participating in the SETB Training Grant Program. For your files, please find attached the following documents:

1. A copy of the contract signed by both parties;
2. The Training Grant Application including the Amendment;
3. Your response to the Training Grant Application; and
4. Reimbursement Request Forms. These forms are also available on our website [www.mass.gov/e911](http://www.mass.gov/e911).

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to Monna Wallace at [monna.wallace@state.ma.us](mailto:monna.wallace@state.ma.us).

Sincerely,

John F. Flynn  
Acting Executive Director

cc: Phil Terpos (without attachments)  
SETB Training Grant File

**Commonwealth of Massachusetts**  
**Executive Office of Public Safety**  
**Statewide Emergency Telecommunications Board**



**SETB Training Grant  
Application Package**

**Deval L. Patrick**  
Governor

**Timothy P. Murray**  
Lieutenant Governor

**Kevin M. Burke**  
Secretary of Public Safety

**John F. Flynn**  
Acting Executive Director

1380 Bay Street  
Taunton, MA 02780-1088  
Phone (508) 828-2911  
Fax (508) 828-2587  
[www.mass.gov/eops](http://www.mass.gov/eops)

## I. Introduction

Governor Deval L. Patrick, Lieutenant Governor Timothy P. Murray, the Massachusetts State Legislature, the Statewide Emergency Telecommunications Board (SETB), and Secretary of Public Safety Kevin M. Burke are pleased to announce 2007 funding for the SETB Training Grant Program.

The SETB, a division of the Executive Office of Public Safety, which is responsible for administering this program, is inviting eligible entities to submit applications for grant funds under the SETB Training Grant Program. All information needed to apply is contained in this application package.

## II. Purpose

Funding for the SETB Training Grant Program comes from a portion of revenues received pursuant to Sections 18H and 18H1/2 of Chapter 6A of the Massachusetts General Laws. The SETB Training Grant Program's purpose is to reimburse governmental entities hosting Primary Public Safety Answering Points (PSAPs) for training-related costs associated with the 9-1-1 system.

## III. Eligibility

All governmental entities hosting Primary Public Safety Answering Points (PSAPs) within the Commonwealth of Massachusetts are eligible to participate in this program. The applicable governmental entities should apply for this funding on behalf of the Primary PSAPs.

Eligible awards are based on a rounded formula of 9-1-1 calls received and population served, with a minimum award of \$5,000. A listing, by governmental entity, of the eligible awards can be found on the SETB website: [www.mass.gov/e911](http://www.mass.gov/e911).

## IV. Use of Funding

Grant funds may be used to reimburse governmental entities for any of the purposes indicated below. All wage reimbursements authorized under this program must be allocated in adherence with current collective bargaining agreements.

- A. **Training** – to defray the cost of SETB course approved training materials, vendor fees, instructor fees, online vendor certifications of SETB approved courses and online vendor recertifications of SETB approved training courses. Approved SETB course list can be found on the SETB website at [www.mass.gov/e911](http://www.mass.gov/e911).
- B. **Overtime – Training Participants** – to defray overtime costs incurred as a result of grant-related activities that occur and/or extend beyond regularly assigned tours of duty.
- C. **Overtime – Replacement Costs** – to defray overtime replacement costs required to backfill shift vacancies generated as a result of grant-related activities and, therefore, making personnel unavailable to fulfill regularly scheduled tours of duty.
- D. **Travel – Transportation** – to defray the cost of transportation for personnel traveling to attend SETB approved training courses. Notwithstanding any labor agreement to the contrary, the SETB will reimburse consistent with policies outlined in the *Rules Governing Paid Leave and Other Benefits for Managers and Confidential Employees* (“Red Book”). A link to that document can be found on the SETB website. For all travel-related policies, please see section 9 of that document. Note that the current maximum mileage reimbursement for personnel utilizing private vehicles is \$.40 cents per mile. Link to “Red Book” can be found at the SETB website [www.mass.gov/e911](http://www.mass.gov/e911).
- E. **Travel – Lodging** – to defray the reasonable cost of lodging for personnel attending grant-related activities that are scheduled for two or more consecutive days. Notwithstanding any labor agreement to the contrary,

the SETB will reimburse consistent with the *Rules Governing Paid Leave and Other Benefits for Managers and Confidential Employees ("Red Book")*. A link to that document can be found at the SETB website. For all travel-related policies, please see section 9.

- F. **Travel – Meals** – to defray the cost of meals for personnel attending grant-related activities. Notwithstanding any labor agreement to the contrary, the SETB will reimburse consistent with the *Rules Governing Paid Leave and Other Benefits for Managers and Confidential Employees ("Red Book")*. A link to that document can be found at the SETB website. For all travel-related policies, please see section 9.

**Note:** No matching funds are required on the part of the awardee. However, SETB Training Grant Program resources may be used to meet the “hard cash” matching requirement of federal grant programs.

#### V. Limitations on the Use of SETB Training Grant Funds

Funds for programs and services to be reimbursed through this grant are intended to supplement, *not supplant*, existing budgets. The operating budgets of applicable governmental entities and/or the Primary PSAPs may not be reduced as a result of this funding.

**All costs to be reimbursed through the 2007 SETB Training Grant Program must be incurred on or before November 16, 2007.**

#### VI. Application Process

All applications must be signed and submitted by an authorized signatory of the applying governmental entity. Please do not provide any additional pages or supporting materials not specifically requested. Incomplete submissions will not be considered.

Those interested in submitting a proposal must complete the application cover page and budget detail worksheet, as well as all certifications.

**Note on the Budget Detail Worksheet** - Use the worksheet provided to describe the amounts you plan to spend in each category, and to provide explanation of how each item was derived.

#### EXAMPLES:

CATEGORY	AMOUNT	COMPUTATION
A. Training	\$3,500	Vendor Fee for Suicide Intervention Course
C. Overtime – Replacement Costs	\$180.00	One person for 8 hours at his/her overtime rate

#### VII. Grant Selection Process

SETB staff will review all applications and make funding recommendations to the Acting Executive Director or his designee. The Acting Executive Director, or his designee, will make the final decisions for awarding SETB Training Grant funds.

Adherence to the conditions detailed within this grant application package and other factors will be considered. These factors include:

- A reasonable, properly completed budget and application; and
- Grantees' adherence to Recipient Standards and Reporting Requirements.

#### VIII. Reimbursement Process

Upon completion of the grant review process, SETB will enter into contracts with approved governmental entities. Once the contracts are signed by both parties, the governmental entities can begin incurring costs and

seeking reimbursement from SETB. SETB cannot reimburse for costs incurred prior to the full execution of a contract.

Reimbursement requests must be submitted to SETB within 30 days of the costs being incurred. Once the fiscal records are closed, there is no guarantee of reimbursement. Reimbursement requests must include expenditure and activity reports as well as supporting documentation, including but not limited to, copies of receipts and/or payroll records. All SETB Training Grant reporting forms will be made available to participating governmental entities in hard copy form and at [www.mass.gov/e911](http://www.mass.gov/e911). Reporting forms must be signed and submitted to the SETB by mail. Electronic signatures or fax copies of these reports will not be accepted. Failure to comply with reporting requirements may result in non-reimbursement of funds or suspension of grant award.

Because this is a cost reimbursement grant program, please be sure to notify your Treasurer's Office.

Participating governmental entities must keep file copies of pertinent, granted-related information as required by state and local laws and regulations.

NOTE: All funding is subject to the availability of funds. Participating entities will be notified if a concern develops with regard to the availability of funds.

#### **IX. Submission Requirements**

Please submit **one original and two copies** of the completed application cover page and budget detail worksheet, as well as the certifications, on or before **5:00 p.m. EST on Friday, March 9<sup>th</sup>, 2007.**

**All applications must be mailed or hand-delivered to the address below. No applications will be accepted via fax or email.**

Statewide Emergency Telecommunications Board  
1380 Bay Street  
Taunton, MA 02780-1088  
Attn: SETB Training Grant Program

#### **X. Assistance**

For technical assistance, contact SETB at [SETBTrainingGrant@state.ma.us](mailto:SETBTrainingGrant@state.ma.us).



## COMMONWEALTH OF MASSACHUSETTS STANDARD CONTRACT FORM AND INSTRUCTIONS

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) for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. This shall not prohibit the addition of non-conflicting Contract terms. By executing this Contract, the Contractor under the pains and penalties of perjury, makes all certifications required by law and certifies that it shall comply with the following requirements: that the Contractor is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards, including obtaining requisite licenses, permits and resources for performance; that the Contractor and its subcontractors are not currently debarred; that the Contractor is responsible for reviewing the Standard Contract Form Instructions available at [www.comm-pass.com/comm-pass/forms.asp](http://www.comm-pass.com/comm-pass/forms.asp); that the terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties; and that the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached to this Contract or incorporated by reference herein, including the following requirements: all relevant Massachusetts state and federal laws, regulations, Executive Orders, treaties, requirements for access to Contractor records, the terms of the applicable Commonwealth Terms and Conditions, the terms of this Standard Contract Form and Instructions including the Contractor Certifications and Legal References, the Request for Response (RFR) or solicitation (if applicable), the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated provisions.

[THE CONTRACTOR MUST COMPLETE ONLY THOSE SECTIONS PRECEDED BY AN "→".]

→ VENDOR CODE: VC6000192096	MMARS DOCUMENT ID: CONTRACT ID:
→ CONTRACTOR NAME: CITY OF GLOUCESTER	DEPARTMENT NAME: EOPS/Statewide Emergency Telecommunications Board
→ CONTRACT MANAGER: PHIL TERPOS	CONTRACT MANAGER: MONNA WALLACE
→ PHONE: (978) 281-9775 → FAX: (978) 282-3026 → E-MAIL ADDRESS: PTERPOS@CLGLOUCESTER.MA.US	PHONE: (508) 828-2911 FAX: (508) 828-2585 E-MAIL ADDRESS: MONNA.WALLACE@STATE.MA.US
→ BUSINESS MAILING ADDRESS: 9 DALE AVE STE 9 GLOUCESTER, MA 01930	BUSINESS MAILING ADDRESS: 1380 BAY STREET TAUNTON, MA 02780-1088
THE FOLLOWING COMMONWEALTH TERMS AND CONDITIONS FOR THIS CONTRACT HAS BEEN EXECUTED AND FILED WITH CTR: (Check only one) <input checked="" type="checkbox"/> COMMONWEALTH TERMS AND CONDITIONS <input type="checkbox"/> COMMONWEALTH TERMS AND CONDITIONS FOR HUMAN AND SOCIAL SERVICES	
COMPENSATION: (Check one option only) <input checked="" type="checkbox"/> Maximum Obligation of this Contract: <u>\$8,400.00</u> <input type="checkbox"/> No Maximum Obligation has been set for this Contract: (Check one) <input type="checkbox"/> Rate Contract with a Rate of: \$ _____ Per: _____ <input type="checkbox"/> Rate Contract with Multiple/Negotiated Rates: (Attach listing of multiple rates or description of negotiation process)	PAYMENT TYPE: (Check one option only) <input checked="" type="checkbox"/> Payment Voucher (PV) <input type="checkbox"/> Ready Payment (RP) (Schedule: _____ Initial Base Amt.\$ _____) <input type="checkbox"/> Contractor Payroll (CP) (Required for Contract Employees) <input type="checkbox"/> Recurring Payment (Required for Leases and TELPs)
→ PAYMENT METHOD: The Contractor agrees to be paid by Electronic Funds Transfer (EFT is the Commonwealth's Preferred Payment Method): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE: (Reference to attachments without a narrative description of performance is insufficient.) For reimbursement, under the SETB Training Grant Program, of training-related costs associated with the 9-1-1 system. (Please see attached grant documents.)	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Single Department Procurement/Single Department User Contract; <input type="checkbox"/> Single Department Procurement/Multiple Department User Contract; <input type="checkbox"/> Multiple Department Procurement/Limited Department User Contract; <input type="checkbox"/> Statewide Contract (Only for use by OSD or an OSD-designated Department); <input checked="" type="checkbox"/> Grant (as defined by 815 CMR 2.00); <input type="checkbox"/> Emergency Contract (attach justification); <input type="checkbox"/> Interim Contract (attach justification); <input type="checkbox"/> Contract Employee; <input type="checkbox"/> Collective Purchase (attach OSD approval) <input type="checkbox"/> Legislative/Legal Exemption (attach proof); <input type="checkbox"/> Other (Specify): _____	
RFR REFERENCE NUMBER: (or "N/A" if not applicable)	
ANTICIPATED CONTRACT EFFECTIVE START DATE: Performance shall begin on <u>02/14/2007</u> , which shall be no earlier than the latest date this Contract is signed by authorized signatories of the Department and Contractor and approved under Section 1 of the applicable Commonwealth Terms and Conditions.	
TERMINATION DATE OF THIS CONTRACT: This Contract shall terminate on <u>12/31/2007</u> unless terminated or amended by mutual written agreement by the parties prior to this date under Section 4 of the applicable Commonwealth Terms and Conditions.	
→ AUTHORIZING SIGNATURE FOR THE CONTRACTOR: → X: <u>John Beaudette</u> (Signature of Contractor's Authorized Signatory) → DATE: <u>2/08/07</u> (Date must be handwritten at time of signature) → NAME: <u>JOHN BEAUDETTE</u> → TITLE: <u>CHIEF OF POLICE</u>	AUTHORIZING SIGNATURE FOR THE DEPARTMENT: X: <u>Maura D. McMillan</u> (Signature of Department's Authorized Signatory) DATE: <u>2/14/07</u> (Date must be handwritten at time of signature) NAME: <u>MAURA D. McMILLAN</u> TITLE: <u>Field Director</u>

# **ENCLOSURE 8**

# CITY OF GLOUCESTER AUDITOR'S OFFICE

FY2007

JUNE 8,2007

TO: CITY COUNCIL

FROM: CITY AUDITOR

RE: CODE OF ORDINANCE CHAPTER 2, ADMINISTRATION, ARTICLE III,  
OFFICERS AND EMPLOYEES, DIVISION 6, CITY AUDITOR, S 2-104  
p. 161, EFFECTIVE MARCH 1, 1986

cc: MAYOR JOHN BELL; ADMINISTRATIVE ASSISTANT, STEVE MAGOON

S 2-104 DUTY WHEN APPROPRIATIONS ARE EXHAUSTED  
WHENEVER THE APPROPRIATIONS FOR ANY DEPARTMENT FOR ANY OBJECTS HAVE  
BEEN EXHAUSTED, THE CITY AUDITOR SHALL COMMUNICATE THE FACT TO THE  
MAYOR AND THE CITY COUNCIL, AND ALL EXPENDITURES THEREFORE SHALL CEASE  
UNTIL A FURTHER APPLICATION IS DULY MADE.

AS OF THE WEEK ENDING JUNE 8, 2007 THE FOLLOWING ACCOUNTS HAVE  
EXPENDITURES THAT EXCEED THEIR APPROPRIATIONS: CITY DEPARTMENTS

<u>ACCOUNT #</u>	<u>ACCOUNT TITLE</u>	<u>AMOUNT OVER</u>
101000.10.220.51410.051	FIRE DEPT. ED ALLOWANCE	(\$2,135.14)
101000.10.220.51570.051	FIRE DEPT. WORKERS COMP.	( \$2,950.95)
101000.10.423.51310.051	DPW-SNOW/ICE REMOVAL O.T.	( \$3,767.32)
101000.10.423.52970.052	DPW-SNOW/ICE REMOVAL	( \$96,922.75)
101000.10.423.55410.054	DPW-SNOW/ICE SALT/SAND	( \$3,530.78)
101000.10.470.51300.051	PUBLIC PROP/OVERTIME	(\$561.68)
101000.10.470.52410.052	PUBLIC PROP/PUB PROP MAINT	(\$210.83)
101000.10.499.51300.051	DPW OTHER,. WAGE/OVERTIME	( \$ 605.93)
101000.10.541.51250.051	COUNCIL ON AGING WAGE/PART -TIME	( \$5,789.75)
101000.10.610.51100.051	LIBRARY ADMIN. WAGE/PERM	(\$17,319.74)

# CITY OF GLOUCESTER AUDITOR'S OFFICE

JUNE 8, 2007

TO: CITY COUNCIL

FROM: CITY AUDITOR

RE: CODE OF ORDINANCE CHAPTER 2, ADMINISTRATION, ARTICLE III,  
OFFICERS AND EMPLOYEES, DIVISION 6, CITY AUDITOR, S 2-104  
p. 161, EFFECTIVE MARCH 1, 1986

cc: MAYOR JOHN BELL; ADMINISTRATIVE ASSISTANT, STEVE MAGOON

S 2-104 DUTY WHEN APPROPRIATIONS ARE EXHAUSTED

WHENEVER THE APPROPRIATIONS FOR ANY DEPARTMENT FOR ANY OBJECTS HAVE BEEN EXHAUSTED, THE CITY AUDITOR SHALL COMMUNICATE THE FACT TO THE MAYOR AND THE CITY COUNCIL, AND ALL EXPENDITURES THEREFORE SHALL CEASE UNTIL A FURTHER APPLICATION IS DULY MADE.

AS OF THE WEEK ENDING JUNE 8, 2007 THE FOLLOWING ACCOUNTS HAVE EXPENDITURES THAT EXCEED THEIR APPROPRIATIONS: SCHOOL DEPARTMENT

<u>FUNCTION CODE</u>	<u>TITLE</u>	<u>AMOUNT OVER</u>
2325	Substitute Teachers	(\$986.45)
3200	Medical & Health Services	(\$656.13)
5200	Insurance	(\$78,343.01)

City of Gloucester

SCHOOL FUCTION CODE REPORT

Fiscal Year: 2006-2007

From Date: 7/1/2006

To Date: 6/30/2007

Include pre encumbrance

Print accounts with zero balance

Filter Encumbrance Detail by Date Range

Account Number	Description	FY07 GL Bdg	Adjustments	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal	% Rem
101000 21 371 51201 2325.40 171 00 051	Sub Teachers Sal	\$43,500.00	\$12,000.00	\$55,500.00	\$70,340.00	\$70,340.00	(\$14,840.00)	\$0.00	(\$14,840.00)	-26.74%
101000 21 372 51201 2325.30 172 00 051	Sub Teachers Sal	\$19,000.00	\$10,000.00	\$29,000.00	\$28,856.08	\$28,856.08	\$143.92	\$0.00	\$143.92	0.50%
101000 21 373 51201 2325.10 173 00 051	Kind Sub Teachers Sal	\$1,300.00	\$2,100.00	\$3,400.00	\$3,045.13	\$3,045.13	\$354.87	\$0.00	\$354.87	10.44%
101000 21 373 51201 2325.20 173 00 051	Elem Sub Teachers Sal	\$20,000.00	(\$3,894.00)	\$16,106.00	\$14,360.68	\$14,360.68	\$1,745.32	\$23.61	\$1,721.71	10.69%
101000 21 373 51201 2325.50 173 00 051	Spec Sub Teachers Sal	\$2,200.00	\$1,000.00	\$3,200.00	\$3,190.00	\$3,190.00	\$10.00	\$0.00	\$10.00	0.31%
101000 21 374 51201 2325.20 174 00 051	Elem Sub Teachers Sal	\$3,100.00	\$4,094.00	\$7,194.00	\$8,183.45	\$8,183.45	(\$989.45)	\$0.00	(\$989.45)	-13.75%
101000 21 374 51201 2325.50 174 00 051	Spec Sub Teachers Sal	\$700.00	\$4,000.00	\$4,700.00	\$3,490.00	\$3,490.00	\$1,210.00	\$0.00	\$1,210.00	25.74%
101000 21 375 51201 2325.10 175 00 051	Kind Sub Teachers Sal	\$500.00	\$1,000.00	\$1,500.00	\$1,090.00	\$1,090.00	\$410.00	\$0.00	\$410.00	27.33%
101000 21 375 51201 2325.20 175 00 051	Elem Sub Teachers Sal	\$2,000.00	\$3,700.00	\$5,700.00	\$4,788.79	\$4,788.79	\$911.21	\$0.00	\$911.21	15.99%
101000 21 375 51201 2325.50 175 00 051	Spec Sub Teachers Sal	\$700.00	\$0.00	\$700.00	\$730.00	\$730.00	(\$30.00)	\$0.00	(\$30.00)	-4.29%
101000 21 376 51201 2325.10 176 00 051	Kind Sub Teachers Sal	\$960.00	\$960.00	\$1,920.00	\$2,164.53	\$2,164.53	(\$244.53)	\$0.00	(\$244.53)	-12.74%
101000 21 377 51201 2325.10 177 00 051	Kind Sub Teachers Sal	\$300.00	\$1,500.00	\$1,800.00	\$2,287.03	\$2,287.03	(\$487.03)	\$0.00	(\$487.03)	-27.06%
101000 21 377 51201 2325.20 177 00 051	Elem Sub Teachers Sal	\$2,000.00	\$2,900.00	\$4,900.00	\$5,367.39	\$5,367.39	(\$467.39)	\$0.00	(\$467.39)	-9.54%
101000 21 377 51201 2325.50 177 00 051	Spec Sub Teachers Sal	\$350.00	\$8,000.00	\$8,350.00	\$4,919.20	\$4,919.20	\$3,430.80	\$0.00	\$3,430.80	41.09%
101000 21 378 51201 2325.10 178 00 051	Kind Sub Teachers Sal	\$432.00	\$4,200.00	\$4,632.00	\$4,318.32	\$4,318.32	\$313.68	\$0.00	\$313.68	6.77%
101000 21 378 51201 2325.20 178 00 051	Elem Sub Teachers Sal	\$2,880.00	\$7,000.00	\$9,880.00	\$11,080.90	\$11,080.90	(\$1,200.90)	\$0.00	(\$1,200.90)	-12.15%
101000 21 378 51201 2325.50 178 00 051	Spec Sub Teachers Sal	\$1,056.00	\$300.00	\$1,356.00	\$1,270.00	\$1,270.00	\$86.00	\$0.00	\$86.00	6.34%
101000 22 380 51201 2325.70 100 00 051	Sped Sub Teachers Sal	\$9,200.00	\$14,000.00	\$23,200.00	\$18,230.60	\$18,230.60	\$4,969.40	\$0.00	\$4,969.40	21.42%
101000 22 380 51202 2325.70 100 00 051	Sped Aide Subs Sal	\$10,000.00	\$36,265.00	\$46,265.00	\$42,553.74	\$42,553.74	\$3,711.26	\$0.00	\$3,711.26	8.02%
Func: Substitute Teachers - 2325		\$120,178.00	\$109,125.00	\$229,303.00	\$230,265.84	\$230,265.84	(\$962.84)	\$23.61	(\$986.45)	
101000 29 371 51101 3200.40 171 00 051	Nurses Salary	\$63,985.00	(\$2,380.00)	\$61,605.00	\$53,098.52	\$53,098.52	\$8,506.48	\$8,982.42	(\$475.94)	-0.77%
101000 29 371 51201 3200.40 171 00 051	Nurses Subs Sal	\$800.00	\$1,449.00	\$2,249.00	\$2,412.76	\$2,412.76	(\$163.76)	\$0.00	(\$163.76)	-7.28%
101000 29 371 55000 3200.40 271 00 054	Health Supplies	\$2,920.00	\$0.00	\$2,920.00	\$2,915.28	\$2,915.28	\$4.72	\$0.00	\$4.72	0.16%
101000 29 371 55804 3200.40 271 00 054	Nurse's Expense Account	\$558.00	\$0.00	\$558.00	\$344.00	\$344.00	\$214.00	\$0.00	\$214.00	38.35%
101000 29 371 57100 3200.40 271 00 057	Nurse's Travel Allowance	\$93.00	\$0.00	\$93.00	\$0.00	\$0.00	\$93.00	\$0.00	\$93.00	100.00%
101000 29 371 57300 3200.40 271 00 057	Nurse's Memberships	\$280.00	\$0.00	\$280.00	\$280.00	\$280.00	\$0.00	\$0.00	\$0.00	0.00%
101000 29 372 51101 3200.30 172 00 051	Nurses Salary	\$86,022.00	\$0.00	\$86,022.00	\$77,435.18	\$77,435.18	\$8,586.82	\$8,586.15	\$0.67	0.00%
101000 29 372 51201 3200.30 172 00 051	Nurses Subs Sal	\$806.00	\$600.00	\$1,406.00	\$1,172.60	\$1,172.60	\$233.40	\$0.00	\$233.40	16.60%
101000 29 372 55000 3200.30 272 00 054	Health Supplies	\$1,056.00	(\$375.18)	\$680.82	\$680.82	\$680.82	\$0.00	\$0.00	\$0.00	0.00%
101000 29 372 55804 3200.30 272 00 054	Nurse's Expense Account	\$902.00	(\$654.00)	\$248.00	\$248.00	\$248.00	\$0.00	\$0.00	\$0.00	0.00%
101000 29 372 57300 3200.30 272 00 057	Nurse's Memberships	\$288.00	\$0.00	\$288.00	\$280.00	\$280.00	\$8.00	\$0.00	\$8.00	2.78%
101000 29 373 51101 3200.20 173 00 051	Nurses Salary	\$96,945.00	\$931.00	\$97,876.00	\$95,784.17	\$95,784.17	\$2,091.83	\$2,091.82	\$0.01	0.00%
101000 29 373 51201 3200.20 173 00 051	Nurses Subs Sal	\$672.00	\$0.00	\$672.00	\$168.00	\$168.00	\$504.00	\$0.00	\$504.00	75.00%
101000 29 373 55000 3200.10 273 00 054	Health Equipment	\$384.00	(\$185.05)	\$198.95	\$198.95	\$198.95	\$0.00	\$0.00	\$0.00	0.00%
101000 29 373 55000 3200.20 273 00 054	Health Supplies	\$720.00	\$0.00	\$720.00	\$707.15	\$707.15	\$12.85	\$0.00	\$12.85	1.78%

City of Gloucester

SCHOOL FUCTION CODE REPORT

Fiscal Year: 2006-2007

From Date: 7/1/2006 To Date: 6/30/2007

Include pre encumbrance  Print accounts with zero balance  Filter Encumbrance Detail by Date Range

Account Number	Description	FY07 GL Budg	Adjustments	Adj Budget	Current	YTD	Balance	Encumbrance	Budget Bal % Rem
101000 29 373 55804 3200 20 273 00 054	Nurse's Expense Account	\$480 00	\$0 00	\$480 00	\$271 00	\$271 00	\$209 00	\$0 00	\$209 00 43 54%
101000 29 373 57300 3200 20 273 00 057	Nurse's Memberships	\$432 00	(\$152 00)	\$280 00	\$280 00	\$280 00	\$0 00	\$0 00	\$0 00 0 00%
101000 29 374 51101 3200 20 174 00 051	Nurses Salary	\$22,132 00	\$0 00	\$22,132 00	\$17,838 93	\$17,838 93	\$4,293 07	\$4,293 05	\$0 02 0 00%
101000 29 374 51102 3200 20 174 00 051	Health Aide Sal	\$10,425 00	\$0 00	\$10,425 00	\$8,405 10	\$8,405 10	\$2,019 90	\$2,019 70	\$0 20 0 00%
101000 29 374 51201 3200 20 174 00 051	Nurses Subs Sal	\$404 00	\$0 00	\$404 00	\$1,362 00	\$1,362 00	(\$958 00)	\$0 00	(\$958 00) -237 13%
101000 29 374 55000 3200 20 274 00 054	Health Supplies	\$500 00	\$0 00	\$500 00	\$444 62	\$444 62	\$55 38	\$0 00	\$55 38 11 08%
101000 29 374 55804 3200 20 274 00 054	Nurse's Expense Account	\$500 00	(\$150 00)	\$350 00	\$269 32	\$269 32	\$80 68	\$0 00	\$80 68 23 05%
101000 29 374 57100 3200 20 274 00 057	Nurse's Travel Allowance	\$150 00	\$0 00	\$150 00	\$300 00	\$300 00	\$0 00	\$0 00	\$0 00 0 00%
101000 29 374 57300 3200 20 274 00 057	Nurse's Memberships	\$150 00	\$0 00	\$150 00	\$140 00	\$140 00	\$10 00	\$0 00	\$10 00 6 67%
101000 29 375 51101 3200 20 175 00 051	Nurses Salary	\$44,264 00	\$0 00	\$44,264 00	\$44,263 96	\$44,263 96	\$0 04	\$0 00	\$0 04 0 00%
101000 29 375 51201 3200 20 175 00 051	Nurses Subs Sal	\$336 00	\$3,000 00	\$3,336 00	\$4,148 56	\$4,148 56	(\$812 56)	\$0 00	(\$812 56) -24 36%
101000 29 375 55000 3200 20 275 00 054	Health Supplies	\$480 00	\$0 00	\$480 00	\$475 17	\$475 17	\$4 83	\$0 00	\$4 83 1 01%
101000 29 375 55804 3200 20 275 00 054	Nurse's Expense Account	\$456 00	(\$358 00)	\$98 00	\$98 00	\$98 00	\$0 00	\$0 00	\$0 00 0 00%
101000 29 375 57100 3200 20 275 00 057	Nurse's Travel Allowance	\$144 00	(\$144 00)	\$0 00	\$0 00	\$0 00	\$0 00	\$0 00	\$0 00 0 00%
101000 29 375 57300 3200 20 275 00 057	Nurse's Memberships	\$144 00	\$0 00	\$144 00	\$140 00	\$140 00	\$4 00	\$0 00	\$4 00 2 78%
101000 29 376 51101 3200 20 176 00 051	Nurses Salary	\$22,132 00	\$0 00	\$22,132 00	\$17,838 93	\$17,838 93	\$4,293 07	\$4,293 05	\$0 02 0 00%
101000 29 376 51102 3200 20 176 00 051	Health Aide Sal	\$10,425 00	\$0 00	\$10,425 00	\$8,405 10	\$8,405 10	\$2,019 90	\$2,019 70	\$0 20 0 00%
101000 29 376 55000 3200 20 276 00 054	Health Supplies	\$200 00	(\$45 53)	\$154 37	\$154 37	\$154 37	\$0 00	\$0 00	\$0 00 0 00%
101000 29 377 51101 3200 20 177 00 051	Nurses Salary	\$38,012 00	\$0 00	\$38,012 00	\$30,638 68	\$30,638 68	\$7,373 32	\$7,373 45	(\$0 13) 0 00%
101000 29 377 51201 3200 20 177 00 051	Nurses Subs Sal	\$403 00	\$0 00	\$403 00	\$504 00	\$504 00	(\$101 00)	\$0 00	(\$101 00) -25 06%
101000 29 377 55000 3200 20 277 00 054	Health Supplies	\$580 00	\$17 39	\$597 39	\$597 39	\$597 39	\$0 00	\$0 00	\$0 00 0 00%
101000 29 377 55804 3200 20 277 00 054	Nurse's Expense Account	\$356 00	\$37 00	\$393 00	\$393 00	\$393 00	\$0 00	\$0 00	\$0 00 0 00%
101000 29 377 57100 3200 20 277 00 057	Nurse's Travel Allowance	\$144 00	(\$144 00)	\$0 00	\$0 00	\$0 00	\$0 00	\$0 00	\$0 00 0 00%
101000 29 378 51101 3200 20 178 00 051	Nurses Salary	\$43,134 00	\$0 00	\$43,134 00	\$34,766 76	\$34,766 76	\$8,367 24	\$8,366 86	\$0 38 0 00%
101000 29 378 51201 3200 20 178 00 051	Nurses Subs Sal	\$404 00	\$1,500 00	\$1,904 00	\$1,484 14	\$1,484 14	\$419 86	\$0 00	\$419 86 22 05%
101000 29 378 55000 3200 20 278 00 054	Health Supplies	\$480 00	(\$25 34)	\$454 66	\$454 66	\$454 66	\$0 00	\$0 00	\$0 00 0 00%
101000 29 378 55804 3200 20 278 00 054	Nurse's Expense Account	\$455 00	(\$142 00)	\$313 00	\$313 00	\$313 00	\$0 00	\$0 00	\$0 00 0 00%
Func: Medical & Health Service - 3200		\$454,153 00	\$2,929 19	\$457,082 19	\$409,712 12	\$409,712 12	\$47,370 07	\$48,026 20	(\$656 13)
101000 29 384 51703 5200 00 200 00 051	Health Insurance	\$3,467,888 00	\$31,834 59	\$3,499,722 59	\$3,581,858 05	\$3,581,858 05	(\$82,135 46)	\$0 00	(\$82,135 46) -2 35%
101000 29 384 51703 5200 10 200 00 051	Health Insurance Retired	\$470,000 00	(\$1,000 00)	\$469,000 00	\$437,341 95	\$437,341 95	\$31,658 05	\$27,865 60	\$3,792 45 0 81%
Func: Insurance - 5200		\$3,937,888 00	\$30,834 59	\$3,968,722 59	\$4,019,200 00	\$4,019,200 00	(\$50,477 41)	\$27,865 60	(\$78,343 01)
<b>Grand Total:</b>		\$4,512,219 00	\$142,888 78	\$4,655,107 78	\$4,659,177 96	\$4,659,177 96	(\$4,070 18)	\$75,915 41	(\$79,985 59)

End of Report

# **ENCLOSURE 9**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
jbell@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

June 4, 2007

Mr. James Giudotti  
101 Hesperus Avenue  
Magnolia, MA 01930

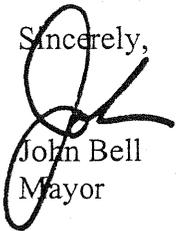
Dear Jim:

I am very sorry to hear of your health issues and wish you the very best for better health. Your leadership and influence over the years has had a positive impact on how we plan and spend for large capital needs. You have been the advocate for thoughtful discipline and protocol.

Gloucester is deeply indebted to you for your public service on the Capital Advisory Improvement Board.

Thank you very much, and I look forward to seeing you soon.

Sincerely,



John Bell  
Mayor

JB/c

**Chris Pantano**

**From:** Mayor John Bell [jbell@ci.gloucester.ma.us]  
**Sent:** Monday, June 04, 2007 9:27 AM  
**To:** caroljimg@comcast.net  
**Cc:** Steve Magoon; Chris Pantano  
**Subject:** Re: resignation

Jim,

I am very sorry to hear of your health issues and wish you the very best for better health. Your leadership and influence over the years has had a positive impact on how we plan and spend for large capital needs. You have been the advocate for thoughtful discipline and protocol.

Gloucester is deeply indebted to you for your public service. I look forward to seeing you soon. My office door is always open for you. Please feel free to drop by for coffee with me and Steve Magoon and get "caught-up". These days it's best to call first !

Thank you very much.

Warm regards,

John

----- Original Message -----

**From:** caroljimg@comcast.net  
**To:** jbell@mail.ci.gloucester.ma.us  
**Cc:** Jim Duggan ; Gregg Cademartori  
**Sent:** Friday, June 01, 2007 9:04 PM  
**Subject:** resignation

Mayor Bell,

It is with regret that I must resign from the CIAB and the loan committee. I am resigning for personal medical reasons. I enjoyed my various experiences with the city and want to use this opportunity to praise the members and staff involved.

First as to the loan committee, while there were few meetings needed, Jim Duggan demonstrated a willingness to learn various unfamiliar aspects of lending and an ability to follow through as needed.

Second as to the CIAB, Gregg, while over worked, did a yeoman's job in juggling meetings and department heads lack of response. He is a fine staff member and is to be commended for doing a good job on something that is really not his primary responsibility.

The major problem is, in my opinion, the department heads do not take us seriously as they know no one seems to pay attention to the reports. I have expressed my frustrations to you in the past but I understand that the rating companies and state regs both require a CIP report. The CIAB has introduced a new attempt to reverse some of the department heads lackadaisical attitude by scheduling meetings this year for the 09 report. The details are in the CIAB memo in the 08 report now being prepared. I waited until the memo was finished before submitting this resignation.

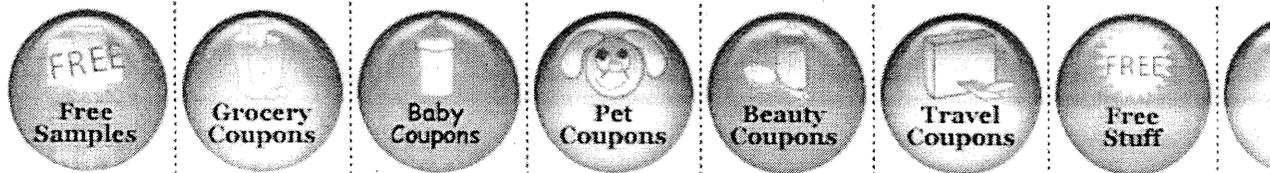
The other shortfall to the CIAB is the need for members. With my leaving you will need at least 2 new members. The current group complement each other in their various areas of experience. Don and Bob bring construction backgrounds. Peg brings a common sense aspect and Bill offers an organized accounting background.

Finally, you have to appoint a new chairman for the group. While it is your decision and all of the current members are qualified, if you were looking for my suggestion I would recommend Peg who has done an outstanding job as vice chair.

I appreciated the opportunity to be of service to the community and regret having to resign.

Jim Guidotti

# **ENCLOSURE 10**



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JOHN HAMILL AND THOMAS AMBROSINO

The Boston Globe

## The days of financial reckoning

By John Hamill and Thomas Ambrosino | June 20, 2007

IN SAUGUS, officials are shuttering the library, eliminating 10 public safety positions, closing one of only two fire stations, and cutting up to 27 educators and support staff in the public schools.

In Northbridge, the public schools are laying off 64 teachers and 23 support staff members, moving from full-day to half-day kindergarten, and eliminating language courses in the middle school.

These are not isolated stories. According to The Boston Globe's Override Central, 60 percent of override votes are failing this year and cities and towns across Massachusetts are increasingly facing similar, difficult choices to cut education, public safety, and other municipal services.

These daily headlines underline what is fundamentally wrong with municipal government in Massachusetts -- the basic business model of local government is beginning to fail.

Three years ago, the Metro Mayors Coalition brought a group of stakeholders and specialists together in a Municipal Finance Task Force to coordinate a study of 25 years of municipal finances, local aid, and local expenditures. The task force published the report "Communities at Risk," which analyzed why almost every community -- city or town, affluent or poor, from Cape Cod to the Berkshires -- was struggling financially. The report is available at [www.mapc.org](http://www.mapc.org).

For taxpayers, the story of municipal government over the past decade is universal: higher property taxes and increased fees combined with diminished public services and deferred investments in infrastructure. Faced with this zero sum game, the politics of local government has turned increasingly sour.

There is reason to hope that this gloomy picture may improve. A

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number of proposals in Governor Deval Patrick's Municipal Partnership Act would make a real difference.

For example, municipal government should have revenue options that do not depend on residential property taxpayers. The Municipal Partnership Act would give cities and towns options to raise revenues by modest increases in meals and lodging taxes. Even a 1 percent local option meals tax could raise as much as \$120 million for Massachusetts cities and towns. These options would take pressure off the property tax and help fund critical local services.

The act also includes a local option for municipalities to join the Group Insurance Commission, which provides health coverage to state workers. According to the Massachusetts Taxpayers Foundation, the commission's premiums rose by an annual average of 6.6 percent between 2001 and 2005, compared with increases of 13 percent annually for municipalities. Joining the Group Insurance Commission could save municipalities millions of dollars, while still providing outstanding health insurance options to their employees.

The act also starts an important dialogue about the need for increased home rule power for municipalities to manage themselves and creates a commission focused on breaking down barriers toward regional service delivery.

These common-sense changes would help financially struggling cities and towns, and take the pressure off residential and commercial property taxpayers. Municipal government educates our children, protects our lives and property, maintains our local network of roads, and provides services from libraries to senior centers.

We cannot continue to let municipal government fail. The House and Senate can provide meaningful relief by adopting these necessary reforms, so that layoffs and service cuts will no longer be front-page news.

*John Hamill is chairman of Sovereign Bank New England and chairman of the Municipal Finance Task Force. Thomas Ambrosino is mayor of Revere and chairman of the Metro Mayors Coalition.* ■

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Gloucester Conservation Commission  
3 Pond Road  
Gloucester, Ma. 01930

June 13, 2007

07 JUN 19 AM 9:14  
CITY CLERK  
GLOUCESTER, MA

Re. Mac Bell N.O.I. 33 Emerson Ave. File no. 28-1876

Dear Commission members:

Would the Commission please address the following issues, previously raised, but not spoken to by the Commission.

- 1. The history of illegal fill at the site.**
- 2. The request for attendance of the applicant, Mac Bell, at the hearing to respond to the illegal fill issue.**

To the best of my knowledge, the hearing on 33 Emerson is the only time Mr. Bell has ever not personally attended proceedings involving a permit for one of his projects.

Although the Commission cannot compel an attendance by Mr. Bell, it can deny the project because of insufficient information.

- 3. The granting of over 11,000 square feet of Riverfront Resource Area for the project.**

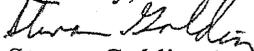
Commission Agent Nancy Ryder has pointed out that allowing this request is discretionary under D.E.P. regulations. The only reason given by Mr. Bell's representative for allowing this use is the claim that it is necessary for the project.

This reason would be insufficient under any circumstances, but is particularly insufficient in this matter where a self-imposed hardship is involved.

The project would be on a newly created lot. It was created when Mr. Bell divided the 8 1/2 acre lot, which had earlier been given to his family company for \$2000 by the City of Gloucester, and sold off a parcel for \$3,666,000.

Thank you for your attention.

Sincerely,



Stevan Goldin  
14 Hodgkins St.  
Gloucester, Ma. 01930

cc.: Mayor John Bell  
Gloucester City Council ✓  
Representative Anthony Verga  
Representative Frank Smizik  
Gloucester Shellfish Constable  
David Sargent  
Boston Globe

Stevan Goldin 14 Hodgkins St. Gloucester, Ma. 01930 978 491-7099

June 13, 2007

Mayor John Bell  
Gloucester City Hall  
Gloucester, Ma. 01930

**Re.: Misuse of Police by Conservation Commission Chairman Max Schenk**

Dear Mayor Bell:

I would like to bring to your attention disturbing events that occurred at the Gloucester Conservation Commission meeting on May 16, 2007. A public hearing was held at that meeting on a Notice of Intent to construct a house at 54-56 Woodward Ave. A number of neighbors who had spoken in opposition to the project at the previous session were present. Neighbors opposed the project, but there had been no disorder. At the start of the May 16 Woodward Ave. hearing a police officer appeared and remained present until the end of the hearing when the project was approved.

Next on the agenda was a public hearing for the proposed Gloucester Crossing project. When I spoke on environmental concerns about the development that had not been (and never were) addressed by the Commission, Mr. Schenk attempted to cut off my testimony. When I objected, citing the extended and unlimited time allowed Gloucester Crossing representatives, Mr. Schenk threatened to call the police.

The use of police power for political intimidation is an alarming abuse of that power and should not be allowed to reoccur.

Thank you for your attention.

Sincerely,



Stevan Goldin

cc. Gloucester City Council ✓  
Gloucester Conservation Commission  
Representative Anthony Verga  
Representative Frank Smizik  
Gloucester Shellfish Constable David Sargent  
Boston Globe

Stevan Goldin 14 Hodgkins St. Gloucester, Ma. 01930 978 491-7099

June 13, 2007

Representative Anthony Verga  
State House  
Boston, Ma. 01930

Dear Representative Verga:

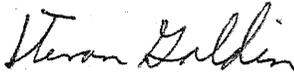
As indicated to you in previous communications, the Gloucester Conservation Commission has not properly carried out its responsibility under M.G.L. c.131/40 with its current Chairman, Max Schenk. Particularly alarming is Mr. Schenk's invoking police power for political intimidation to curtail opposition to projects.

Would you, in cooperation with Representative Frank Smizik, Chairman of the House Committee on the Environment, please maintain oversight of the Commission's activities.

I would particularly request your attention to the matter of a wetlands permit for a proposed office building at 33 Emerson Ave., which involves long-term violations.

Thank you for your attention.

Sincerely,



Stevan Goldin

cc.: Mayor John Bell  
Gloucester City Council ✓  
Gloucester Conservation Commission  
Representative Frank Smizik  
Gloucester Shellfish Constable David Sargent  
Boston Globe

# Report to Members

**GLOUCESTER CONTRIBUTORY RETIREMENT SYSTEM**  
**11-15 Parker Street, P.O. Box 114, Gloucester, MA 01931**  
**(978) 281-9744**

## Year Ended 12/31/06

### **BOARD MEMBERS:**

Douglas A. MacArthur, Chairman & Elected Member  
Linda Geary, Elected Member  
Edward Hardy, Appointed Member  
Patricia Ivas, Appointed Member  
Joseph T. Pratt, Ex-Officio

### **ADMINISTRATOR:**

Linda L. Geary

### **ASSISTANT ADMINISTRATOR:**

Elaine Tarantino

### **CONSULTANT:**

New England Pension Consultants

### **CUSTODIAL BANK:**

Investors Bank & Trust

**BOARD MEETINGS:** Generally the third Wednesday of each month

### **ACTUARIAL INFORMATION**

Funded Ratio	49.5%
Date of Last Valuation	1/01/06
Actuary	Stone Consultant
Assumed Rate of Return	7.875%
Funding Schedule	Increasing 4.5%
Year Fully Funded	2028

### **MEMBERSHIP:**

Active Members	544
Retired Members	407

### **INVESTMENT:**

2006 Return	14.54%
2006 Target Return	8.50%
2006 Market Value	\$67,920,529.08
Five Year Return	8.95%
Ten Year Return	8.89%
1985-2006 Return (Annualized)	10.60%

The Gloucester Retirement System came into being on July 1, 1937, the same time that the U. S. Social Security System was inaugurated.

All local municipal retirement systems, both Contributory and Non-contributory, are governed in their entirety by State Law.

The Retirement Board voted to grant retirees a 3% cost of living on the first \$12,000.00 of their retirement allowance, effective July 1, 2007. This is the maximum amount allowed by law.

## ASSETS & LIABILITIES

### 12/31/06

<u>CASH</u>	\$ 8,430,336.64
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EQUITY FUNDS:

Intech	\$ 9,265,710.61
Wellington	\$ 7,647,898.97

FIXED FUNDS:

PIMCO	\$ 11,663,269.94
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HEDGE FUND

PRIT Absolute Return	\$ 3,310,559.27
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INT'L EQUITY FUND:

Invesco	\$ 8,964,453.52
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REAL ESTATE FUND:

PRIM Real Estate	\$ 2,751,229.82
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BALANCED FUND

Mellon Global Alph	\$ 8,829,246.49
PIMCO All Asset Fund	\$ 7,088,397.15

Accounts Payable	\$ (46,018.32)
Accounts Receivable	\$ 10,535.05
Interest Due & Accrued	\$ 4,909.94
<b>TOTAL</b>	<b>\$ 67,920,529.08</b>

The interest rate to be applied on total deductions and accrued interest for calendar year 2007 was again set at .60% by the Public Employees Retirement Administration Commission. The interest is calculated solely for informational purposes for individuals that take a refund of their contributions instead of working toward a retirement benefit. The investment earnings stay in the system for the benefit of people who work long enough to qualify for a retirement pension. The goal of the retirement system is to make long term investments which generate income to support the pensions of future retirees. It is not to provide a benefit to those who leave the system. While at first that might sound unfair, actually it's generous. When you leave a private sector job, you can't withdraw a cent from your Social Security contributions. All of your money stays with Social Security.

CITY COUNCIL  
Tuesday, June 12, 2007 – 7:00 p.m.  
Kyrouz Auditorium – City Hall

**Attendance:** James Destino, Council President, John “Gus” Foote, Council Vice President, Councilors Jason Grow, Jacqueline Hardy, Michael McLeod, Walter Peckham, Sefatia A. Romeo, Alphonse Swekla, Bruce Tobey

**Also:** Mayor Bell, Senator Tarr, Representative Verga, Steve Magoon, Anna Tenaglia, Joe Parisi, Jack Vondras, Sander Schultz, Barry McKay, Joseph Fitzgerald, Patrick Scalli, Steve Corrin, Manuel Silva, Joe Grace, Richard Gaines, Bob Whynott

**Absent:**

The meeting was called to order at 7:00 p.m. Agenda items were taken out of order.

**FLAG SALUTE & MOMENT OF SILENCE**

Boy Scouts Troop 60 led the flag salute.

**ORAL COMMUNICATIONS**

**COUNCILLOR’S REQUESTS TO THE MAYOR**

**07-138 (B&F)** Request O&A conduct the City Clerk’s performance review.

**07-139 (Tobey, Grow)** Request the Mayor negotiate protocol for police detail and whatever protocol is established, it be done based on NATIONAL best practices with supporting documentation.

**07-140 (Grow)** Request the Mayor instruct DPW to make sure the street sweeping on Brier Neck has been done.

**07-141 (Grow)** Request the Mayor instruct the DPW to trim the vegetation along Thatcher Road from Barn Lane to the Rockport border to create a safer width for bikers and pedestrians who walk along that stretch of road.

**07-142 (Destino)** Request the Mayor instruct the DPW to install a guardrail at 8 Clifford Court. Due to snowplowing, repairs are necessary to the fence. (guardrail supplied by resident).

**07-143 (Destino)** Request the Mayor hold a meeting with the Building Inspector and DPW Director regarding encroachment and parking problems and recommended ordinances for 34-36 Beacon Street.

**07-144 (Grow)** Request the Mayor request the Traffic Commission determine whether a hidden driveway sign should be installed in the vicinity of 125 E. Main Street.

**07-145 (Grow)** Request the Mayor instruct city department(s) that oversee permitting/enforcement of any regulations/ordinances that relate to noise/music advise the proprietors of said regulations/ordinances and ensure that they are in compliance. Councilor Grow has received a good number of complaints pertaining to late night music from establishments on the waterfront.

**07-146 (Peckham)** Request the Mayor instruct DPW to take whatever action needed to improve the conditions of the West Parish School Field. It is in deplorable condition and is literally a Safety Hazard to the children attending this School.

**07-147 (Grow)** Request the Mayor instruct the DPW to fill the potholes along Jacques Lane.

**07-148 (Grow)** Request the Mayor instruct the DPW to paint the road markings, fog lines and directional arrows on Sayward Street as soon as possible.

**07-149 (Grow)** Request the Mayor instruct the DPW to paint the angle parking lines in front of Zack’s restaurant on East Main Street.

**07-150 (Grow)** Request the Mayor instruct the DPW to install the Stop sign on Fremont Street.

**CONSENT AGENDA**

- **MAYOR’S REPORT**
  1. **Appointment:** Licensing Board- TTE 05/31/2013: John Rando (*Refer O&A*)
- **CHIEF ADMINISTRATIVE OFFICER PACKET**
  1. Memo from Fire Department requesting acceptance of a grant. (*Refer B&F*)

3. Report from City Auditor regarding accounts exceeding their appropriations (*Refer B&F*)
4. Memo from Harbormaster requesting a supplemental appropriation (*Refer B&F*)
5. Memo from GHS Principal requesting to pay for services w/o a P.O. (*Refer B&F*)
6. Memo from Superintendent of Schools requesting funds for a capital expenditure (*Refer B&F*)
7. Memo requesting acceptance of Stanwood Avenue rail crossing as a public way (*Refer P&D*)
- **INFORMATION ONLY**
  1. Reminder Notice and agenda for Gloucester Service Zone Plan Advisory Board
  2. Letter from resident regarding Conservation Commission Public Hearings
  3. Memo from Verizon regarding Cable Choice and Competition Act
  4. Memo from Walpole Selectmen regarding "Unfriendly 40B" projects
- **APPROVAL OF MINUTES**
  1. City Council Meeting 05/29/2007 (*Approve/File*)
- **COMMUNICATIONS**
  1. Letter from Cape Ann Farmer's Market requesting road closures (*Refer P&D*)
  2. Letter from North Shore Housing Trust regarding Maplewood School Project (*Refer B&F*)
  3. Letter from resident regarding fence installation/ordinance (*Refer O&A*)
- **ORDERS**
  1. #2007-21- Appropriation from Stabilization (*Foote*) (*Refer B&F*)
- **APPLICATIONS/PETITIONS**
  1. SCP #2007-06: 204 Hesperus Avenue- 1.4.2.2, 2.3.1 (*Refer P&D*)

#### ADDENDUM TO THE MAYOR'S REPORT

1. Memo from EDIC Dir.; regarding grant for FY08 economic development efforts. (*Refer to B&F*)

**MOTION:** The memo from EDIC regarding a grant for FY08 economic development was referred to Budget and Finance by UNANIMOUS consent of the City Council.

**MOTION:** A letter from the North Shore Housing Trust asking for an extension on the Maplewood School contract was referred to Budget and Finance by UNANIMOUS consent of the City Council. (*Refer to B&F*)

#### ITEMS REMOVED FROM THE CONSENT AGENDA

**MOTION:** The amended consent agenda was adopted by UNANIMOUS consent of the full City Council with the exceptions of Councilor Foote's order #1 and Information item #3.

**Councilor Tobey** noted he wished city governments had the lobbying money to do the kind of campaigning that Verizon has done with this piece of legislation. This act is about creating a problem that doesn't exist. Saying they are going to increase competition and giving better choice to communities is a complete sham and fraud. They would cherry pick under this legislation. The way it stands now they have to do the whole community. Furthermore, local access for free goes away completely and that is not right. Texas passed this bill and their rates are skyrocketing.

**Councilor Foote** withdrew his order without objection in order to have a dialogue with both the Mayor and the Council to discuss why or why not the stabilization money can't be used to balance the budget.

#### SCHEDULED PUBLIC HEARINGS

##### **Public Hearing #1**

SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (11A), 5.14, 3.2.3 footnote 2. (*Continue until 06/26/2007*)

The public hearing is opened and continued to 6/26/07.

**Public Hearing #2**

SCP: Gloucester Crossing: 1.4.2.2, 2.3.4 (49) , 5.7, 3.2.2 footnote 3 (*Continue until 06/26/2007*)

**The public hearing is opened and continued to 6/26/07.**

**Public Hearing #3**

SCP: Gloucester Crossing: 1.4.2.2, 5.17 (*Continue until 06/26/2007*)

**The public hearing is opened and continued to 6/26/07.**

**Public Hearing #4**

SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (7) footnote 3, 5.7.1, 3.2.1,3.2.1 (footnote 4) (*Continue until 06/26/2007*)

**The public hearing is opened and continued to 6/26/07.**

**Public Hearing #5**

Fee/Revenue Proposals: Health Department (*Continued from 05/29/2007*)

**The public hearing is opened.**

**Speaking in favor. Jack Vondras, Public Health Director** broke down the compendium of fees into three groups. He would like to take out the non-compliance and late penalties and look at those separately as these are not revenue generators, but will help with efficiencies in the department. The second set is new fees. These are fees that exist in other cities and towns and the last set are fees that haven't been increased and we again looked at other cities and towns (10) and made reasonable adjustments.

**Speaking in opposition.** No one spoke in opposition.

**Communications.** None.

**Questions. Councilor Tobey** asked if the penalties have been separated out.

**Mr. Vondras** replied he believes it is all one lump of fees.

**Councilor Grow** asked what the new fees encompass.

**Mr. Vondras** stated they cover lodging and single room inspections, liquor license inspections of the property, demolition permits, food service review, all to make sure they are in compliance. We are trying to use our resources better and if there were a slight fee you wouldn't see as many that would take our time.

**Councilor Grow** asked if there is a specific reason to separate out the penalties from the fee compendium.

**Councilor Tobey** stated he has a problem with fees that didn't exist or some that will cost more because he is sick of fees and he is trying to find a basis to find some of these acceptable.

**Councilor Swekla** asked what happens in other communities.

**Mr. Vondras** stated we based these on our comparison of 10 different communities.

**Councilor Tobey** asked what the other 341 communities do.

**Mr. Vondras** can't give that answer.

**Councilor Tobey** asked that the non-compliance fee and the late fee be removed and voted on separately. They are called fees but they are non-compliance.

**The public hearing is closed.**

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of the revenue proposals (new fees and penalties) for the Health Department.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo the City Council voted by ROLL CALL 6 in favor, 3 opposed (Foote, McLeod, Tobey) to accept the compendium of fees for the Health Department with the exception of the non-compliance fee and the late fee.

MOTION CARRIES.

**Discussion.** **Councilor Hardy** asked if the non-compliance fee is for everything permitted in the Health Department and late fee as it relates to what.

**Mr. Vondras** replied yes to the non-compliance fee and late fee as it relates to permitting.

**Councilor Grow** stated the Health Department like every other department in the city is strapped and narrowly focusing their time will save their time and resources and has no problem with these fees.

**MOTION: On motion of Councilor Tobey, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed approval the non-compliance fee generating \$5,000 and late fee generating \$2,000 for the Health Department.**

**Public Hearing #6**

Ambulance Billing Schedule *(Continued from 05/29/2007)*

**The public hearing is opened.**

**Speaking in favor. Sander Schultz, EMS Coordinator** stated last year we updated the entire ambulance billing policy and when we did that we increased the rates to Medicare plus 30%. This year we are proposing an increase to the current years Medicare plus 50%.

**Mr. Magoon** stated Medicare rates reimbursed for ambulance service are changing and we need to revisit these fees in order to make sure they are consistent with Medicare.

**Speaking in opposition.** No one spoke in opposition.

**Communications.** None.

**Questions.** None.

**The public hearing is closed.**

**MOTION:** The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of the proposed ambulance billing and collection policy as written.

**MOTION: On motion of Councilor Tobey, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed approval of the proposed ambulance billing and collection policy as written.**

**Public Hearing #7**

Amend Chapter 22, Section 22-244 *(Continued from 05/29/2007)*

**The public hearing is opened.**

**Speaking in favor. Joseph Fitzgerald, Police Department** stated this proposal would generate \$25 for every towing. The fee would be collected by the towing company and submitted to the city on a monthly basis.

**Speaking in opposition.** No one spoke in opposition.

**Communications.** Memo from the Police Chief in favor.

**Questions.** **Councilor Grow** stated as he read this it applies to all vehicles towed at the direction of the police department and asked would accidents be separate.

**Detective Fitzgerald** stated this would be collected on accidents as well if police ordered the tow.

**Councilor Grow** asked if the storage fees would apply to all those vehicles towed.

**Detective Fitzgerald** believes the storage fee goes to the towing company.

**Councilor Swekla** asked how many towing companies we have.

**Detective Fitzgerald** stated only Tally's is interested in this.

**Councilor Swekla** asked have you talked to them about the city getting the \$25.

**Detective Fitzgerald** stated the towing company would collect it up front and we would keep track.

**Council President Destino** requested the administration recommend a policy on how the accounting is going to work.

**Councilor Tobey** stated according to the O&A minutes, the proposal would be to contract for towing services and for each vehicle towed the city would receive a portion of that. He asked is it the administration's plan to enter into a contract with the towing company with procurement procedures, so there is a clear understanding of how that would work.

**Mr. Magoon** stated the police have experience working with that one towing company and the policy would clarify the issue if there wasn't a contract or another arrangement the police department has in terms of financial management and one that the CFO is comfortable with. He will get back to the Council with a written policy within 45 days.

**Councilor Grow** stated there is confusion as to which tows would be charged and which tows wouldn't and the potential for incorrect billing might occur. We need to have a policy to handle any incorrect billings as well.

**The public hearing is closed.**

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council amendment of the Gloucester Code of Ordinances, Chapter 22, entitled "Traffic and Motor Vehicles" by DELETING Section 22-244, entitled "Fees" in its entirety and by ADDING Sec. 22-244, entitled "Fees" to include language to establish an administrative assessment on towed motor vehicles as proposed.

**MOTION: On motion of Councilor Tobey, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed amendment of the Gloucester Code of Ordinances, Chapter 22, entitled "Traffic and Motor Vehicles" by DELETING Section 22-244, entitled "Fees" in its entirety and by ADDING Sec. 22-244, entitled "Fees" to include language to establish an administrative assessment on towed motor vehicles as proposed.**

**Public Hearing #8**

Acceptance of FY2008 Budget (*Continue until 06/19/2007*)

**The public hearing is opened and continued to 6/19/07.**

**Without objection the public hearing on scuba diving issue was taken up prior to the sewer and water rates.**

**Public Hearing #10**

Proposed SCUBA/Diving Ordinance

**The public hearing is opened.**

**Speaking in favor. Patrick Scalli, 1 Bray Street** has been a diver for over 40 years. Both sides have agreed this is a safety issue especially on the side of boater and diver collision. Peter Prybot representing some of the lobstermen and he representing some of the divers worked over the winter to come up with an agreement to enhance the safety of particularly the divers. The local ordinances hasn't been complied with and although the language is vague it states divers should display a flag, which has been interpreted that each diver should carry his own flag. This presents a serious safety issue. The ordinance also requires a lobsterman stay outside 50' of a dive flag. Those were two substantial issues we tried to resolve. He provided a brief overview of the proposed ordinance which has been on the city website for the last two months. The proposal is to revise the ordinance to align with state law. This proposed ordinance has been recommended by the Waterways Board, harbormaster, and state marine fisheries diving and safety officer and from the diving community we suggest you do accept the proposed ordinance as an enhancement to public safety. There has also been discussion on a proposed ban on the taking of lobsters by divers. That is a state issue and is not a proposal before the council this evening. The divers are prepared to take that discussion up at the state level. Divers don't feel the taking of lobsters by divers affects the safety issue and we suggest

you focus on the issue at hand. Diving is an inherently dangerous activity and in the interests of safety and education recommends approval of this.

**Steven Corrin, Attorney with the Bay State Council** has been asked to address the city council on the local ordinance requirement that each diver tow a flag even within a group. The local ordinance also requires a diver to tow the flag as they proceed through the waters. The state law regarding this was enacted in 1970 and amended in 1975. The initial stated law required any group of divers display a flag and when at or near the surface a diver must be within 100' radius of that flag. Any group of divers may display one flag. The Gloucester ordinance maximizes the amount of flags and the state law minimizes the amount of flags. Nahant had an ordinance exactly like Gloucester's and it was struck down. The purpose of the statute is to lessen danger to divers. A judge in Salem found that Section 15 of the state law says that no bylaw contrary to the state law shall be enacted or the law is unenforceable. The only two courses of action are to adopt the state law or not to have an ordinance because the state law applies to everyone and the state police can enforce those laws.

**Manuel Silva, Commercial Lobstermen, Rockport** also dives and is very disappointed with the Waterways Board and harbormaster suggesting one flag is sufficient for a group of divers. The restriction we have in Gloucester was put on the books to protect all sides; it does not aggravate the state law. We as lobstermen cannot tell where the divers are and if there is flag on the beach we don't know where they are. Many lobstermen sets trawls (group of traps tied together) and the state now says you can't use floating line with the new sinking line the divers are going to get pinned to the ground and stay there. He has been fighting for a long time to get some enforcement on the local ordinance. The area we are talking about is from the Annisquam Light to Rockport. Lobstermen have a lot of money tied up in our businesses and our homes and if someone gets hurt we are going to be responsible. If divers are training they shouldn't dive near lobster pots. When you are diving in 20' of water amongst all the lobster buoys we have to know where you are – it is common sense and safety.

**Speaking in opposition.** No one spoke in opposition.

**Communications.** None.

**Rebuttal. Mr. Scalli** echoed some of the statements made by Mr. Silva in that this is a safety issue and the implications an unfortunate accident would have on them. We feel the proposed ordinance is in compliance with the state law to make the activity of diving safer.

**Mr. Silva** does agree with Mr. Scalli on a lot of points. He is also a diver and knows that when you are diving you don't keep track of where your boat is.

**Questions. Councilor Romeo** asked if a flag is lost and someone finds that flag how they know who that flag belongs to. We just had an incident a week ago because they found a flag and they were looking for a person and it cost the state and city quite a bit of money. We don't know who that diver was and come to find out it was just a lost flag.

**Mr. Scalli** doesn't know the circumstances around that particular issue and doesn't understand the connection.

**Councilor Romeo** stated if you have multiple divers and that flag gets lost you don't know who is under there but if there were multiple flags there would be another flag floating.

**Mr. Scalli** still doesn't understand the relevance of this.

**Councilor Foote** stated both Maine and New Hampshire have banned the taking of lobsters by divers and he asked Senator Tarr what it would take to make Massachusetts the same as Maine and New Hampshire..

**Senator Tarr** stated that would require a change in the Mass. General Law that governs the harvesting of lobsters and would require the filing of a piece of legislation with no guarantee it would pass because it would be the subject of much debate.

**Councilor Foote** talked to lobsterman in Maine and the reason they did that in Maine and New Hampshire is because that is their livelihood. We don't know how much of the lobster taking is going on but they need to protect their livelihood and he would gladly sit down with Senator Tarr to see

what we can do to make that happen. He agrees with Mr. Silva that everyone should have a flag so they know where they are and they are protected as well.

**Councilor Grow** asked is there anything in the proposed ordinance that addresses the issue of taking lobsters whatsoever.

**Senator Tarr** stated you are dealing with two separate issues. The intent of the ordinance and state law is to promote safety.

**Councilor Grow** stated if we managed to eliminate lobstering for divers, the issue would still remain of diver safety.

**Senator Tarr** stated the purpose is to assure the safety of all parties and the issue of taking lobsters is separate.

**Councilor Grow** stated for clarification that under state law a diver or group of divers can dive under one flag.

**Mr. Scalli** replied yes, unless they are diving from a boat and state law requires a diver to surface within 100' of a flag.

**Councilor Peckham** asked if diver's flags have license number.

**Mr. Scalli** replied yes.

**Councilor Peckham** asked if there is one diver responsible, for safety reasons how we would identify the other divers.

**Mr. Scalli** can't remember another incident where something like that has happened.

**Councilor Peckham** asked if divers are required to obtain a permit for diving for lobster.

**Mr. Scalli** replied yes. It is a year round permit obtained at the state level. We are talking about a very narrow band in this particular ordinance we are talking about from Annisquam Light to Folly Cove and there are limitations on the number, size and condition on lobsters that can be taken.

**Councilor Tobey** stated an important element of this whole approach captured in the ordinance isn't in the ordinance and that is the educational component.

**Mr. Scalli** outlined the four items that are part of a proposed program that the diving community was willing to step up to. (1) Implement an aggressive diver education program sponsored by the dive community to increase awareness of the law and ordinances of the requirements to comply. (2) Implement on site education and policing by local dive community volunteers to check compliance in the Annisquam Light to Folly Cove shoreline area. (3) Implement education and awareness program to local commercial and recreational vessel operators regarding safe operation within sight of a diver's flag. (4) Promote the encouragement of vessel operators and divers to contact the Gloucester Harbormaster to report violations.

**Councilor Tobey** stated the education program would be ongoing and the dive community is very anxious to be responsible for its community.

**Mr. Scalli** concurred and stated the divers want to be a safer community. It would be nice to have this issue resolved.

**Councilor Tobey** to Senator Tarr state licensing process for divers to take lobsters. One of the big concerns has been the ability to enforce. Is there any reason think we might be able to divert some of that money back for enforcement from the state licensing proceeds.

**Senator Tarr** stated it would certainly be something he would like to discuss, not only for public safety but enforcement of state fishing laws.

**Rep. Verga** stated the state takes in \$8,000 on fees for lobster licenses and about 2% of that comes from commercial divers. The money collected for the licenses is \$500,000 and is now in the state budget that goes into the general fund and is distributed through the budget process and the license is good for one year.

**Councilor McLeod** asked out of those licenses how many are from out of state.

**Rep. Verga** stated you have to be a resident of the Commonwealth in order to get a license, unless you are from another state that has the same agreement.

**Councilor Hardy** stated about 6 to 8 weeks ago we had a death as result of diving accident. The harbormaster is not present – does anyone know if that diver had a flag.

**Rep. Verga** doesn't know the results of that accident.

**Councilor Hardy** stated her contention is if that diver had a flag they would have been able to find that him soon; it takes the mystery out of how many divers are in the water.

**Rep. Verga** stated it doesn't have to be done by legislation. He recommended contacting Vito Calomo of Marine Fisheries asking they review this state law.

**Councilor Hardy** stated at one time the proposed language indicated that lifeguards on the beach would approach divers and let them know of the new ordinance rules.

**Mr. Scalli** doesn't recall any language in any of the drafts or proposals.

**Councilor Romeo** stated for clarification that when the harbormaster spoke at O&A he wasn't for or against the proposed ordinance; he only spoke on how he cannot enforce the ordinance.

**Councilor Tobey** stated the harbormaster would be doing the enforcement; we didn't put the obligation on the lifeguards.

**Councilor Romeo** asked for the opinion of the City Solicitor.

**Councilor Tobey** stated her opinion was to include language in the ordinance that would not succeed a challenge.

**Councilor Romeo** asked Chief McKay about the call to helicopters and police and fire on the back shore.

**Chief McKay** stated there was a report that there was a flag bobbing in the water and he thought a diver might be lost but it was just a dive flag that was lost. We pull out all the resources for something like this.

**Councilor McLeod** asked who wrote the proposed ordinance.

**Councilor Tobey** stated the proposed ordinance was written by Mr. Scalli and Mr. Prybot to capture the consensus we were trying to form through numerous O&A meetings.

**Councilor McLeod** stated the comments are a reflection of what is included in proposed ordinance.

**Councilor Tobey** stated the motion was to put this forward for public hearing and the two gentlemen referenced did us a big service by getting two communities to talk and come to a compromise; in order to move that forward, we found it useful to capture what was said.

**Mr. Scalli** stated the words are identical to existing state law. He also has been advised divers flags no longer require license numbers.

**Councilor Swekla** asked does state law super cede local ordinances.

**Council President Destino** stated local ordinances can't conflict with state ordinances but they can be more restrictive. He asked Mr. Silva how close people dive and is there a danger of entanglement with a number of flags in a small area.

**Mr. Silva** stated when you are parted from your dive buddy the first thing you do is surface. You don't get 10 people diving in an area like that all towing flags – everyone goes off in different directions. If you know anything about floating poly lines, you can't get tangled in the line because it is attached to your arm and the rope floats.

**Mr. Scalli** addressed the safety issue of multiple flags in the water at the same time. His experience is that divers do get tangled in their lines all the time. Diving is inherently risky and adding the complexity of multiple lines is something that just won't be complied with any more than a lobsterman is going to stay within 50' of a dive flag.

**Council President Destino** stated as he understands it now you are out there and every diver is supposed to be carrying a flag and we don't have the ability to police it, yet we are here today trying to change it.

**Mr. Scalli** stated we are looking to eliminate the ordinance to put us in compliance with the state law.

**Councilor Romeo** stated her concern is that the lobstermen asked for enforcement but yet Mr. Scalli says divers haven't been complying with the ordinance.

**Mr. Scalli** stated there was a flag or multiple flags with the instructor group and yes, divers do not comply with the existing ordinance nor do lobstermen.

**Councilor McLeod** read from the ordinance "The flag shall be displayed upright or a float or similar device at a height sufficient to be seen by passing vessels. The diver shall trail his flag while

submerged unless the harbormaster grants permission to do otherwise.” If the Harbormaster grants permission isn’t that sufficient. “The harbormaster may prohibit scuba or skin diving in areas where Gloucester waterways where such diving cannot in the harbormaster’s opinion be carried out safely.” The harbormaster use to be under the police department and we did enforce the dive flags. You already have what you need here if you call the harbormaster’s office.

**Mr. Scalli** stated the current city ordinance says scuba divers shall display a diver flag. The whole issue doesn’t appear anywhere – it is very ambiguous. Someone out in the community said “divers displaying a flag” somehow means “all divers shall display a flag”. The harbormaster and his office are burdened enough without divers asking for waivers. The dive community’s thought was to change the ordinance and put it in line with the state.

**Councilor McLeod** stated it would not be an inconvenience to know how many people were out there. It does say a diver shall trail a flag.

**Mr. Scalli** feels that language is ambiguous.

**Councilor Peckham** asked if there are any divers that dive for lobsters commercially.

**Mr. Scalli** stated it is a recreational activity, sharing in the state resource.

**Councilor Peckham** stated his concern is the lobstermen’s livelihood.

**Council President Destino** asked are there other communities that require a flag with every diver.

**Steve Corrin, Mass Bay Council** stated when he served Nahant no other community had such a bylaw except Gloucester.

#### **The public hearing is closed.**

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council the proposed amendments to Gloucester Code of Ordinances, Chapter 10, Section 10-81, entitled “Scuba and skin diving”.

**Discussion.** **Councilor Tobey** thanked Mr. Scalli and Mr. Prybot for volunteering to help the O&A and their own constituent groups to try to find a compromise with this proposed ordinance. He also thanked Senator Tarr and Representative Verga for coming in tonight. The issue of divers taking lobsters was a spill over from this and his feeling is there is a concern that New Hampshire and Maine don’t allow divers to take lobsters. He also thanked the many more folks from the diving and lobstering communities that have been involved in the process – the diminished attendance speaks to the fact that the compromise moved this to a middle ground. A representative of the diving community put this forward to O&A and the Waterways Board recommended the state standard to replace the existing local ordinance. Another element here is the fact there has been conversations in the background that if the city doesn’t resolve this there will be a law suit. That doesn’t move or color his perspective. He feels the compromise is reasonable where most folks gain reasonable ability to do what they want to do. This is an imperfect compromise but it seems to be a reasonable one and allows this council to take charge of this thing.

**Councilor Foote** does not support the compromise. The lobstermen know what they are doing out there. If anything we should leave it the way it is. There is a danger with only one flag to a group. The way it is right now – until we can get something through the state to do something like New Hampshire and Maine he thinks we should leave it alone. People do take lobsters and he doesn’t agree with accepting the amendment to it. He feels we have one flag to one diver and that provides an opportunity to make sure the diver is safe.

**Councilor Grow** appreciates all the effort that has gone into this. He is troubled when we have language in our own ordinances that conflict with other ordinances when trying to address issues of safety and this is an ordinance dealing with safety. Recreational divers lobstering are not really the issue. It is a real safety issue. He was a diver years ago and has to listen to the folks for who this ordinance is designed to protect and view that concern with some level of bias. Ch. 10-81 states divers must remain 25’ away from someone hauling traps or working vessels and vessels have to stay

50' from the diver's flag; whereas the state ordinance allows vessels to approach a flag at 3 mph. This is about responsibility, divers adhering to their own rules and safety procedures and taking responsibility of the boating community. It doesn't make sense to have ordinances on the books that are not enforceable. The issue of conflicts of lobstering is a different issue.

**Councilor Romeo** feels the lobstermen's concern is safety. It has been proven tonight that one diver to one flag is needed – because we had an incident on the backshore – that a flag got loose. This is not recreational for the lobstermen and for the divers to say they haven't been complying with the ordinance is a slap in her face. We need to stand together to get some of the money from the state in licensing fees back to the city.

**Councilor McLeod** has tried keeping an open mind - if these people do call the harbormaster's office at least we will have some control over it. This is about lobsters – the only time there is a problem with this is when it is around lobstering. He is inclined to leave it as it.

**Councilor Hardy** stated time and time again tonight – it was mentioned where these violations are being made – and every time it is Ward IV which has a direct relationship to her constituency. 95% of the people who voiced their opinion to her would like to leave it the way it is. She believes if the young man who lost his life had a flag they could have found him sooner. This is the lobstermen's living. The harbormaster can't do it all; he can hardly enforce the rules and regulations out there now. She will not be supporting this amendment. Divers not diving with a flag are diving illegally. She is asking the councilors to please help the people of Ward IV who are making lobstering their livelihoods.

**Councilor Peckham** stated this is for safety concerns. We have an ordinance in place but it isn't being enforced and we need to concentrate on getting what we have enforced. He is concerned for the safety of divers.

**MOTION: On motion of Councilor Tobey, seconded by Councilor Swekla the City Council voted by ROLL CALL 3 in favor, 6 opposed (Foote, Hardy, McLeod, Peckham, Romeo, Swekla) the proposed amendments to Gloucester Code of Ordinances, Chapter 10, Section 10-81, entitled "Scuba and skin diving". MOTION FAILED.**

#### **Public Hearing #9**

Proposed Water and Sewer Rates

**The public hearing is opened.**

**Speaking in favor. Joe Parisi, DPW Director** presented a handout showing the breakdown of proposed water and sewer rates set by B&F recently. In their review and discussions of consumptions of water and sewer usage, there seems to be less usage from prior years and that brings a lot of concern for a revenue shortfall for FY06 and FY07. B&F has recommended putting \$350,000 in each fund to help stabilize any deficits and limit the impact to the general fund and what has resulted is a rate of \$11.28 per thousand gallons for sewer and \$7.52 per thousand gallons for water.

**Speaking in opposition. Joe Grace, 75 Holly Street** spoke on the proposed increase to water and sewer rates as advertised on 6/8/07. He feels an increase of 100% is a giant increase and makes it seriously suspect. The rate will take effect on July 1st forward and is not retroactive to an earlier date and doesn't reflect increases from the CSO project. If this is so then we don't have to investigate the division of what can be charged to what. Also left for scrutiny is the city's responsibility not water or sewer rate payer's responsibility for the entire cost of the storm drain outfall principal costs are the same. According to notice in times, it is his understanding that there is no other reason for this increase. The prime concern is that this be morally and legally accurate because not all homeowners get a bill for sewer use. He feels this legally belongs on the property taxes. If upon scrutiny there are no hidden charges for anything not directly related or used only by sewer then he would be extremely unhappy with an increase but if there are no hidden charges then he would not be opposed to some increase.

**Communications.** None.

**Questions.** **Councilor Tobey** asked how much of the sewer rate increase is attributable to the CSO project.

**Anna Tenaglia, CFO** stated \$17.5 million of the \$27 million has been temporarily borrowed and \$800,000 of that is directly attributed to the sewer.

**Councilor Grow** asked what the plan is for attributing aspects of the CSO project to that and will we begin to see a general category.

**Mr. Magoon** replied that has been tracked and kept records of in terms of distribution between sewer and water and road work all associated with CSO project. It has been broken down and assigned as appropriated. A breakdown of that has been e-mailed to the Councilor's.

**Councilor Grow** doesn't remember discussing improvements that weren't sewer related; the majority of what we are doing right now is sewer related.

**Mr. Magoon** replied that is accurate; most of it has been sewer related and the road work has been associated with that as well. We have started some water work but a significant portion of those costs haven't shown up in the debt service.

**Councilor Romeo** stated we have \$3.8 million outstanding in taxes and water/sewer and what are we doing to collect that.

**Mr. Magoon** stated there was confusion about the actual number but the CFO has verified that the water and sewer portion of that \$3.8 million is \$200,000. Clearly the city expects everyone to pay the bills that are due to the city and we are certainly taking every step to do that with the ultimate step being if those bills aren't paid that a lien is made on the property and then the property can become an asset to the city but clearly we need to do some of interim steps to collect those.

**Councilor Romeo** asked about the newspaper article.

**Mr. Magoon** takes exception with what was referred to in the newspaper article. The particular individual whose names he wasn't aware of was an attorney who worked on seizing the property of those bills remained unpaid. From the city's perspective we wouldn't want to get to the point of having to seize a property. We continue to collect those bills due. That person is involved in the process much later.

**Councilor Romeo** stressed enforcement.

**Mr. Magoon** will continue to step up enforcement and make sure those bills are paid.

**Councilor McLeod** stated none of this rate reflects any of the borrowing that is coming up.

**Mr. Magoon** stated even if we borrowed it wouldn't show up until FY09.

**Councilor Hardy** asked are we granting low interest loans to anyone who owes a tax, water or sewer bill.

**Mr. Magoon** stated we check in terms of property tax liabilities and we probably do check water and sewer.

**Councilor Hardy** will call to check on that.

**Councilor Foote** asked if there are estimated billings.

**Mr. Magoon** stated none of these bills were estimated. The estimated bills were a one time thing. We did provide a credit to some of those accounts with an over estimated bill.

**Councilor Foote** stated the funds have to be self supporting and asked is there anything left over in the fund.

**Mr. Magoon** stated the ideal situation is when the rates are set; the revenues meet cost so there is a zero balance or we make those adjustments at the end of the year. The DPW Director sets the cost at what we expect it to be and the contingency fund is to make up for any deficit. None of this goes to the general fund. Anything left can be set into a reserve account and it would be up to the Council.

**Councilor Foote** stated there are some people that cannot afford to pay their water and sewer bill and when they sell their house that portion comes out of the sale.

**Mr. Magoon** stated that would be if there was a lien on the property and it was transferred.

**Ms. Tenaglia** stated she doesn't know how many liens there are associated with water and sewer bills.

**Mr. Magoon** will find out.

**Councilor Grow** asked for an explanation of the effective date. It is important for people to understand why the effective date is 4/1<sup>st</sup> and the effect it would have on rate changing it to 7/1. He asked what the current sewer revenue is and where we stand with that potential deficit for FY07.

**Mr. Magoon** stated we will certainly continue to work with staff to refine those numbers. In FY07 we are looking at a slight deficit in comparison to FY06. In FY06 the use was significantly less than projected.

**Mr. Parisi** stated FY06 books haven't been closed and we certainly will be in a position at that point with audited numbers. Looking at the numbers today the water and sewer numbers billed show a loss in revenue. There is definitely less usage and weather also plays a good part in consumption.

**Councilor Grow** stated for clarification that any surplus in the sewer and water accounts doesn't go into the general fund and asked for an explanation of where the deficits come from.

**Mr. Parisi** replied any surpluses stay in the enterprise funds, but a deficit of the enterprise funds have to be satisfied with general fund monies.

**Councilor Grow** stated that would come within the FY08 budget year.

**Mr. Parisi** replied yes.

**Council President Destino** asked do we know we have excess revenues; the answer is no. We haven't reconciled our books and we don't know what our revenues are. What we are hearing tonight is there is a \$470,000 deficit in water and a \$400,000 deficit in sewer.

**Mr. Parisi** stated 800 million gallons has been billed in the past and it seems to be 30 million shy.

**Councilor Grow** stated a deficit in those accounts will have an immediately detrimental affect on the general fund. That means immediate cuts in services to cover that shortfall.

**Councilor Tobey** stated it will be worse later in the fiscal year, the cost will be more and he expects we will see similar shortfalls when FY07 closes.

**Mr. Parisi** stated it is still in the red, with six figures in each account and there are other revenue stream adjustments reporting these come in from Collectors and Auditors. There are a lot of things in play, so we can't say the whole thing is due to usage. Then there is the expenditure side; there is a little bit of non-expenditures we can balance in there. He agrees putting it in a reserve to get us to a position where we can have three quarters to make an interim rate adjustment.

**Councilor Tobey** recommended the rates that came out of B&F won't cover projected costs and those previous years red ink.

**Mr. Parisi** stated it will be close; it all depends on the expenditures that aren't made and the other revenue line items that come in. Even the late water and sewer bills are other sources that are non-rate related at this point. If we do well on those collections it will help the situation.

**Councilor Tobey** expects that come October given the books closed that this council will be reviewing a request from the Mayor to raise the water and sewer rates for the balance of the year.

**Mr. Parisi** stated there is a 50/50 chance of that happening.

**Councilor Romeo** stated that Mr. Parisi commented that because of higher rates people are conserving and at these rates where do we stop.

**Mr. Parisi** stated when we build the first quarter we will have a good handle on consumption. That is the time to react after that first billing goes out; that would be the time to come back before the council. This is the best interim state to get us what we need to close out the two fiscal years without going into the general fund.

**Councilor Hardy** stated at Budget and Finance it was stated that the water and sewer enterprise funds were in a deficit by \$456,000 and \$415,000 respectively and we backfilled with a \$350,000 reserve for appropriation for each.

**Mr. Parisi** replied you are correct in that statement based on consumption, expenditures and other revenue sources.

**Councilor Hardy** asked don't we do a comparative spread sheet - we definitely have those numbers we can generate - the new system was off in the numbers and we had a meeting today and she thinks the process is good. She requested the Mayor's office for a rate of consumption from year to year.

**Councilor Swekla** stated this is counterproductive asking people to conserve but the more they conserve the higher the rates go.

**Mr. Magoon** stated in order to read the meter and generate a bill, the actual consumption shifts back a quarter and clearly by advertising the rate taking affect when it does will hopefully clarify that issue.

**Councilor Grow** asked what measure is used to set the water and sewer rates in March for April 1<sup>st</sup> even though the budget would be effective July 1<sup>st</sup>.

**Mr. Parisi** stated the way we estimate now is based on budgeted numbers. He would have to back up the budget to March as well - some costs are not easily estimated.

**Councilor Grow** encouraged the administration to start looking at setting a rate earlier in the year.

**Mr. Magoon** will take a look at that.

**Councilor McLeod** asked if these rates are reflecting the deficit that is going to happen,

**Mr. Parisi** stated the \$350,000 in reserves are put in for the deficits.

**Joe Grace** stated \$882,000 came from CSO fund and he asked how you arrived at that figure. He has spent quite a lot of time around the city the specs describe the cost as being so much per foot for certain size pipe at a certain depth.

**Councilor Destino** stated you are asking for a breakdown of the cost.

**Mr. Grace** stated a certain portion of the CSO is going to be charged to the sewer enterprise, so there must be some idea of what the next increase is going to be.

**The public hearing is closed.**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council a FY08 sewer rate of \$11.28 per thousand gallons for a twelve month billing period effective 4/1/07.

**Discussion.** **Councilor Tobey** stated we are seeing rates go through the ceiling because we are doing lots of sewer projects and without a coordinated capital improvement plan to insure we are getting the most environmental "bang for the buck" – what is the most important project. He contends the most important project is getting those sewer plant upgrades and that we need to stop the CSO project in its tracks and revise to cover the cost already incurred in Phase I and stop until we do the most important thing - getting the work done on the sewer treatment plant. We cannot crush the sewer rate payers with multiple projects. We have to prioritize and make decisions for ourselves. Similarly on the water side we need to measure in the aggregate. First and most important is the sewer plant, then the water filtration plant, then we revisit resuming CSOs. He will not vote for the sewer rate. The dialogue that was supposed to occur the last campaign cycle was whether or not this was to be in the form of an override so that folks could deduct this increased cost or through the rate mechanism that is now before us. It is before us now by default and there was no community conversation.

**Councilor Grow** fully endorses what Councilor Tobey said. The idea that we are struggling under the mandates and the fact we have not been able to free ourselves from that has become crushing. He will support the sewer rate tonight but would support a plan of action to stand up to the state to address unfunded mandates.

**Councilor McLeod** stated it is not just the sewer plant - we have a West Gloucester water plant that needs improvements as well. We are putting the crunch on all the rate payers in the city. We are under the gun and we are mandated – we signed a consent decree. Disobedience will get us no where except another fine. We are anticipating this increase and he doesn't see how we keep going back to the citizens. The only good saving grace is that it goes to the enterprise fund to save costs or be used as rate relief.

**Councilor Romeo** doesn't vote for water and sewer rates. She would rather pay a fine – she is sick of the government mandates. We can no longer afford it. She will not support this.

**Councilor Foote** stated if we are mandated to do it, we have to do it or we pay a fine.

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted by ROLL CALL 5 in favor, 4 opposed (McLeod, Peckham, Romeo, Tobey) a FY08 sewer rate of \$11.28 per thousand gallons for a twelve month billing period effective 4/1/07. MOTION CARRIES.**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council an FY08 Water Rate of \$7.52 per thousand gallons for a twelve month billing period beginning 4/1/07.

**Discussion. Councilor Swekla** understands the negative votes but yet at the same time it is out of our control. It is a mandate and if we don't approve it, we will get fined.

**Councilor Hardy** stated no one up here wants to approve the increasing rate. Why is Cape Ann and Essex County's prices so high – what are we doing wrong.

**Councilor Romeo** stated we are not saying let's not pay for it; we are asking how we are going to pay for it. We never gave the people a chance to do an override so they could take it off their taxes - do we put it on everyone on their taxes or do we do it on the rate. We need to do it fairly.

**Councilor Tobey** will support the water rate because it does not bear the costs of the CSO project. We have dealt with water projects with a pretty consistent capital plan over a number of years now and that is what this reflects, but if we don't tell the regulators that we have to do things in a phased way. He reiterated to the administration to please come back before use with a coordinated capital plan for water and sewer that takes into account the rate and sends a message that we can't do it all at once. He supports this motion but would like a coordinated capital plan.

**MOTION: The meeting was extended 30 minutes by UNANIMOUS consent of the full City Council.**

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted by ROLL CALL 9 in favor, 0 opposed an FY08 Water Rate of \$7.52 per thousand gallons for a twelve month billing period beginning 4/1/07. MOTION CARRIES.**

#### COMMITTEE REPORTS

1. P&D- 06/06/2007 (*Under Separate Cover*)

No action taken.

2. B&F- 06/07/2007 (*Under Separate Cover*)

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the Community Development Block Grant (CDBG) Grant in the amount of \$807,152 and the HOME Grant in the amount of \$127,498.

**Discussion. Councilor Tobey** asked how much of the CDBG grant is spent on Administration and if there is any piggy backing on that fund for the housing portion of the grant.

**Steve Magoon, CAO** stated it isn't the same fund; it is 20% of the CDBG fund and 20% of the HOME Grant.

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed acceptance of the Community Development Block Grant (CDBG) Grant in the amount of \$807,152 and the HOME Grant in the amount of \$127,498.**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the Tower Grant in the amount of \$23,795 and establishment of an account for these funds.

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed acceptance of the Tower Grant in the amount of \$23,795 and establishment of an account for these funds.**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to approve the payment of \$370.64 to Richard Kelleher, Food Service Director, as reimbursement of payment of two invoices without a purchase order.

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 8 in favor, 1 opposed (Hardy) to approve the payment of \$370.64 to Richard Kelleher, Food Service Director, as reimbursement of payment of two invoices without a purchase order.**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council supplemental appropriation in the amount of \$15,000 from Declared Overlay Surplus to Library Personal Services. LIBRARY

**MOTION: On motion of Councilor Swekla, seconded by Councilor McLeod the City Council voted 9 in favor, 0 opposed supplemental appropriation in the amount of \$15,000 from Declared Overlay Surplus to Library Personal Services. LIBRARY**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 07-33 in the amount of \$550 from Mayor Contingency/Emergencies to Mayor Salary/Wage Permanent Positions. MAYOR

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed Transfer 07-33 in the amount of \$550 from Mayor Contingency/Emergencies to Mayor Salary/Wage Permanent Positions. MAYOR**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 07-37 in the amount of \$347.00 from Purchasing Office Equipment to Purchasing Salaries/Wages Permanent Positions. PURCHASING

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed Transfer 07-37 in the amount of \$347.00 from Purchasing Office Equipment to Purchasing Salaries/Wages Permanent Positions. PURCHASING**

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council to advertise for public hearing the loan authorization request in the amount of \$1,390,000 for the Fire Department Capital Improvements. *(language for advertisement to be provided by CFO).*

**Discussion.** Council President Destino stated this motion is without recommendation; it is only for advertisement. He asked the department to compile a list of capital needs and try to package that into some of the permits we have coming forward.

Councilor Hardy asked if this has to do with any personal funds.

Council President Destino replied no, it is a loan order.

**MOTION:** On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed to advertise for public hearing the loan authorization request in the amount of \$1,390,000 for the Fire Department Capital Improvements. **ADVERTISE FOR PUBLIC HEARING.** (*language for advertisement to be provided by CFO*).

**MOTION:** The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 07-34 in the amount of \$30,000 from Fire Department salaries and wages to electricity. **FIRE DEPARTMENT.**

**Discussion.** Councilor Romeo asked for an explanation of where this money is coming from. Council President Destino stated it was due to lag.

**MOTION:** On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed Transfer 07-34 in the amount of \$30,000 from Fire Department salaries and wages to electricity. **FIRE DEPARTMENT.**

The Council will voted to advertise the loan order authorization request for \$3.5 million on Tuesday night pending receipt of information from the CFO regarding available funds in open loan orders for water capital expenditures and a prioritization and breakdown of the costs of the critical items.

**Discussion.** Councilor Tobey asked if this argument will continued to be renewed by B&F and will it include forecasting over 5 years and what the expenditure would be on the rate. Council President Destino replied yes, B&F has asked for that.

**MOTION:** On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed to advertise for public hearing the loan authorization request for \$3.5 million for the Water System Improvements. (*language for advertisement to be provided by CFO*). **ADVERTISE FOR PUBLIC HEARING.**

**MOTION:** The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 07-32 in the amount of \$85,772.48 from Personnel permanent health insurance to DPW snow and ice removal contract services.

**Discussion.** Councilor Tobey stated if this money were not transferred from the health insurance category would it fall to free cash or go to the health insurance trust.

Mr. Magoon stated it would fall to free cash.

Councilor Tobey stated this in no way impairs the ability of health insurance trusts to offset the FY08 costs attributable to health insurance costs.

Mr. Magoon replied that is correct.

**MOTION:** On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed Transfer 07-32 in the amount of \$85,772.48 from Personnel permanent health insurance to DPW snow and ice removal contract services.

**MOTION:** The Budget and Finance Committee voted 1 in favor, 2 opposed (Swekla, Destino) to recommend to the full City Council Supplemental Appropriation in the amount of \$152,310 from R/A Essex/Rockport Stabilization Fund to Sewer Enterprise – DPW Contracted Services. **SEWER ENTERPRISE MOTION FAILED.**

**Discussion.** **Councilor Tobey** opposes this. Initial arrangements were to be about capital investment in a system. Those communities prorated shares in something we created. That money should be viewed as capital money. He read from votes taken in 2003 that included a strong strand of conversation at both B&F and the full Council that this was essentially capital money.

**Councilor Grow** agrees in principal. The issue is this is paying for emergency costs and these bills have to get paid and we don't have many alternatives.

**Councilor Romeo** asked what would be left in the fund – what were the bills that needed to be paid.

**Council President Destino** stated this was due to the Mother's Day storm and FEMA usually provides 75% reimbursement on those costs. The reimbursement would go into other local receipts and would fall to free cash unless it is earmarked for stabilization.

**Councilor McLeod** stated relief is forthcoming and he also feels it is not the intent of this fund and goes against the grain of trying to cut back.

**Councilor Hardy** asked if the 75% reimbursement would be on the full amount or a portion.

**Joe Parisi, DPW Director** stated \$48,000 would be submitted to the state and it would be 75% of that with additional costs that aren't shown here. He recommended we put all reimbursements back into the stabilization fund, if not needed in the operations. \$30,000 is electric operations cost and we are looking to other funds to pay that but there is no other resource available to pay these bills. He agrees this should be used for capital purposes but there aren't many options left.

**Councilor Hardy** asked if we don't approve this tonight, what happens.

**Mr. Parisi** stated these are costs already incurred by vendors that need to be paid. The \$75,000 was the cost to rebuild the generator that supplies power to the sewer treatment plant. During the Valentine's Day storm water got into the fuel tanks and made that inoperable. Earthtek moved quickly to repair that as an emergency.

**Councilor Grow** asked if we are putting in an insurance claim.

**Mr. Parisi** replied yes, we are putting in an insurance claim for the \$75,000 and would like to put that back in the stabilization fund.

**Councilor Tobey** stated the sewer enterprise fund can't operate as a deficit it would have to be funded by the general fund.

**Mr. Parisi** stated yes, the general fund is liable for the deficit.

**Councilor Tobey** stated sums of money received would fall to free cash.

**Mr. Parisi** stated they would be in the FEMA reimbursement account – they won't fall to free cash.

**Councilor Tobey** is operating in faith that the money will come back to this stabilization fund and would like a commitment that the insurance proceeds and any FEMA, MEMA monies will be recommended back to the City Council for deposit into the stabilization fund.

**Mr. Parisi** recommended going to the Council with the monies for appropriations and once the money hits that accounts, put it back in the stabilization fund.

**Councilor Tobey** asked if that is a deal.

**Mr. Magoon** agreed that any of the costs reimbursed and the insurance reimbursement will go back into the stabilization fund.

**Councilor Swekla** stated we don't exactly what we are going to get back.

**Mr. Parisi** stated at this point we have a meeting with FEMA. All communities are preparing a package showing detailed reimbursement claims. Once that is submitted we will know exactly how much we will be getting back. He is pretty confident we will be getting reimbursements.

**Council President Destino** stated the problem is we are not seeing the total picture. Later tonight you are going to hear we are running a revenue deficit in both the water and sewer funds totaling well over \$1 million and because we haven't been able to reconcile our books we are on a very strict time line to reconcile FY06 and personally he isn't prepared to take what little money we have, when all indications are we have a revenue shortage and until we can balance our books he isn't spending any more money.

**Mr. Parisi** agrees there is some concern and if these weren't already costs incurred he wouldn't be making any proposals. These are costs already occurred and the motions the B&F made in the water and sewer rates gets us in the right direction and he feels we will be fairly close by end of day.

**Council President Destino** understands there is an expenditure made but we aren't reconciled and every day there seems to be new information.

**Councilor Tobey** asked when we will have that kind of comprehensive close out.

**Anna Tenaglia, CFO** stated prior to October for FY and by year end 2007 for FY07.

**Councilor Tobey** asked if the deficit that would have to be covered end of year is likely to happen regardless if we vote on this or not.

**Ms. Tenaglia, CFO** replied yes, for the current recap and that would come up in December, when we would need to cover water and sewer deficits that occurred in FY06 with a plan in place to deal with this.

**Council President Destino** stated B&F has put a contingency into the next rate to be able to cover the shortfall in revenues – again not really knowing what the short fall is.

**Councilor Grow** stated a prior council eliminated the entire stabilization fund for rate relief a couple of years ago and that left us with no money.

**Council President Destino** stated a 2% contingency raised the fund \$200,000 the first year and \$400,000 in the second year but the council decided to use it all in one year for rate relief and here we are.

**Councilor Tobey** stated that shouldn't happen until we talk about the water and sewer rates.

**MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo the City Council voted 9 in favor, 0 opposed that the matter of the supplemental appropriation request from the sewer stabilization fund to the Sewer Enterprise be tabled until after the water and sewer rate public hearings.**

#### **VOTE TAKEN AFTER THE PUBLIC HEARING ON WATER AND SEWER RATES:**

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted BY ROLL CALL 4 in favor, 5 opposed (Destino, Foote, McLeod, Peckham, Tobey) Supplemental Appropriation in the amount of \$152,310 from R/A Essex/Rockport Stabilization Fund to Sewer Enterprise – DPW Contracted Services. SEWER ENTERPRISE MOTION FAILED.**

**MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 07-36 in the amount of \$10,000 from Sewer GIS Enhancements to Sewer Equipment Maintenance. SEWER ENTERPRISE**

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 8 in favor, 1 opposed (Tobey) Transfer 07-36 in the amount of \$10,000 from Sewer GIS Enhancements to Sewer Equipment Maintenance. SEWER ENTERPRISE**

**MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council Transfer 07-35 in the amount of \$40,000 from Sewer Permanent Positions to Sewer Equipment Maintenance. SEWER ENTERPRISE**

**Discussion. Councilor McLeod** asked didn't we approve money mid year to hire a technician at the sewer plant and wasn't it an emergency.

**Mr. Parisi** stated we did move money and it is still available for the contract. These are additional wet weather costs at the plant. A lot of this tied to the improvements we are doing to our sewer lines, allowing more flows to the plant and some issues with equipment and the need to be there to monitor

that equipment. This is to put together with an addendum to get us to where we are and is due to a vacancy in one position and a lag in the other.

**Mr. Magoon** stated the lag is in the account for city staff and this effort is for additional staff associated with the Earthtek contractor.

**Councilor McLeod** stated we didn't have to do that if you had the lag.

**Mr. Parisi** stated he didn't have the lag at that time.

**MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 8 in favor, 1 opposed (McLeod) Transfer 07-35 in the amount of \$40,000 from Sewer Permanent Positions to Sewer Equipment Maintenance. SEWER ENTERPRISE**

**The loan authorization request for \$10 million for the water needs assessment improvements will be held in committee and the Administration was requested to ask that that someone from the regulatory agency (DEP) is asked to appear before the committee regarding mandates without funding.**

**Council President Destino** stated we do have an outstanding \$3 million loan order that can be tapped. The standing committee is leaving it in committee and if they do have emergencies they have a loan order to tap into for that.

**No action was taken and the matter of the eminent domain taking of IC42 was continued to June 21<sup>st</sup>.**

**MOTION:** The Budget and Finance Committee voted 1 in favor, 2 opposed (Grow, Destino) to recommend to the full City Council supplemental appropriation in the amount of \$90,239.95 from Declared Overlay Surplus to fund the Superior Officer's Contract Settlement. POLICE. MOTION FAILED.

**Discussion.** **Councilor Swekla** stated the police haven't had a contract since 2004 and they deserve this just like any other department in the city and that is why he supports this.

**Councilor Romeo** would like to refer the Superior Officer's contract back to the Mayor's office for more discussion. We are pitting union against union and we aren't looking at the base. Salary base is salary base and she would like to ask more questions and we also have the patrolmen's contract coming up.

**Councilor McLeod** stated every union in the city has a contract that will expire 7/1/07 and we are looking at two unions who haven't had a contract since 2004. He supports the funding for this but also supports sending it back for more discussion.

**Councilor Tobey** wants to be able to vote to give the Superior Officers the contract but feels we need to proceed very carefully. The police department, for variety of reasons, including the fact that they have been without a contract for long period of time isn't in a state of crisis. It is not fair to take this money when others have received their contracts, but he counters that with the consideration of givebacks. We are on a deadline or the money will fall to free cash if not settled by 6/30<sup>th</sup>. If overtime controls were built into the contracts that could save the city money and the issue of sick leave buyback that occurs when someone retires has been a hot issue. Issues like parking and the shifting of what a paycheck is going to cover are good but he is looking for more giveback and will support the motion to give the administration a chance to go back to the table.

**Councilor Foote** checked with the Ethics Committee and received an opinion from the City Solicitor that he can vote for this. He feels enough is enough and that we need to move on.

**Mayor Bell** stated the contract is no more than base pay adjustment. This is the next to last contract to be settled. The schools and the rest of the city contracts have been bargained fairly and the schools and the city have gone overboard to make sure we don't pit groups against each other, especially in

fiscally frugal times such as now. This contract was bargained over a 12 to 16 month period and we didn't always agree but came to conclusion we thought was fair for the community. We did require the services of a mediator who worked fairly to bring parties together to agree to the mediation process. None of the increases presented in this contract are anything but below cost of living increases and very much in line with all other contracts that have been submitted to the Council and he urged the acceptance of this contract.

**Councilor Hardy** stated the only reason she will vote for referral is for the additional information.

**Councilor Peckham** doesn't want to drag this out any further. He has the highest respect for the force and wants to see the fairest thing happen but would also like this referred out for a little more time to make sure we have the best contract.

**Councilor Romeo** reiterated that base salary is base salary. Police officers get paid salary and all they want is a cost of living increase.

**Councilor McLeod** suggested holding a special council meeting to deal with this prior to the regular meeting of 6/26<sup>th</sup>.

**Councilor Grow** will support the referral mostly because he was fully prepared to vote against this tonight because of the state of fiscal affairs and he feels moving forward isn't a fiscally sound decision. The idea that base salary is base salary is fine except that everything is affected by the raise and there should be reconsideration on this with the Mayor's office bringing it back to the Council.

**Councilor Tobey** is looking for the Mayor's office and the bargaining team to sit down and bargain one more time.

**Councilor Foote** hopes if it is being referred back that they are not going to sit on it.

**Council President Destino** stated it has to come back before 6/30<sup>th</sup>.

**MOTION: On motion of Councilor Romeo, seconded by Councilor Peckham the City Council voted 8 in favor, 1 opposed (Swekla) to refer the Superior Officer's Contract back to the administration for more discussion.**

#### **COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR**

**Councilor Romeo** spoke on Phase II of the health insurance connector where a single eligible for insurance can make up to \$30,000 and this is very good insurance. It is great for kids who just got out of college or if not working you need a birth certificate, driver's license, and picture id. The deadline is July. The Senior Center also wanted the Council to know that they have been recycling for years. The pocketbook she presented is made out of plastic bags.

**Councilor Peckham** stated the no parking signs on Kondelin Road that were voted last year should be going up shortly.

**Councilor Grow** stated he will keep everyone informed on a date for the upcoming ward meeting on the Bass Avenue sewer replacement project. He congratulated all the graduates. He wishes state legislators some courage this week and hopes they will work in favor of civil rights and vote against the ban on gay marriage.

**Councilor Tobey** provided an MMA update on where we stand on the fiscal budget. Lottery is \$120 million off for FY07. The problem is local aid receipts are hindered on that but the good news in despite those shortfalls they will cover it. On the other hand the budget they are going to pass relies on \$1.5 billion of state reserves. State revenue is only growing 3% conservative and the lottery will come in much higher next year. There are not enough lottery receipts to cover that last local aid distribution. There has been a lot of discussion about the municipal partnership act but no expectation there will be any enactment of any of its elements before July 1<sup>st</sup> but there is hope that conversation will be continued to be enacted in FY09. He requested the resolution for the municipal partnership act be placed on the next City Council meeting agenda for discussion and enactment.

**MOTION: The resolution for the municipal partnership act is to be put on the next council agenda for Council Vote by UNANIMOUS consent of the City Council.**

**Councilor Swekla** stated B&F is meeting Thursday at 4 p.m. in the third floor conference room to continue review of the FY08 budget.

**Councilor McLeod** requested the CFO provide a plan that shows how we are going to aggressively go after tax title monies.

**Council President Destino** stated Steve Lavery from Northeast Health Systems is requesting a spot on the agenda for late August. The council has also received an opinion from the district attorney's office that upholds the council's actions during the executive session held in February.

**It was moved and seconded to adjourn the meeting at 11:15 P.M.**

Respectfully submitted,

June Budrow  
Clerk of Committees

**City of Gloucester  
Special Council Permit - Application**

08/15/2007

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

CITY CLERK  
GLOUCESTER, MA  
07 JUN 11 PM 1:30

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 1.4.2.2 of the Ordinance and other Sections as listed below:

**Type of Permit**(Give specific section of Zoning Ordinance) Modification of previously granted City Council Special Permit (7/8/1997-copy attached) to allow for installation of kitchen to create an employee dwelling in Art Gallery. sec. 2.3.6(#63) & 2.3.7 (#70)

**Applicant's Name:** George R. Sibley and Ellen S. Sibley

**Owner's Name** same (if different from applicant)

**Location** 15- 17 Rocky Neck Avenue **Map #** 130 **Lot #** 10  
(Street Address)

**Zoning Classification:** R-3

- 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 1.4.2.2.(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.4.2.2 (b) of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

**City of Gloucester - Action**

Fee: \$350.00 ch# 2100 06/11/2007  
 City Clerk (received): \_\_\_\_\_  
 City Council (received): 06/26/2007  
 Public Hearing (ordered) \_\_\_\_\_  
 Public Hearing (opened) \_\_\_\_\_  
 Public Hearing (closed) \_\_\_\_\_  
 Final Decision \_\_\_\_\_  
 Disposition \_\_\_\_\_  
 (Approved, Denied, Approved w/conditions)

**Applicant:** George R. Sibley-Ellen S. Sibley  
by their attorney

Name (Signature) J. Michael Faherty

111 Main St Ste A  
Gloucester, MA 01930

Address 978-283-9233

Telephone \_\_\_\_\_

Certified for completeness: \_\_\_\_\_  
 Building Inspector: [Signature] Date: 6/6/07

2007-07

**Section 1.4.2.2 (e) - (Use additional sheets, if necessary)**

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

Locus is within Rocky Neck Art Colony. There is considerable demand and need for galleries in which artists can work, display and sell their work and live. Principal use of space (2nd floor) is for gallery.

**2. Traffic flow and safety :**

No effect. Locus is already a gallery.

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

Locus is served by public sewer, water and private utilities.

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

No change. Locus is already a gallery.

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

No change.

**6. Potential fiscal impact::**

No change.

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

APPLICATION FOR SPECIAL PERMIT

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

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

Name: George R. Sibley and Ellen S. Sibley

Address: 17 Rocky Neck Ave., Gloucester, MA 01930

c/o J. Michael Faherty, Esq.  
Tel. #: Days 978-283-9233 Evenings

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

2. Owner, if other than applicant:

Name:

Address:

Tel. #: Days Evenings

3. Property:

Street address: 17 Rocky Neck Avenue

Assessor's map: 130 Lot: 10

Registry of deeds where deed, plan, or both recorded:  
Essex South District

Deed recording: Book 7541 Page 225

Plan recording: Plan #

Property is located in the R-3 zoning district.

4. Nature of relief requested:

Modification of previously granted  
Special permit pursuant to Article/Section 2.3.6(#63) of the

Zoning Ordinance/By-law which authorizes dwelling accessory to  
industry (2.3.7 #70) to permit  
creation of dwelling within gallery

Detailed explanation of request:

Applicant seeks modification of previously granted City Council Special Permit to  
allow construction of kitchen sink into gallery to make a small portion of gallery  
and studio space to serve as dwelling for resident artist which is accessory to gallery.

(Section 2.3.7 #70)

5. Evidence to support grant of special permit:

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

See explanation in Section 1.4.2.2(e) criteria

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

~~See attached. Also note that locus is within Rocky Neck Art Colony~~  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name of Representative: J. Michael Faherty

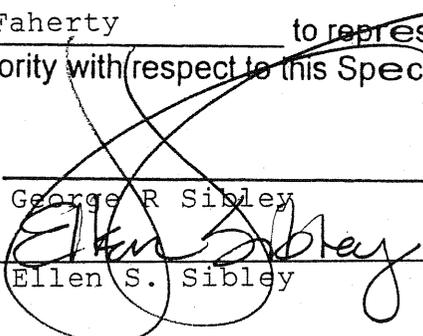
Address of Representative: 111 Main St., Ste A., Gloucester, MA 01930

Tel. #: Days 978-283-9233 Evenings \_\_\_\_\_

Relationship of representative to owner or equitable owner:  
attorney

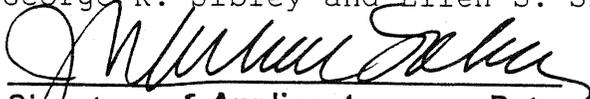
I hereby authorize J. Michael Faherty to represent my interests before the Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner)

George R Sibley  
  
Ellen S. Sibley

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

George R. Sibley and Ellen S. Sibley by their attorney

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

J. Michael Faherty      6/11/07

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_  
Signature of Equitable Owner      Date  
who is filing Application to  
satisfy condition of  
purchase and sales agreement

\_\_\_\_\_

RETURN TO:  
J. MICHAEL FAHERTY  
63 Main St.  
Gloucester, MA 01930

08/12/97 8:35 inst. 74  
BK 14260 PG 239

COMMONWEALTH OF MASSACHUSETTS  
Gloucester, Massachusetts

Essex, SS

Application of )  
George Ross Sibley/Ellen Sova )  
Sibley ) DECISION OF  
17 Rocky Neck Avenue - Second )  
Floor Only (Assessors Map 130 ) THE CITY COUNCIL  
Lot 10) )  
for a Special Permit for Arts ) CITY OF GLOUCESTER  
under Section 2.3.6 (63) )  
City of Gloucester Zoning Ord. )

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth and the Zoning Ordinance of the City of Gloucester, hereby adopts the following Findings and Conclusions with regard to the application of George Ross Sibley/Ellen Sova Sibley for a Special Permit for Arts under Section 2.3.6 (63), City of Gloucester Zoning Ordinance.

FINDINGS

1. George Ross Sibley/Ellen Sova Sibley are owners of the property located at 17 Rocky Neck Avenue, Map 130 Lot 10 which property is located in an R-3 (Medium Density Residential) zoning district.
2. The applicants seek a Special Permit for Arts to provide year round studio/gallery space for one or more artists on the second floor only at 17 Rocky Neck Avenue.
3. The application was filed with the City Clerk of Gloucester on May 21, 1997. Said application is incorporated herein by reference.
4. Section 2.3.6 (63) of the City of Gloucester Zoning Ordinance applies to this application.
5. Notice of a public hearing on the application was published in the "Gloucester Daily Times" within fourteen (14) days before the scheduled date of the public hearing.

- 2 -

6. Timely notice of the application was sent to all abutters, as defined in Massachusetts General Laws, Chapter 40A.
7. The City Council's Standing Committee on Planning and Development reviewed the application on June 11, 1997.
8. A public hearing was held before the City Council on July 8, 1997.
9. Following the public hearing on July 8, 1997, the City Council voted on a motion to grant the Special Permit 8 In Favor 0 In Opposition 1 Absent.
10. Minutes of all committee meetings and of the public hearing were taken and are on file with the City Clerk.

#### CONCLUSION

The City Council finds that with respect to the application for a Special Permit for Arts to provide year round studio/gallery space for one or more artists on the second floor at 17 Rocky Neck Avenue, that based on all the testimony, documents, records and the plans referred to herein, the requirements of the Zoning Ordinance, Section 1.4.2.2 (a) through (e) have been met. The proposed studio/gallery will have no adverse effect on the community; that there would be no change to traffic flow or safety; that utilities are adequate; that there would be no change to the neighborhood character or social structure; and that the natural environment will not be effected.

The City Council further finds that the proposed use of the site is, subject to the issuance of a Special Permit, an allowed use under the Ordinance in an R-3 Zoning District, is consistent with the uses in the neighborhood; is an appropriate use of the site and that, as a result is in harmony with the general intent and purpose of the ordinance.

The Council further finds that in granting this Special Permit, they have relied upon the oral and written representation made by the applicant in the documents and plans submitted in support of its application; the failure by the applicant to honor any material representation made to the City Council upon which the City Council relied shall constitute just cause for revocation of this Special Permit in accordance with Section 1.4.2.2 (f) of the Ordinance.

Each finding, term and condition of this decision is intended to be severable. Any invalidity in any finding, term or condition of this decision shall not be held to invalidate any other finding, term or condition of this finding.

This permit shall not take effect until notice is filed with the Registry of Deeds for Essex County by recording of a copy of the decision. The fee for such notice shall be paid by the owner. Prior to the registration of the decision with the Registry of Deeds, the Petitioner shall have the seal of the City affixed to same.

Accordingly, the City Council voted on July 8, 1997 to grant the application of George Ross Sibley and Ellen Sova Sibley at 17 Rocky Neck Avenue (Second Floor Only), Gloucester, Massachusetts for a Special Permit under 2.3.6 (63) Zoning Ordinance, Arts for a Studio/Gallery space for one or more artists.

DECISION IN CITY COUNCIL  
JULY 8, 1997

Abdullah Khambaty  
Abdullah Khambaty, President

(ABSENT)  
Howard Costa, III, ~~Vice Pres.~~

Harriet Webster  
Harriet Webster, VICE PRESIDENT.

Christine B. Rasmussen  
Christine Rasmussen

John A. Foote  
John A. Foote

John Giacalone  
John Giacalone

Joseph Kaknes  
Joseph Kaknes

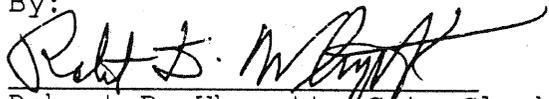
Lee Kennedy  
Lee Kennedy

Carleton Grace  
Carleton Grace

**CERTIFICATE OF SPECIAL PERMIT GRANTING AUTHORITY**

I hereby certify that this a true and authentic copy of the decision of the City Council, the Special Permit granting authority, and that copies of this decision and all plans and documents referred to in the decision have been filed with the Planning Board and the City Clerk

By:

  
Robert D. Whynott, City Clerk

RIGHT OF APPEAL

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

CERTIFICATE OF NOTICE

I hereby certify that notice of this decision was mailed forthwith to the applicant, to the parties in interest designated in G. L. c. 40A, Section 11, and to every person present at the hearing who requested that notice be sent to him and stated the address to which notice should be sent, on this Tenth Day of July 1997.

*Robert D Whylott*

ROBERT D. WHYNOTT  
CITY CLERK

CERTIFICATE OF LAPSE OF APPEAL

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

Date: August 11, 1997

*Robert D Whylott*  
ROBERT D. WHYNOTT *Kenn*  
CITY CLERK

APPEAL FILED

Date of Filing: \_\_\_\_\_

FINAL DISPOSITION OF APPEAL

Date of Final Disposition of Appeal \_\_\_\_\_

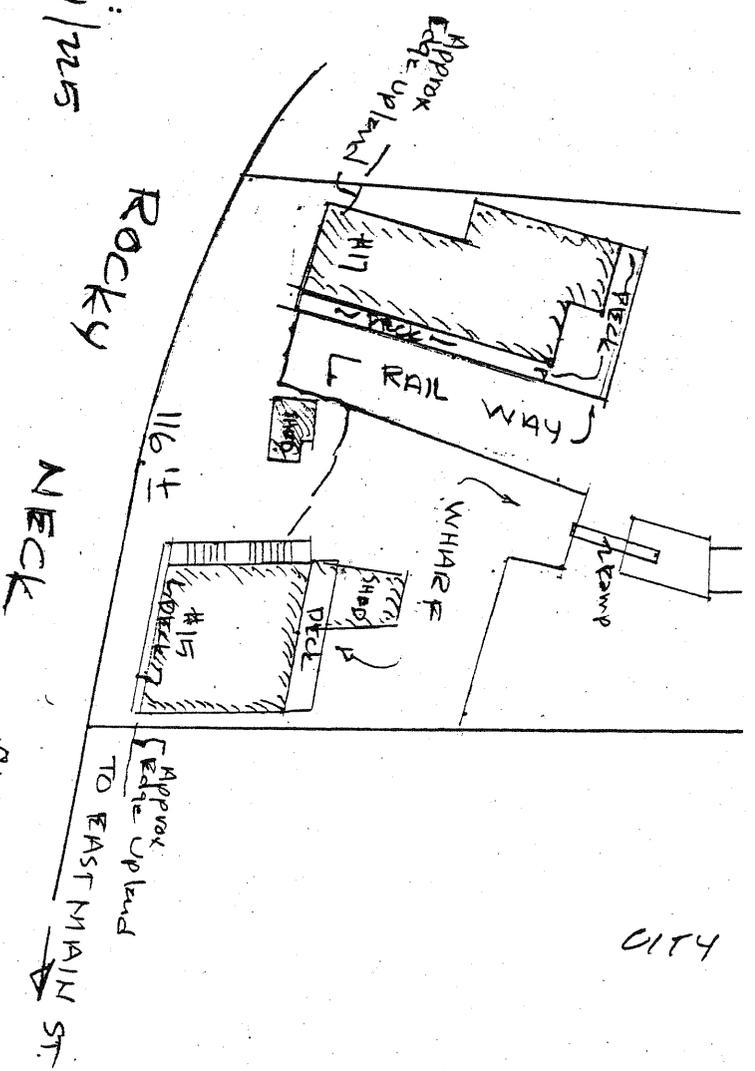
ROBERT D. WHYNOTT  
CITY CLERK

REFERENCES:  
 DEED: 7541/225  
 PLAN:

GLoucester BANK & TRUST CO.

I HEREBY CERTIFY THAT THE BUILDINGS SHOWN HEREON ARE LOCATED ON THE GROUND AS SHOWN AND THAT THEY CONFORM TO THE ZONING BYLAWS OF THE CITY OF Gloucester WITH REGARD TO FRONTAGE, AREA, AND SETBACKS AT THE TIME OF CONSTRUCTION AND THAT THE BUILDINGS SHOWN HEREON ARE LOCATED WITHIN A FLOOD HAZARD ZONE AS DELINEATED ON THE MAP OF COMMUNITY NO. 2500022 IN Gloucester MASSACHUSETTS. AS REVISED 7/2/92 BY AGENCY FEDERAL INSURANCE ADMINISTRATION.

DATE 6/14/01  
 FREDERICK M. SIBLEY, S.U.S.



MORTGAGE INSPECTION PLAN

IN

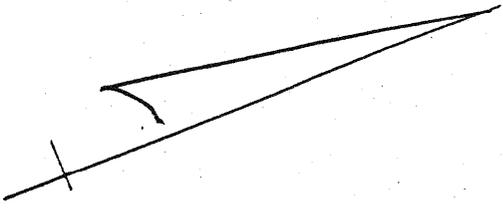
GLoucester

PREPARED FOR  
 GEORGE ROSS SIBLEY  
 SIBLEY SOVA SIBLEY  
 SCALE: 1" = 40' 6/14/01

RURAL LAND SURVEYS  
 130 CENTRE ST., DANVERS, MA.

NOTE: THIS PLAN SHOULD NOT BE USED FOR RECONSTRUCTION OF BOUNDARY LINES. FOR TITLE INSURANCE PURPOSES THIS PLAN HAS NOT BEEN PREPARED BY AN INSTRUMENT SURVEY.

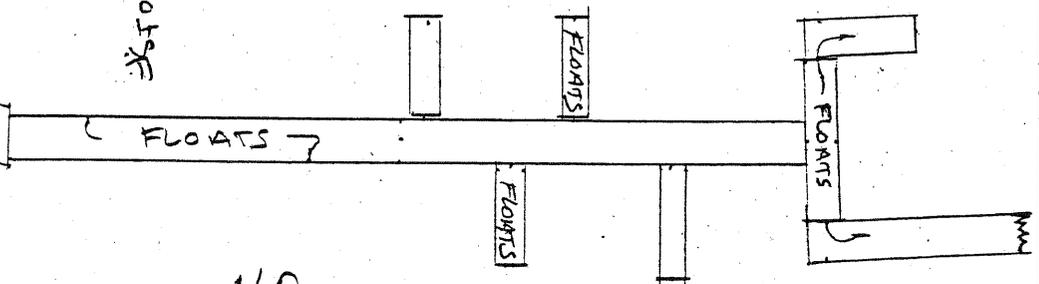
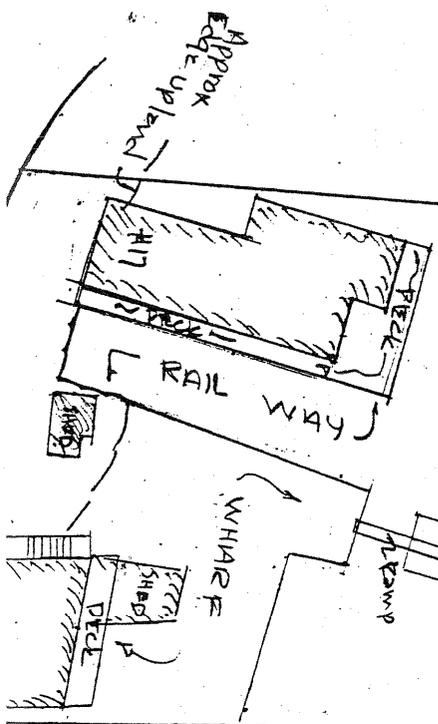
115/E



N/E  
KERRY

ASSESSOR'S DEM. 440'±  
N.D.

A=73,000 SQ. FT.



N.D.  
ASSESSOR'S DEM. 479'±

SMITH COVE  
ZONE A2  
EL. 10

CITY OF GLOUCESTER

**City of Gloucester  
Special Council Permit - Application**

CITY CLERK  
GLOUCESTER, MA  
07 JUN 11 PM 1:32

08/15/2007  
(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 ~~1.4.2.2~~ 5.5.4 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) Special Permit - Section 5.5.4

Applicant's Name: Lansing D. Banks by his attorney J. Michael Faherty

Owner's Name Lansing D. Banks (if different from applicant)

Location 7 Crafts Road Map # 233 Lot # 70  
(Street Address)

Zoning Classification: EB

- 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 1.4.2.2.(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.4.2.2 (b) 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>\$350.00</u> <u>cont 6662</u>	<u>06/11/2007</u>
City Clerk (received):	<u>Jms</u>
City Council (received):	<u>06/26/2007</u>
Public Hearing (ordered)	_____
Public Hearing (opened)	_____
Public Hearing (closed)	_____
Final Decision	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

Applicant: J. Michael Faherty  
Name (Signature) Lansing D. Banks by his attorney  
J. Michael Faherty  
111 Main St. Suite A  
Address Gloucester  
978-283-9233  
Telephone \_\_\_\_\_

Certified for completeness:  
Building Inspector: [Signature]

Date: 6/6/07

2007-08

**Section 1.4.2.2 (e) - (Use additional sheets, if necessary)**

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

NA

**2. Traffic flow and safety :**

NA

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

NA

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

NA

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

NA

**6. Potential fiscal impact:**

NA

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

APPLICATION FOR SPECIAL PERMIT

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

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

Name: Lansing D. Banks

Address: 7 Crafts Road, Gloucester

Tel. #: Days 978-281-2421 Evenings

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

2. Owner, if other than applicant:

Name: Not applicable

Address:

Tel. #: Days Evenings

3. Property:

Street address: 7 Crafts Road, Gloucester

Assessor's map: 233 Lot: 70

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

Essex South District Certificate # 67194

Deed recording: Book Page

Plan recording: Plan #

Property is located in the EB zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section 5.5.4 of the  
Zoning Ordinance/By-law which authorizes the City Council  
\_\_\_\_\_ to permit  
construction in low lands.

Detailed explanation of request:

Applicant seeks a section 5.5.4 Special Permit under the  
Gloucester Zoning Ordinance to authorize construction of  
10' x 6' deck and 85' x 4' walkway. See attached plans and  
photograph of construction approved by Conservation Commission.  
File # 28-1491. See Certificate of Compliance attached.

5. Evidence to support grant of special permit:

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

Section 5.5.4 has its own criteria for issuance of Special Permit.

Applicant has demonstrated compliance with conditions of  
Chapter 131 section 40 and that construction design above the

salt marsh poses no hazard to health or safety and conserves

shellfish and other wildlife resources of the City.

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

Not applicable  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name of Representative: J. Michael Faherty, Attorney

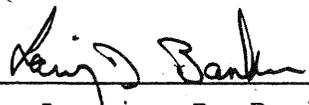
Address of Representative: 111 Main St. Suite A, Gloucester

Tel. #: Days 978-283-9233 Evenings \_\_\_\_\_

Relationship of representative to owner or equitable owner:  
attorney

I hereby authorize J. Michael Faherty to represent my interests before the Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner)

  
Lansing D. Banks

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

Michael J. Sherry 6/5/07  
Signature of Applicant      Date

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

\_\_\_\_\_  
Signature of Equitable Owner      Date  
who is filing Application to  
satisfy condition of  
purchase and sales agreement



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 8B – Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
City of Gloucester Wetlands Ordinance

DEP File Number:

28-1491

Provided by DEP

**A. Project Information**

1. This Certificate of Compliance is issued to:

Lansing Banks

Name

7 Crafts Road

Mailing Address

Gloucester

City/Town

MA

State

01930

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

Lansing Banks

Name

07/03/02

Dated

28-1491

DEP File Number

3. The project site is located at:

7 Crafts Road

Street Address

233

Assessors Map/Plat Number

Gloucester

City/Town

70

Parcel/Lot Number

the final Order of Condition was recorded at the Registry of Deeds for:

Property Owner (if different)

County

Book

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

10/25/06 Charlie Anderson

Date

5. Local Ordinance Fee paid for Certificate of Compliance Request: \$70.00

**B. Certification**

Check all that apply:

**Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

**Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 8B – Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
City of Gloucester Wetlands Ordinance

DEP File Number:

28-1491

Provided by DEP

**B. Certification (cont.)**

**Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

**Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

**C. Authorization**

Issued by:

Gloucester  
Conservation Commission

11-1-06  
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See Appendix A).

Signatures:

[Handwritten Signature] \_\_\_\_\_  
[Handwritten Signature] \_\_\_\_\_  
[Handwritten Signature] \_\_\_\_\_  
[Handwritten Signature] \_\_\_\_\_  
[Handwritten Signature] \_\_\_\_\_

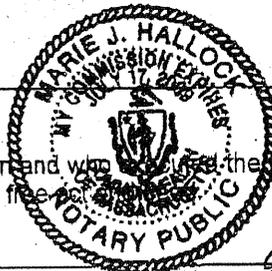
On 1<sup>st</sup> Day \_\_\_\_\_ Of November 2006 Month and Year

before me personally appeared

Based on personal knowledge

to me known to be the person described in and who used the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Marie J. Hallock  
Notary Public



11-17-09  
My commission expires



DOCUMENT NO. 403100  
 Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection - Wetlands

DEP File Number  
 \_\_\_\_\_  
 for DEP use only

# WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## A Applicant Information

From:  
 Gloucester  
 Conservation Commission

The Notice of Intent for this project was filed on:  
 June 5, 2002  
 Date

For:  
 28-1491  
 Project File Number

The public hearing was closed on:  
 June 19, 2002  
 Date

To:  
 Lansing Banks  
 Applicant Name  
 7 Crafts Road  
 Mailing Address  
 Gloucester  
 City/Town  
 MA 01930  
 State Zip Code

Title and Date of final Plans and Other Documents:  
 Plan of Land dated 5/2/02

The project site is located at:  
 7 Crafts Road  
 City/Town  
 233 70  
 Assessors Map/Plat # Parcel/Lot #

and the property is recorded at the Registry of Deeds for:  
 Essex South  
 County Book Page  
 67194  
 Certificate (if registered land)

## B Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this commission finds that the area in which work is proposed is significant to the following interests of the Wetlands Protection Act (check all that apply):

- Public Water Supply
- Private Water Supply
- Groundwater Supply
- Flood Control
- Land Containing Shellfish
- Fisheries
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Wildlife Habitat

Furthermore, this Commission hereby finds that the project, as proposed, is:  
 (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all the work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

403100 (67194) Blot:70057  
 Southern Essex District Registry  
 8/5/2002 09:36 AM CONDN

16/80  
 019-67194



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## **B** Findings (cont.)

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(b)(c).

### General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - (a) the work is a maintenance dredging project as provided for in the Act; or
  - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or

debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

7. This Order does not become final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of the work.

9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection"  
[or, "MA DEP"] "File Number

28-1491

Project File Number

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

12. The work shall conform to the following attached plans and special conditions:

Final Approved Plans (attach additional plan references as needed):

Plan of Land

Title

5/2/02

Dated

Frederick M. Forbes

Signed and Stamped by

Gloucester Conservation Commission

On file with



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## **B** Findings (cont.)

- 13. Any changes to the plans identified in Condition # 12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
- 14. The Agent or members of the Conservation Commission and Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
- 15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
- 16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall serve as the limit of work (unless another limit of work line has been noted in the plans of record) and be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.

Special Conditions (Use additional paper if necessary)

- 1. All work to be performed in accordance with plan dated 5/2/02; with dimensions of float annotated on the plan the the Conservation Office copied.
- 2. Piers and crosses to be constructed of cedar and annotated on the plan.
- 3. Float to be stored in the upland area during the off season.

### Findings as to municipal law, bylaw, or ordinance

Furthermore, the

Conservation Commission

hereby finds (check one that applies):

- that the proposed work cannot be conditioned to meet the standards set forth in a municipal law, ordinance, or bylaw, specifically

Name and citation of municipal law, bylaw, or ordinance

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- that the following additional conditions are necessary to comply with a municipal law, bylaw, or ordinance, specifically

Name and citation of municipal law, bylaw, or ordinance

The Commission orders that all the work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

Additional conditions relating to municipal law, bylaw, or ordinance:

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403100 (Page 3 of 6)  
Southern Essex District Registry  
8/5/2002 09:36 AM CONDN



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## B Findings (cont.)

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

July 3, 2002  
Date

This Order must be signed by a majority of the conservation commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate regional office of the Department of Environmental Protection.

Signatures:

\_\_\_\_\_  
\_\_\_\_\_  
Richard Smith  
Wm. A. Jones  
Anthony Smith  
Edward J. [unclear]  
Elizabeth Steele

On this Nineteenth

day of June

Month  
2002

Year

before me personally appeared  
the above mentioned

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Patricia To  
Notary Public  
**MY COMMISSION EXPIRES**  
**AUGUST 8, 2007**  
My commission expires

This Order is issued to the applicant as follows:

by hand delivery on

Date

by ~~certified~~ mail, ~~return receipt requested~~ on

July 3, 2002

Date

403100 (Page 4 of 6)  
Southern Essex District Registry  
8/5/2002 09:36 AM CONDN

## C Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the conservation commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40 and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

DOCUMENT NO. 12100

ESSEX SOUTH REGISTRY DISTRICT  
AUG 5 2002  
RECEIVED 9 01 CLOCH 36 M  
REGISTRATION 9K 338 P 6/194

PROPOSED 4-FOOT WIDE PIER  
WOOD CONSTRUCTION  
4 FEET HIGH  
1 INCH SPACING ON ALL DECKING  
ALL POSTS HAND DUG OR WITH HAND HELD  
AUGER. NO MACHINERY ON MARSH

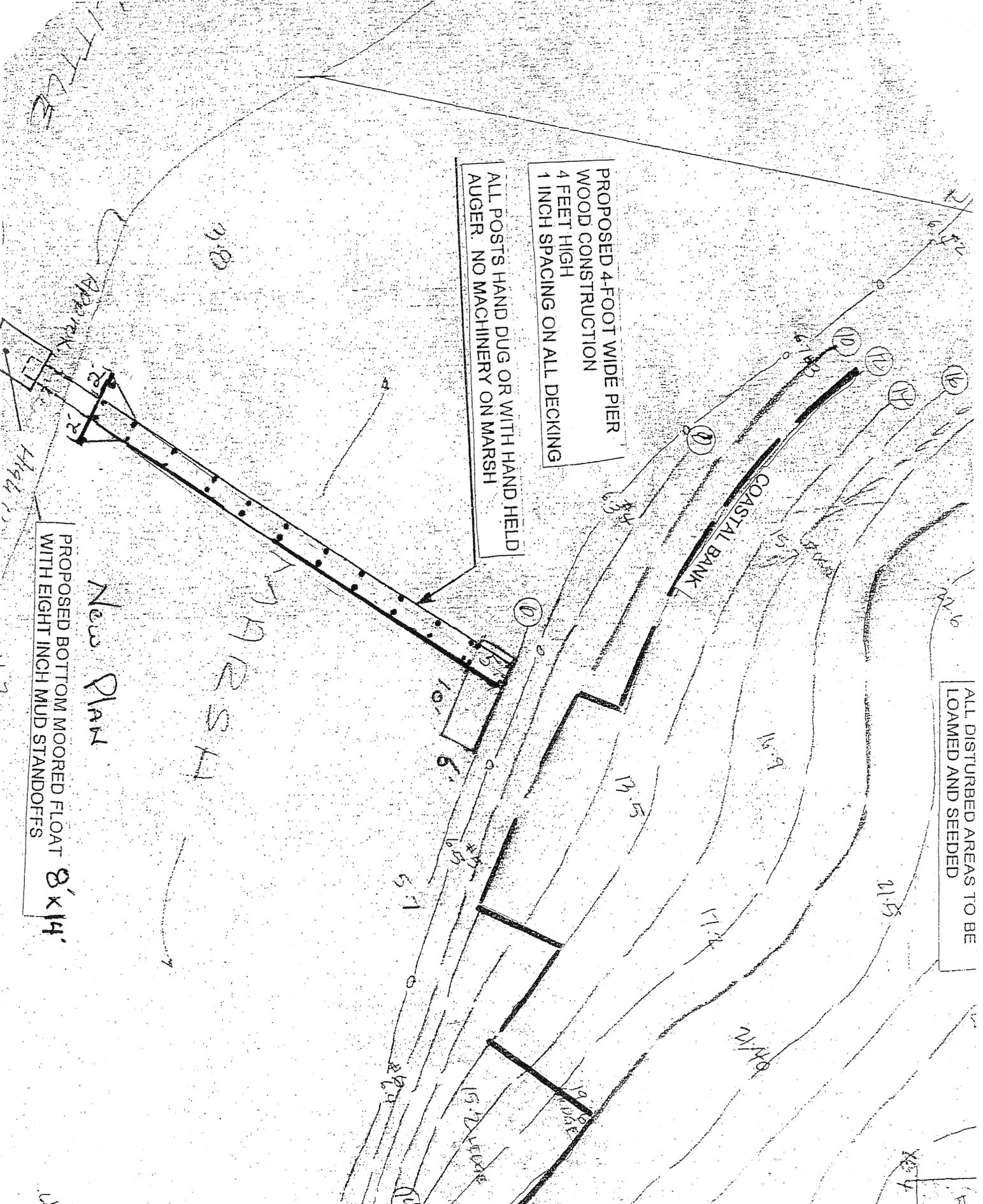
ALL DISTURBED AREAS TO BE  
LOAMED AND SEEDED

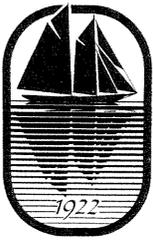
PROPOSED BOTTOM MOORED FLOAT 8'x14'  
WITH EIGHT INCH MUD STANDOFFS

New Plan

MARSH

COASTAL BANK





## CAPE ANN CHAMBER OF COMMERCE

*Serving Gloucester, Rockport, Essex & Manchester-by-the-Sea*

CITY CLERK  
GLOUCESTER, MA  
07 JUN 15 AM 10:00

June 12, 2007

Jim Destino, City Council President  
c/o City Clerk's Office  
9 Dale Avenue  
Gloucester, MA 01930

Dear Mr. Destino:

The 49<sup>th</sup> Annual Gloucester Sidewalk Bazaar will be held this year on Thursday, August 2, Friday, August 3, and Saturday, August 4. This is the largest event for downtown retailers in Gloucester and is designed to generate exposure for the central business district.

The Retail Division of the Cape Ann Chamber of Commerce requests permission to once again close Main Street from Pleasant Street to Washington Street to all vehicular traffic from 7:00 a.m. to 6:00 p.m. on each day of the Bazaar.

Your support for this annual event is greatly appreciated.

Sincerely,

Carla Dellaporta  
Economic Development Manager

2007 GLOUCESTER CITY COUNCIL  
COUNCIL ORDER

<b>ORDER #:</b>	<b>2007-22</b>
<b>COUNCILLOR:</b>	<b>Jackie Hardy</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>06/26/2007</b>
<b>REFERRED TO:</b>	<b>O&amp;A, TC, Police</b>
<b>COMMITTEE MEETING:</b>	
<b>FOR COUNCIL VOTE:</b>	

Ordered that the Traffic Commission in conjunction with the Police Department conduct a study to determine an appropriate speed limit on Bennett Street North and also Bennett Street South.

\*This is a newly paved road and residents are concerned with the speed of traffic. Many children reside in this area and as a dog was recently struck here, parents are concerned for their children's safety.

## Municipal Partnership Act Resolution

### **Resolution in Support of the Municipal Partnership Act**

Whereas, In order for the residents and the economy of Massachusetts to prosper and thrive, it is essential that the Commonwealth establish an enduring state-local financial relationship that ensures sufficient and stable revenue sources to appropriately and adequately fund all essential local government services and responsibilities, including public safety, public works, public education and the full range of vital local government activities and obligations;

Whereas, the sound financial health of cities and towns and the high quality of municipal and school services are necessary for the growth of the knowledge-based Massachusetts economy and the well-being of residents and businesses;

Whereas, the great majority of cities and towns have not financially recovered from the deep and painful municipal and school aid cuts imposed in fiscal 2003 and fiscal 2004 that resulted in widespread reductions and cutbacks in local services and the municipal workforce;

Whereas, reliance on the regressive property tax has increased to historic levels, and has placed a heavy property tax burden on low- and moderate-income homeowners, especially seniors and those on fixed incomes, and the communities of the Commonwealth should not be forced to further their reliance on the property tax, which is only major source of tax revenue granted to local government;

Whereas, the City of Gloucester, and cities and towns across the Commonwealth are facing structural budget shortfalls this year and into the future because existing municipal revenues and current levels of local aid are inadequate to maintain services and fund the high growth in unavoidable local costs, including health insurance for public employees and retirees, special education for disabled students, and rising fuel and energy expenses; and

Whereas, cities and towns in Massachusetts have far less autonomy under state law to manage local revenues and costs than other states;

Therefore Be It Resolved, that the \_\_\_\_\_ of the City of Gloucester hereby endorses the Municipal Partnership Act, and calls on the Massachusetts Legislature to enact the full scope of the bill this year, as this municipal partnership legislation would give cities and towns practical and meaningful tools to close local budget shortfalls and enhance stability in municipal and school services; and

Be It Further Resolved, that meaningful partnership legislation must include both substantial revenue self-reliance measures referenced in the next provision, as well as strong administrative cost-cutting opportunities in the areas of health insurance and pension funding as proposed by the Governor in the Municipal Partnership Act filed in February; and

Be It Further Resolved, that the Municipal Partnership Act passed by the Legislature must include the following revenue provisions: a local option sales tax on meals of up to 2 percent, a local option expansion of the room occupancy excise of an additional 1 percent, and closing the telecommunications property tax loophole in state law to eliminate the special ability of telecommunications companies to avoid appropriate local taxation and shift this burden onto other taxpayers and communities; and

Be it Further Resolved, that a copy of this Resolution be forwarded to the Honorable Members of the Senate and House of Representatives for the City of Gloucester and the leadership of each of those bodies and that it be placed in the public record.

This Resolution is hereby adopted by the Gloucester City Council on \_\_\_\_\_

# **PUBLIC HEARING #1: 06/26/2007**

## **SCP 2007-04: 65 FRIEND STREET**

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### **Legal Notice**

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#### **CITY OF GLOUCESTER NOTICE OF PUBLIC HEARING**

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing on Tuesday, May 29, 2007 at 7PM in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

**APPLICANT:** Anthony Parco, Trustee 65 Friend Street Trust by his Attorney, Catherine Henry.

**LOCATION:** 65 Friend Street

**TYPE OF PERMIT:** To allow petitioner to maintain an existing 5 unit dwelling structure pursuant to section 2.3.1 (4a)

**PRESENTLY ZONED:** R-4

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Robert D. Whynott, City Clerk

GT - 5/14, 5/21/07

#### **P&D 05/23/2007**

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP for Anthony Parco, Trustee, 65 Friend Street Realty Trust, Map 51, lot 21, zoned R-4 to convert the use of a four family to a five family dwelling unit pursuant to Sec. 2.3.1(4)a and Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance and **FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Attorney Henry** replied yes, and parking has not been a problem over the years.

**Councilor Hardy** also stated that parking has not been an issue and that there is no one present in the audience to speak in opposition to this.

**Councilor McLeod** feels this will improve the area and this is the first step in doing that. The parking has not been a problem. This is already in existence and we want to get it into conformance.

**Councilor Hardy** asked if they have needed any relief from the Zoning Board of Appeals on this.

**Attorney Henry** replied no, the Building Inspector's position is because we are not making any changes to the building that all we need to do is permit the use. The application meets the six special permit criteria.

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP to Meg McCann, Trustee, 7-9 Essex Avenue, Map 217, lot 110, zoning classification R-2 continuing use as a six-family dwelling structure pursuant to Sec. 2.3.1(4)a and Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

2. SCP, Anthony Parco, 65 Friend Street, Sec. 2.3.1(4)a maintain existing 5 unit multi-family.

**Councilor Peckham** stated the application is for a five-family dwelling structure, Map 51, lot 21, R-4. The application fee has been paid, signed off by both the Building Inspector and the Planning Director with a public hearing to be held no later than 6/22/07. An abutters list has also been provided.

**Attorney Catherine Henry**, representing Anthony Parco, 65 Friend Street Realty Trust stated this is an existing five-family. When Mr. Parco purchased this building, it was discovered this was not a legal five-family. This dwelling meets the parking requirements for R-4 of one space per unit. When Mr. Parco purchased this property he was given an easement on the abutter's land to accommodate four parking spaces. There is enough space in the easement to park two cars for each of those four units. There is also a garage that has seven units in it but five of them are currently available for the owner; the last two units have been given to the abutter to use their whole life time. He bought the property from the abutter and gave her a life time use of those two bays for the parking easement. There are about nine or ten parking spaces total on that lot. The property is in keeping with the neighborhood. The owner has not rented out the fifth unit, waiting to receive the special permit.

**No one spoke in opposition.**

**Councilor Hardy** visited with the Building Inspector who has no problem with this at all. The Assessor's office does show this as a four unit.

**Attorney Henry** stated maybe that is because the fifth unit has not been utilized. A studio apartment was rehabbed. There may have been a building permit for some basement work.

**Councilor Hardy** is quite familiar with the parking and is glad they do have the required parking. Subject to approval of the City Council a multi-family or apartment building up to six units is an acceptable use in the R-4 zoning district, according to the use

regulations, Sec. 2.4 and the application meets the six special permit criteria under Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance.

**Councilor McLeod** also spoke in support of this, in that it should be conforming.

**Councilor Hardy** sees the listing of abutters, but asked for an affidavit that notification has been sent.

**Attorney Henry** stated she thought she gave the certified cards to Jeremy Gillis, Assistant City Clerk, but will make sure the Clerk's office receives those.

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP for Anthony Parco, Trustee, 65 Friend Street Realty Trust, Map 51, lot 21, zoned R-4 to convert the use of a four family to a five family dwelling unit pursuant to Sec. 2.3.1(4)a and Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

3. Other Business

**Councilor Hardy** spoke on the matter of special council permit application forms and has been working with Jeremy Gillis and Bob Whyntott, Bill Sanborn and Frank Wright to try and modify the application forms. Before we leave office as a P&D she would like to get that done. Bill Sanborn has been working on a check list for reviewing applications.

**It was moved and seconded to adjourn the meeting at 6:25 p.m.**

Respectfully submitted,

June Budrow  
Clerk of Committees

**PUBLIC HEARING #2: 06/26/2007**  
**SCP 2007-05: 7-9 ESSEX AVE.**

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**Legal Notice**

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**NOTICE OF PUBLIC HEARING**

In accordance with the provisions of MGL Chapter 40A, Section 11, the Gloucester City Council will hold a public hearing on **Tuesday, May 29, 2007 at 7PM** in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

**APPLICANT:** Meg McCann, Trustee 7-9 Essex Avenue Realty Trust by her Attorney, Catherine Henry.

**LOCATION:** 7-9 Essex Avenue

**TYPE OF PERMIT:** To allow petitioner to maintain an existing 6 unit dwelling structure pursuant to section 2.3.1 (4a)

**PRESENTLY ZONED:** R-2

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public Hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Robert D. Whycott, City Clerk

GT - 5/14, 5/21/07

P&D 05/23/2007

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP to Meg McCann, Trustee, 7-9 Essex Avenue, Map 217, lot 110, zoning classification R-2 continuing use as a six-family dwelling structure pursuant to Sec. 2.3.1(4)a and Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance and **FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

CITY COUNCIL  
AND  
CITY COUNCIL STANDING COMMITTEE  
**Planning & Development**  
**Wednesday, May 23, 2007 - 6 p.m.**  
**Third Floor Conference Room – City Hall**

**Attendance: Councilor Walter Peckham, Chairman, Councilor Jackie Hardy, Vice Chairperson, Councilor Michael McLeod**

**Also: Catherine Henry, Meg McCann,**

**Absent:**

**The meeting was called to order at 6:00 p.m.**

1. SCP, Meg McCann, Trustee, 7-9 Essex Avenue, Sec. 2.3.1(4)a maintain existing 6 unit multi-family.

**Councilor Peckham** stated the fee has been paid and the application has been signed off by the Building Inspector and the Planning Director. A public hearing is to be held no later than 6/22/07 and an abutters list has been submitted.

**Attorney Catherine Henry**, representing Meg McCann stated this house has been in the same form since 1969. Looking at the 1969 Assessor's records shows a picture of the house as it existed in 1969, which is exactly as it is today. They note that there are three units in one half of the building. The Assessor's records specify a four to eight family until we get to 1998 where it is the first time the exact number of units are specified. The owner has owned this since the 1960's. This application is to permit the continuing use of six units. The only concern about this structure is the parking. They currently park three cars to the right and two cars to the left and by removing a garden area they can get six parking spaces off street. Extra cars park on Essex Avenue or the Boulevard. The building is in keeping with the neighborhood and they would like to get it permitted in legal status. The Building Inspector has this listed as a five family but we are looking for a permit for a six family usage, to maintain the current usage.

**Councilor Peckham** knows the property and doesn't see any issues with the property. He asked how long has it been used as a six unit.

**Attorney Henry** stated at least since the 1980's there have been six units in there and she noted that city sewer has recently been installed.

**Councilor Hardy** commented that she has been in touch with Building Inspector's office and did a short site visit to the property. She also spoke with the Assessor's office regarding what they had classified this as over the years. Regarding Meg McCann, Trustee, 7-9 Essex Ave. property, Assessor's Map 217, lot 10, currently zoned R-2 and subject to the approval of the City Council multi-family or apartment dwellings, up to six dwelling units, is an acceptable use in R-2. According to the use regulations, Sec. 2.3 lists this as an acceptable use and there are plenty of other multi-family units in the area and she does not feel this would be a detriment to the neighborhood at all. She would like to make sure the parking issues have been addressed.

**Attorney Henry** replied yes, and parking has not been a problem over the years.

**Councilor Hardy** also stated that parking has not been an issue and that there is no one present in the audience to speak in opposition to this.

**Councilor McLeod** feels this will improve the area and this is the first step in doing that. The parking has not been a problem. This is already in existence and we want to get it into conformance.

**Councilor Hardy** asked if they have needed any relief from the Zoning Board of Appeals on this.

**Attorney Henry** replied no, the Building Inspector's position is because we are not making any changes to the building that all we need to do is permit the use. The application meets the six special permit criteria.

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP to Meg McCann, Trustee, 7-9 Essex Avenue, Map 217, lot 110, zoning classification R-2 continuing use as a six-family dwelling structure pursuant to Sec. 2.3.1(4)a and Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

2. SCP, Anthony Parco, 65 Friend Street, Sec. 2.3.1(4)a maintain existing 5 unit multi-family.

**Councilor Peckham** stated the application is for a five-family dwelling structure, Map 51, lot 21, R-4. The application fee has been paid, signed off by both the Building Inspector and the Planning Director with a public hearing to be held no later than 6/22/07. An abutters list has also been provided.

**Attorney Catherine Henry**, representing Anthony Parco, 65 Friend Street Realty Trust stated this is an existing five-family. When Mr. Parco purchased this building, it was discovered this was not a legal five-family. This dwelling meets the parking requirements for R-4 of one space per unit. When Mr. Parco purchased this property he was given an easement on the abutter's land to accommodate four parking spaces. There is enough space in the easement to park two cars for each of those four units. There is also a garage that has seven units in it but five of them are currently available for the owner; the last two units have been given to the abutter to use their whole life time. He bought the property from the abutter and gave her a life time use of those two bays for the parking easement. There are about nine or ten parking spaces total on that lot. The property is in keeping with the neighborhood. The owner has not rented out the fifth unit, waiting to receive the special permit.

**No one spoke in opposition.**

**Councilor Hardy** visited with the Building Inspector who has no problem with this at all. The Assessor's office does show this as a four unit.

**Attorney Henry** stated maybe that is because the fifth unit has not been utilized. A studio apartment was rehabbed. There may have been a building permit for some basement work.

**Councilor Hardy** is quite familiar with the parking and is glad they do have the required parking. Subject to approval of the City Council a multi-family or apartment building up to six units is an acceptable use in the R-4 zoning district, according to the use

**PUBLIC HEARING #3 06/26/2007**  
**Sam Park "Assisted Living"**

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**Legal Notice**

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**NOTICE OF A PUBLIC HEARING**

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing **February 20, 2007 at 7PM** in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

**APPLICANT:** Sam Park and Company, LLC. Sam Park, Manager

**LOCATION:** Side Street Highway, Gloucester Crossing Road, Map #262 Lot #13

**TYPE OF PERMIT:** Special Council permit under Section 1.4.2.2 for a major project for an Assisted Living Residence (Section 2.3.1(11A) and Section 5.14; Special Council Permit for Greater Building Height (Section 3.2.3, footnote 2)

**PRESENTLY ZONED:** EB (Extensive Business)

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Robert D. Whynott, City Clerk

GT - 2/5, 2/12/07

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CITY COUNCIL  
AND  
CITY COUNCIL STANDING COMMITTEE  
**Planning & Development**  
Wednesday, June 6, 2007 - 7 p.m.  
Kyrouz Auditorium – City Hall

**Attendance:** Councilor Walter Peckham, Chairman, Councilor Jackie Hardy, Vice Chairperson, Councilor Michael McLeod

**Also:** Councilor Jason Grow, Gregg Cademartori, Catherine Henry, Sam Park, Michele Harrison, Dan Dulaski and Peter Kutrubes, Traffic Solutions, Richard Cutts, PE, John G. Crowe Assoc., Amy Green, Amy Green Environmental Consultants, LLC, Clay Smook, Smook Architecture and Urban Design, Tom Wilder, Wilder Company, Bill Ellis, Dir. of Development for Sam Park & Co, Ron Geary

**Absent:**

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

1. SCP, Meg McCann, Trustee, 7-9 Essex Avenue, Sec. 2.3.1(4)a maintain existing 6 unit multi-family. *(sent back from CCM 5/29/07)*

This was sent back from the Council meeting of 5/29 because of failure to notify abutters and the public hearing was continued to 6/26/07.

**Attorney Catherine Henry** spoke in favor.

**Councilor Hardy** asked that the minutes of May 23<sup>rd</sup> accompany these minutes. The only reason we are here to night is to prove the abutters were notified and we now have certification.

**Councilor McLeod** concurred that the abutters were notified and no one was present to speak in opposition.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor Peckham the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP to Meg McCann, Trustee, 7-9 Essex Avenue, Map 217, lot 110, zoning classification R-2 for the continuing use as a six-family dwelling structure pursuant to Sec. 2.3.1(4)a and Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance.

2. SCP, Anthony Parco, 65 Friend Street, Sec. 2.3.1(4)a maintain existing 5 unit multi-family. *(sent back from CCM 5/29/07)*

This was also sent back from Council meeting of 5/29 because of failure to notify abutters and the public hearing was continued to 6/26/07.

**Attorney Catherine Henry** spoke in favor.

**Councilor Hardy** stated this was also to certify that abutters were notified and requested that the minutes of 5/23<sup>rd</sup> be attached.

**Councilor McLeod** took another ride by this property and noted there is plenty of room for parking and that the abutters were notified.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP to Anthony Parco, Trustee, 65 Friend Street Realty Trust, Map 51, lot 21, zoned R-4 to convert the use of a four family to a five family dwelling unit pursuant to Sec. 2.3.1(4)a and Sec. 1.4.2.2(e) of the Gloucester Zoning Ordinance.

### 3. SCP – Sam Park, Gloucester Commons – Major Project

**Councilor Peckham** noted that several SCP applications are before us, the application fee has been paid and the applications have been signed off by both the Planning Director and the Building Inspector. The applications for Sam Park & C., LLC, Gloucester Crossing, Map 62, lot 13, zoned EB are as follows: Shopping Center, Height exceptions for buildings B, C, D and F, a hotel and height exception for the hotel as well as distance between buildings, a drive through bank, and assisted living residence and a height exception for the assisted living residence.

**Attorney Michele Harrison, 63 Middle Street representing Sam Park & Co.** presented what is new with the project since Planning and Development's joint meeting with the Planning Board back in February, 2007. She specifically concentrated the presentation on any changes in the application since it was first submitted on 1/2/07. Notice of this meeting has been sent to the abutters and an affidavit has been provided for the file. Since this application was first filed and since P&D had a joint meeting with the Planning Board, a very extensive and comprehensive review has been made by both the Planning Board and the Conservation Commission, which issued an order of conditions under the local wetlands act and the state also issued an order of conditions under the state wetlands act. She provided copies of those two orders of conditions in the materials presented. The Planning Board voted unanimously to recommend approval of all of the major project applications to the City Council and added certain conditions to the approval. These votes came after a series of meetings, seven with the Planning Board and six with the Conservation Commission, including site visits. The votes came after an independent peer review that the Planning Board entertained, which also included site visits, so they did the technical review for the City Council. Various city departments also reviewed the project and made recommendations. Under major project review, Sec. 5.7.4 of the Gloucester Zoning Ordinance, the Planning Board is specifically authorized to retain independent expertise to give them the review for their recommendation and this was done by both the Conservation Commission and the Planning Board. The Commission and the Planning Board chose the independent reviewer but the applicant had to pay for it. Of the supplemental information filed with the City Council, the two most important parts of that are the recommendations from the Planning Board and the revised plans dated 5/11/07.

The six special permit criteria the City Council needs to consider when reviewing an application for a special city council permit were explained in detail as follows:

#### **TRAFFIC FLOW AND SAFETY**

**Dan Dulaski, Traffic Solutions, LLC** stated the traffic flow has generated a lot of interest and the safety aspect of that has been the primary concern. An executive summary of the traffic study is provided in the supplemental materials. He clarified points made back in February regarding traffic impact and the access study which is a professional document prepared in conformance with industry accepted standards. Traffic Solutions was not out doing the actual recording and counting; they hired independent contractors to gather data which they sent back to Traffic Solutions. Automatic traffic recorders were also used on average and summer days. Mass Highway also goes out and records traffic volume and Traffic Solutions numbers were a little more conservative than theirs. The review level is both at the local and state levels. This has been submitted to MEPA, Massachusetts Environmental Policy Act who distributes it to agencies that are required to comment on it. The document goes in front of the EOT, Executive Office of Transportation who has already commented on the expanded environmental notification form in 7/06 and they have also commented on the draft environmental impact report, and sitting before them today is the final environmental impact report. They have commented already to say we are in conformance with industry accepted standards. On the local level, the city brought on an independent peer reviewer to review the traffic impact and access study. They brought on Howard Stein Hudson, Traffic, Engineering Roadway Design and Civil Engineering Firm in

Boston. During their review they requested additional information which Traffic Solutions provided. During their review they found the preferred alternative, the signal at the extension with Gloucester Crossing Road will have minimal impact on vehicular operations along the Route 128 extension. They also found that the signal will help reduce but not eliminate vehicular flow along the Loop Road, Gloucester Crossing Road pass the school. These are two critical findings by the independent peer reviewer hired by the city. When we think about the signal, the preferred alternative, we talk about the MUTCD, manual on uniform traffic control devices. The MUTCD is the law governing all traffic controller devices nationwide. It establishes thresholds based on the volume we are projecting for the center and according to these federal highway standards a signal can be installed as proposed. He spoke on how they will design the signal allowing for 800' of sight line based on the prevailing speeds. The signal as designed and proposed exceeds and meets the minimum standards for sight lines. It is left turn out only. The only time we provide the red is when vehicles are leaving Gloucester Commons Road; this provides the most green light time to the extension. Rather than taking a left off of the extension - by eliminating that you eliminate another period of red light time. Rather than giving the vehicles approaching a red signal they will have to go around Blackburn Circle and reverse direction to access Gloucester Crossing. From a morning commuting perspective, you are not going to have a lot of volume because there isn't going to be a lot of businesses open at that time. We are also providing queue protection priority on Route 128, with signal pre-emption using an Opticom system which detects when first responders are approaching and an advanced truck detection system that will look down the extension toward East Gloucester and the signal will be smart enough to hold the green light so heavy vehicles will not be stalled at the signal with a queue developing behind. It is a demand responsive system, in that the signal will not go red or green instantaneously. We want to make sure there are enough vehicles queued before giving the green light to Gloucester Crossing. Green time is 76 seconds on the extension and 14 seconds red, so there is an 85% chance of getting a green light if you are on the way into Boston. Coming back from Grant Circle, the same situation could occur with a 71% of not being stopped on a typical day for round trip on the extension. On a summer Saturday the signal is a little bit longer, so vehicles leaving Gloucester Crossing will see 21 seconds and the chance of hitting a red signal is 23%, and 77% for hitting a green signal and an overall 17.7% chance of being stopped in both directions. If you are stopped going back it maxes out at 21 seconds. Safety changes were taken on the section through School House Road using various techniques including splitter islands. With the signal, they feel they can make traffic treatments to slow vehicles and the installation of a berm, tree belt and a guardrail to offset the sidewalk. Behind the sidewalk there will be a chain link fence down to the playing field. They haven't provided a sidewalk from the school up to the site because they don't want to encourage pedestrian traffic from the school to the site. They are providing some splitter islands in an effort to calm traffic. Cross walks will also be provided at the intersection across the roadway.

**Peter Kutrubes, President of Traffic Solution** spoke on the state's roll for the improvements on the extension. He was with Mass Highway for 30+ years as their traffic operations manager. He provided jurisdiction of the permitting issues. There are three components of the proposed infrastructure, the proposed traffic signal at the intersection, the existing signal at Eastern Avenue and Route 128 and the timing and phasing improvements proposed. There is a combination of traffic mitigation components proposed on Grant Circle and Blackburn Circle, as well as along the 128 extension which are all under the jurisdiction of Mass Highway. The conceptual design has been reviewed by the MEPA process and they are presently looking at it as part of the design report. They will review it once more at 75% completion and again at 100% completion. Then MEPA will issue improvement permits and an access permit which allows the contractor to do the work on a state highway. The city doesn't have jurisdiction, but Mass Highway does look to the city for comments.

**Ron Geary, new to Gloucester** spoke on the need for economic development. He is the former owner of Tropical Fruits, a small supermarket in Roxbury. When the South Bay Shopping Center on the South end was build there was concern it would be detrimental to downtown businesses. When the shopping center that included a super Stop and Shop, a K-Mart, a Home Depot and an Office Max opened his business actually increased 10% and people and private equity firms began to come into that town. In his professional opinion, as we look at the economic development impact of this project, it is nothing but a positive step forward for this community.

**Gregg Cademartori, Planning Director** clarified that Howard Stein Hudson was hired by the city but that was before we collected the funds from Mr. Park, there was a completely independent selection process which was put out to bid. The independent reviewer then went out on the site prior to having any contact with either the city or the applicant so they could truly review the project. They prepared a specific report on the safety aspects and several issues and questions have been raised regarding turning movements, etc. and that report will be coming to P&D probably prior to the next P&D meeting or 6/13.

McLeod – when the light comes up – how long is the yellow light.

**Mr. Dulaski** stated we put together a timing plan for the lights by looking at prevailing speeds and distance. We design the signal so when the vehicle sees that yellow light they have time to decelerate or make it safely through and the geometry of that requires a yellow light for three to five seconds. We also have queue detectors.

**Councilor McLeod** asked how the advanced truck detection device works.

**Mr. Dulaski** stated it relies of video detection and a change in pixel resolution.

**Councilor McLeod** asked if the strobe will be given to the fire and police.

**Mr. Dulaski** stated it is a portable strobe and we will be giving it to first responders and to fire and police as well.

**Councilor McLeod** asked if there is anyway to take the light to yellow during bad weather events.

**Mr. Dulaski** stated there is always a small panel that police and fire have a key to but the only thing they have access to is a button and the signal will go from normal operations to the flashing mode.

**Councilor McLeod** asked if the way the light is set up it provides 800' of sight line from Blackburn Circle heading down.

**Mr. Dulaski** replied yes, conservatively.

**Councilor McLeod** asked how far it is when you make the corner and it actually comes into view.

**Mr. Dulaski** stated if you are traveling at 45 mph the available sight distance is 595' and during a summer Saturday the queue is somewhere around 12 vehicles; there is 800' from the signal back to the rotary.

**Councilor Hardy** asked if they would make the transponders available to the police and fire.

**Mr. Dulaski** stated Sam Park is committed to giving it to ambulances.

**Sam Park** stated he will clearly work with both the fire and police departments and clearly the ambulances. If this intersection backs up, it is very helpful in getting Gloucester and Rockport emergencies through the intersection. They are not inexpensive but he would like to work with them and figure how many is a practical number, to the extent we can facilitate the acquisition over a period of time.

**Councilor Hardy** asked how expensive they are.

**Mr. Dulaski** replied they are somewhere between \$1,000 and \$1,500 each.

**Councilor Hardy** asked if the video camera can be affected by snow and ice.

**Mr. Dulaski** stated it filters out rain and snow; it is looking for the change in pixels.

**Councilor Hardy** asked if there is a slide showing where the lights are positioned on 128 and if they will be on a pole on side of road.

**Mr. Dulaski** stated the design standards have to go through Mass Highway for approval, so we need to work that out with them.

**Councilor Hardy** asked if someone was leaving the Loop Road would they be able to take a right on red.

**Mr. Dulaski** replied they will not be queued up in the lane that is taking a left; we have provided ample space for vehicles who want to go to East Gloucester.

**Councilor Hardy** asked if they are planning on having any type of sign stating you can take a right on the red light.

**Mr. Dulaski** stated the light will be away from their cone of vision; as they come along the slip lane there will be a yield sign and it will be intuitive where you are not going to be controlling that turn with the signal.

**Councilor Hardy** would like a sign posted.

**Mr. Dulaski** stated there is a dedicated right lane.

**Mr. Park** stated in this case it is almost designed as a ramp onto Rte. 128 extension; it is not a right turn and there will be a yield sign posted.

**Councilor Hardy** asked is the video machine something Mass Highway puts in or does the developer pay for it.

**Mr. Dulaski** stated the developer pays for it and it is \$6,000 to \$8,000 and in this case the entire cost will be borne by the developer.

**Councilor Hardy** asked if it is possible to put that machine on Eastern Avenue as well.

**Attorney Harrison** stated all the lights will have video cameras installed.

**Councilor Grow** asked how you are going to be able to integrate the traffic with the flow of Eastern Avenue.

**Mr. Dulaski** in coordinating the system typically what you find, are signals spaced closer than 2,800 feet. These will be independent on demand systems.

**Councilor Grow** asked about mitigation of the problems with the intersection with Eastern Avenue.

**Mr. Dulaski** stated right now you are faced with a green arrow to the left that is protected. We found that providing a green ball permitted allows you to process more vehicles in the same amount of time. We are adding a green ball so when you are sitting there and a gap opens up it is giving permission to make a left if there is acceptable gap, so you are going from protective to protective/permissive which improves the level of service.

**Councilor Peckham** referred to two letters from people concerned with the traffic situation at Grant Circle. One from the Fire chief who states Grant Circle averages 40 accidents per year and he is asking for any potential improvements.

**Mr. Dulaski** stated Mass Highway is looking into that and Sam Park has put our resources into looking at that as well. We looked at the data from Grant Circle and you have correctable crashes and non-correctable. Most of the crashes as is typical with a rotary are people being rear ended.

**Mr. Park** stated they are willing to provide documentation at any time.

**Councilor Peckham** asked what if this light goes in and we find out it doesn't work for whatever reason; is there a plan B.

**Mr. Dulaski** stated typically once a signal is in place it takes an act of God to remove it. The reason for all of these processes is to vet the issues that are of concern to the community. We are putting our liability on the line in saying we have looked at everything we should look at and we know it is going to be a safe installation. That being said it is very difficult to convince Mass Highway to remove a signal once it is in.

**Councilor Peckham** didn't see any holidays included in the study.

**Mr. Dulaski** stated we are delaying the lights for 21 seconds to allow for the queue being extended all along the extension during peak times.

**Councilor Hardy** asked if they are looking at speed limit signs for Gloucester Crossing Road.

**Mr. Dulaski** stated typically you would not see speed limit signs posted for speeds less than or close to 25 mph. Mass. General Law talks about density and based on the design, with the splitter islands, speeds will not be exceeding that. The roadway would have to be built and we would have to put traffic recorders down and then request a speed limit from Mass Highway, it couldn't be done prior to the road being constructed.

**Councilor Hardy** asked who will be maintaining the chain link fence, the school or the developer.

**Mr. Dulaski** stated maintenance of the chain link fence is the responsibility of the school department.

**Councilor Hardy** has received quite a few calls from people concerned about the light. She noted the end of the public comment period on the light is 6/8<sup>th</sup> and some folks aren't even aware there is public comment on the light or that there is a deadline.

**Mr. Kutrubes** stated the standard review period does end on 6/8<sup>th</sup>.

**Amy Green, Amy Green Environmental Consulting** stated this public comment is for the third and final document and it is MEPA policy. The overriding reason for MEPA is to make sure all the agencies get a chance to comment on it. MEPA sends it out to a litany of state agencies and a copy is sent to the town agencies, local library and any one who comments on that gets a copy of any subsequent documents. Mass Highway will have a separate comment period.

**Mr. Park** stated the final environmental impact report is our response to comments that were received.

**Councilor Hardy** stated those who are not in the loop didn't have the opportunity to be noticed. It seems important to her and she has been getting a lot of phone calls.

**Attorney Harrison** stated it was done according to MEPA regulations and the documents were made available at the Community Development Office and the library.

**Councilor Hardy** stated she is only referring to the notice.

**Mr. Park** stated we did try to pull out all the stops to make sure everyone is in the loop. There was extensive commentary in the final draft.

**Attorney Harrison** summarized that traffic has been reviewed extensively, the primary influence being safety. Maybe there is a minor inconvenience of having to stop at the light but it won't generate any catastrophic impact on Gloucester. There is over 800' of sight distance and she will try to get a sketch together to show the signal location at the intersection and the signage for the slip lane. The second major component that has been studied is the issue of storm water management and civil engineering issues on the site. The Engineer will talk specifically about the changes from what was originally proposed. The storm water management plan is extremely beneficial to the project and the area as well.

#### **ADEQUACY OF UTILITIES - Storm water management of the utilities.**

**Richard Cutts, Site Engineer and PE, John G. Crowe Associates** stated the existing conditions haven't changed. He pointed out the two watershed areas on the map; the smaller being 19.5 acres and flows westerly toward Rte. 128 down toward Eastern Avenue. The other watershed area is 46 acres and encompasses the Fuller School open site and is also part of the Greenfield Playground and the Emerald Forest area. He provided a detailed explanation of the storm water management design. At the request of the Conservation Commission they are balancing the watershed. Site grading is much the same and they are proposing underground storage facilities. They went through the city consultant and during meetings with both the Conservation Commission and the Planning Board identified a need to control volume of runoff. We went out to the site with a geotechnical engineer between 3/22 and 3/27 to dig test pits in the area of large and smaller detention basins and underground facilities and fortunately we found more soil than rock. The area between the two buildings was the only area we could not get a percolation point where we could discharge into the ground. This system has been changed through the Conservation Commission to be high density plastic, but it is still 5' diameter and pre-cast

concrete galleys designed to place side by side by side. Galleys give you immediate holding capacity and are a more efficient design. We balanced the site so the 19 acres after construction will create less volume and less drainage than preconstruction. The bigger benefit is when we come to the west. We changed the pipe system to leaching galleys and right in front of assisted living will also be leaching galleys. The detention basin had to be raised up to get it out of the ground water; a 2' separation between it and the ground water is a requirement of DEP. All these test pits were observed by the City Board of Health. The report is about 2500 pages of calculations and demonstrates balancing the westerly direction with a reduction of about 837,000 gallons during an annual storm and 1.2 million gallons during a 100 year storm; this being over the existing conditions. We reduced the rate and the volume of run off in both directions. The water is still the same but we are using the water line through the center and the water consultants have reviewed and agreed with our design. It was found that the main pump station that was proposed to be located behind the anchor and across Green Street disturbed a lot of habitat, so we changed the design. The pump station now will go along the junior anchor and come out onto Perkins Street. The assisted living will go to the same pump station. We had that review with New England Civil Engineering firm and they don't see any problem. We are planning on rebuilding the pipe line on Perkins Street which puts limit on the volume and it is easily maintained.

**Councilor Hardy** asked about the water main replacement

**Mr. Cutts** stated the existing water line is 16" diameter and goes over into the Blackburn Industrial Park. We will be bypassing that and bringing it up the road; this is one of the first things we will do. The pipe in the wetlands will be abandoned.

**Councilor Hardy** asked if there will still be a stub on the Green Street entrance.

**Mr. Cutts** replied yes.

**Councilor Hardy** asked are some of the poles located in the wetland.

**Mr. Cutts** replied yes and those will be moved outside into a new easement and will be designed to miss the wetlands.

**Councilor Hardy** asked if the utilities will be underground.

**Mr. Cutts** replied through the site they will be all be underground.

**Councilor McLeod** stated the original plan was to hook into the sewer in two spots.

**Mr. Cutts** replied Green Street and Perkins Street. There is a small issue on Staten Road that the pipe is a little undersized but it is important to note that none of these pipes are in the CSO which is good. We are proposing and Sam Park & Co is committed to rebuilding that sewer line from 8" to 12" line.

**Councilor McLeod** stated the pumping station will regulate the flow coming out.

**Mr. Cutts** replied yes, the best thing we can do with this system is to run smoothly and not have spikes.

**Councilor McLeod** stated you are putting in 60" pipes.

**Mr. Cutts** replied the underground storage facility is 60" in diameter and they sit about 5' apart in crushed stone. To that we have laterals with regular catch basins and TSS cleaning systems so essentially anything that gets into this system is considered clean water. Under state DEP requirements we have to clean the water before we can put it into the ground.

**Councilor McLeod** asked if the Board of Health will inspect this periodically.

**Mr. Cutts** stated we spent four days out there with a licensed soil evaluator. The Board of Health had one or two people to document and the basin was changed slightly because of that testing.

**Councilor McLeod** asked what will be the depth of the pool to be located by the assisted living facility.

**Mr. Cutts** replied about 4' deep and they all have overflow systems. It is a hard system consisting of catch basins and manholes and a series of these so the water will be very clean – the more we catch the less we have problems with the systems.

**Councilor Grow** stated there is a problem with existing with water coming down the extension into the Good Harbor estuary system and we need reassurance we aren't going to exacerbate the existing problem. He also asked if they are going to recreate the landscape behind the main structure and how they propose to deal with run off from the backs of the buildings.

**Mr. Cutts** stated while it pitches away from the buildings, catch basins catch the water and bring it over to the storage area, so there is nothing going off and spilling over any walls. If you walk up on the site there are already open catch basins put in when they built Rte 128 and a 10" diameter pipe that goes down 3 to 4' and on top of the property is a paved swale that takes the water to that. We have split the flow, so the water coming out will come in and drop into that inlet and they are designed for a 10 year storm. We are sending in 1 cubic foot per second during the 100 year storm. At the property line we letting the water go into the state system, so you should see no affect of this entire project at the bottom of the hill. The study shows 2,200 gallons less will be running down. Part of what has happened here is there is no channel to bring water down so everything basically comes onto the highway; it is clearly inadequately designed.

**Councilor Grow** asked if the detention pond in front of the assisted living is underground.

**Mr. Cutts** replied it is both. During non storm events it will be dry and during a theoretical storm it will be 4' deep and will take about one day to clear.

**Councilor Hardy** asked if that is what is referred to as a mini pond.

**Mr. Dulaski** stated we have a wet pond which is a small stilling basin that has 5' of water in it at any time.

**Attorney Harrison** summarized by stating this storm water management plan decreases the rate of flow and volume to be less then what it is now. This is an important finding that came about during the review of the Planning Board and Conservation Commission.

**ENVIRONMENTAL IMPACT** - Incorporating low impact design and sustainable techniques.

**Amy Green, Amy Green Environmental Consultants** spoke on the principles and guidelines of sustainable design and smart growth set up under Mass. Office of Commonwealth Development and the Metropolitan Area Planning Commission (MAPC) The project meets regional planning as it concentrates development. The project conserves natural resources and meets Federal, state and local regulations for protection of wetlands and has received an order of conditions from the Conservation Commission after the peer review. The wetlands creation and restoration is at a greater than 2:1 ratio to provide mitigation of any disturbance caused by construction of the project with the intent of protecting wildlife habitat. We will be meeting or exceeding state requirements for water quality control. We are added three rain gardens specifically designed to take a small piece of the watershed out. There will also be a wet pond located above where the wetland impacts will be. The developer is making voluntary contributions to support vernal pool determination and education within the city. The project will incorporate energy efficient design into the buildings. The project meets water conservation by using water efficient landscaping, low flow plumbing fixtures and the infiltration of storm water run off. On the indoor environment they will be adding energy efficient construction materials lighting and fixtures. On materials and resources, the project will use durable long life recyclable environmental friendly materials. The project will have a construction waste management plan and the use of local materials to reduce vehicles miles traveled. The assisted living will expand housing opportunities and the project will increase local jobs. With regards to transportation, the area is presently served by the CATA and we will be working with them to increase that service once the project is complete. The site is pedestrian accessible from adjacent neighborhoods and the mixed use nature of the project captures internal pedestrian trips as well, and the train station is within one half mile of the site. Transportation demand management is a big piece of the project and those measures are spelled out in the Environmental Impact Report (EIR). These are used to reduce vehicle trips especially at peak hours. Low impact development strategies are key in reducing the footprint on the site so there are less impervious areas. We did this by placing 45 parking spaces

under the hotel and we have asked for a reduction of 237 spaces in the retail area, total 25% reduction in parking spaces. We have minimized the width of the loop road and internal roads as much as can and used retaining walls in several key areas. The runoff is being treated in a decentralized manner and will be able to maintain low flow to wetlands and respect watersheds that currently existing. Infiltration has been stressed to recharge the ground. Finally, the project is compliant with the new city regulations on lighting.

**Councilor McLeod** asked about the 25% reduction in parking.

**Ms. Green** stated 45 parking spaces would be located under the hotel.

**Attorney Harrison** stated they did go to Zoning Board of Appeals (ZBA) for a reduction from the parking requirements and were granted a reduction of 237 spaces because of the mixed use nature of the property. A copy of the ZBA decision is included in the file.

**Councilor McLeod** asked if the educational funds for vernal pools would be provided one time or yearly.

**Ms. Green** stated that would be a one time contribution and we must show proof of that contribution at the start of construction.

**Councilor Hardy** asked about the location of the wet pond.

**Ms. Green** stated it is at the loop.

**Councilor Grow** showed the plan to a friend of his from San Francisco and one thing he pointed out was the expanse of the parking lot and how that is a disincentive for people to walk. He suggested there might be a better alternative to walk from one area to another. Councilor Grow asked if there has been any discussion about moving the anchor store closer to the other stores so there was less distance between the buildings.

**Attorney Harrison** stated it is late in the process to consider that but they will think about it. She explained they have tried to make the project pedestrian friendly by providing pedestrian pathways and landscaped islands. Consideration has been taken to make this project more of the village idea and compared to older shopping centers this will have very wide 10' sidewalks in front of the buildings, so there will be more of a street scape then a parking lot. She noted that the plan doesn't adequately show all of those amenities.

**Mr. Park** stated the parking lot is not quite as large as it appears on the plan and in looking at traditional strip centers or malls; this presents a very compact parking area.

Councilor Grow asked why they are putting the anchor store so far back. He stated in order to attract the anchor to the site there was clearly a need for visibility in the forefront. The width of this building is one half the width of a Target and by encouraging the center walkway and the walkway on the right side it is pretty much integrated. We want to encourage the connection between everything, the feel of the street and the whole pedestrian system going around.

**Attorney Harrison** noted that the anchor store is smaller than the new Stop and Shop.

**Councilor Grow** wanted to make sure there is are fairly articulated pedestrian and landscaping areas so this isn't seen as expansive.

**Attorney Harrison** stated under the ordinance we are required to provide one tree for every 8 parking spaces and we have provided at least 180 trees, all new plantings. A lot of consideration has gone into the greening of the site with that planting.

#### **ARCHITECTURAL – height exceptions**

**Clay Smook, Smook Architectural Design, South Boston** spoke on the need for special exceptions for height due to the general character of the project. The project has been designed as a gateway to a revitalized Gloucester and we felt when we designed this project we wanted a strong view into the development. The hotel is a 360 degree building to give a feel of the village mixed use we are creating. There are eight buildings in all: an anchor, junior anchor, specialty retail, two restaurants, and a drive through bank, hotel and assisted living facility. The existing topography of the site presents a hardship as per zoning and in many of the cases we are actually measuring the height of the building from 12' below ground to the highest point of the building.

The zoning allows for a height of 30'. We are not seeking a height exception for the anchor building as it meets the zoning requirements. We are requesting height exceptions for the junior anchor building which would measure to the peak of the cupola 41', but the actual height of the building is 38'. The specialty retail building capsulate the issue of building height in that the lower portions of the building is at 30' articulating special focal points. In this case we are seeking a special exception because the grade from the highest point of the tower to the existing grade is actually 52'. We are providing towers and cupolas for visual diversity and have received very few comments in terms of changes to the proposed buildings. With the exception of one building with a vaulted roof, there has been a positive opinion in terms of the final design. We are looking for a special exception on the free standing restaurant. When the building is actually built, it will be only 30' but because existing grade is lower it is currently being measured at 39'. The other restaurant is similar but measures 42'. With regards to the hotel, we have it by 40 to 50' in order to break the scale down by bringing an element to lower height. The height from the ground to the top of the cupola as designed at 62' and is measuring at 72' because of the low grade. We are trying to make the building footprint as compact as possible by tucking the upper fourth story under the roof and compacting the length of the building as well. We are proposing a 100 key hotel that will be seen from all sides and will mark the entry to the project. We will not be seeking a special exception for height on the drive through bank. Finally, we have incorporated a lot of the same elements used to break down scale in the assisted living facility design by making it appear to have three and one half stories instead of four. The maximum height allowed by ordinance for an assisted living facility is 35' and in this case as measured by zoning it is 62'.

#### **Four criteria for the special height exceptions**

The project will not obstruct any views, there will be no overshadowing, no impact to utilities and will not be detrimental to the neighborhoods.

**Attorney Harrison** summarized that each building type comes with its own set of rules and opportunities for sustainability with the greatest opportunity in the larger buildings. Current building codes are reflecting a more energy conscious approach to energy savings. They propose to install low flow fixtures and encourage people to reuse towels. Energy efficient lighting will be installed in the hotel and assisted living facility. An increased R-value would be as required by code. They propose using Energy Star appliances and roof, which would reduce the air conditioning needs. The installation of awnings and shades also would produce lower energy requirements and the use of local materials within a 300 to 500 mile radius. People will be driving less and there will be that many less trips to Danvers and Peabody which will produce a saving in fuel.

**Councilor McLeod** asked when you measure for height is the need for the exception because you have to go to the lowest point.

**Attorney Harrison** stated the zoning ordinance requires in calculating the building height you have to go from the average existing height to the peak. Gloucester still measures from existing grade and what you see is finished grade.

**Councilor McLeod** stated the hotel is 90' but actual grade is 72'.

**Attorney Harrison** stated you have to remember the back of the hotel is a lot lower; it is a skewed dimension and because of the calculations we have to ask for extensive height exceptions.

**Councilor McLeod** asked if it is the same thing for the assisted living facility.

**Attorney Harrison** replied when all finished and you are standing in front of the building it will be 60' high. The zoning ordinance allows 35' for assisted living and 30; for all other buildings.

**Councilor Hardy** asked if there are two or three junior anchor stores.

**Mr. Park** replied that would depend.

**Councilor Hardy** asked when the building is connected in a series it the height considered on the whole building.

**Mr. Park** replied yes.

**Councilor Grow** asked what the buildings will be constructed of. A lot of people are concerned about the visual impact of this. The new Rockport National bank took a lot of care to fit into the local topography and he stressed that similar attention to detail would go a long way in making this a success.

**Mr. Smook** stated we have really raised the bar on these buildings. He made reference to the Derby Street Development in Hingham and that Mr. Park intends to own this project and not to flip this project.

**Councilor Grow** wants to make sure we are looking to real attention to detail.

**Councilor Peckham** stated the new cruise port terminal is another fine example.

**Councilor Hardy** commented on a wonderful development up in Salisbury. You can't really tell if the buildings are all the same plane or some are set back.

**Mr. Smook** stated there is some movement in and out of the facades but it depends on each of the buildings.

**Councilor Hardy** asked what the differential is on the façades that are connected.

**Mr. Smook** stated in the retail environment people want to be differentiated. We try to articulate the buildings with small returns but there is a level about how much you can do that and it is usually between 1 and 3 feet.

**Mr. Park** stated one of the reasons went with Smook Architectural is that they use real materials. Our job going forward is to coordinate what retailers want for their store fronts and part of the art of this going forward is to get the intent and the architectural theme in place but ultimately it all depends on the final tenant and the units will be custom tailored to meet their individual identity needs.

**Councilor Grow** asked about the signage.

**Mr. Park** stated unique signage is part of the identity of the retailer.

**Attorney Harrison** stated the proposed signs will not meet the requirements under the zoning ordinance and we will be going before the ZBA for relief on some of the signage.

**Mr. Smook** stated it is all these pieces that make up the diversity that will make this a success.

**Attorney Harrison** stated the application was filed prior to the incorporation of the lighting ordinance but all lighting on the site does comply with those new requirements. In response to all comments; these buildings are going to be seen 360 degrees and we have been conscious of that through the design process as well.

#### **SOCIAL, ECONOMIC AND COMMUNITY BENEFITS**

**Tom Wilder, Wilder Company** commented on the various components of this life style center and how it responds to Gloucester's needs. Wilder Company is a shopping center mixed use developer who has built close to 30 million square feet. They are seeing a trend in the industry of creating that genuine experience. Even larger centers being developed today are open air and have that street scape design. The scale of this project is small it is 195,000 sq. ft. and there are great opportunities to create that experience. The team focuses on details and that is why our centers have been successful. There is a lack of critical mass on Cape Ann and dollars are leaving Cape Ann and going towards Peabody and Danvers for certain goods and services they can't find on Cape Ann. We looked at the trade area and studied demand and supply in the market and in this particular market we found there was a \$176 million gap. There is a demand that is not being captured and we believe there are opportunities for downtown Gloucester to capture some of this now. We believe this project will be a regional draw and we hope to have goods and services that are unique to the area. A critical issue for Gloucester is to focus on the downtown and figure out how it will evolve. The downtown settings have changed. Typically it has been the cultural institutions capitalizing on the history and the architecture. We can't

replicate a true downtown but you have some of those basics in place. There needs to be a very focused in the effort to revitalize downtown and he thinks there are opportunities to cross connect as well.

Economic and community benefits are increased through additional tax revenue, new jobs with a high level of management for a number of these centers and there will be minimal impact on city sewer and city services. Cape Ann dollars will be staying on Cape Ann and new dollars will be attracted to Cape Ann. The project will also provide business opportunities.

A five minute recess was called at 10:14 p.m.

The meeting was called back to order at 10:19 p.m.

### **POTENTIAL FISCAL IMPACT**

**Attorney Harrison** spoke on a positive fiscal impact and increased tax revenue. A public street will be installed and maintained by the developer for 15 years, which includes all maintenance and snow plowing and the development of an escrow of funds available for maintenance of the road after the 15 years period. We also estimate potential revenue of \$300,000 to \$500,000 per year based on cost of build out at \$50 to \$60 million. There will be a hotel on site and a portion of the hotel tax will come back to the city. The creation of jobs – people who work in Gloucester also spend money in Gloucester. The building permit alone will be over \$225,000. Sam Park has made a commitment to make certain improvements at Fuller. There will be minimal demand on municipal services and we have our own trash collection and snow plowing.

Attorney Harrison referred to the Community Development Plan 2001, Sec. 2-A1 which comments on lack of commercial land in terms of tax and employment base; that the city should promote economic and environmental sustainability for new and expanding businesses and the city should have a plan for the development of downtown. She feel this project meets these strategies. With regards to synergy with the downtown, we will provide an onsite kiosk with available maps, pamphlets and posters about what is available downtown. We want the shopping center to be part of a CATA route and have spoken with Bob Ryan to make sure that is incorporated with this proposal. Cross marketing "Shop Cape Ann". All of our advertising will benefit downtown as well. We will partnership with the Downtown Development Commission (DDC) and the Chamber of Commerce. Sam Park has made a commitment on how we can work together to make downtown grow.

**Attorney Harrison** summarized that height exceptions will be requested for the shopping center, junior anchor, the specialty retail, two restaurants, the hotel and the assisted living facility. The City Council did vote to amend the zoning ordinance for assisted living facilities to make it more user friendly by increasing the maximum allowable height to 35'. Height is measured from existing grade and that is what makes this project look so daunting. The way the junior anchor fits into the property, the people on Perkins and Green Street are barely going to notice the height because it is so compatible in the rear - it the architectural detail in the front that causes the need for the exception. The project will not obstruct any views, there will be no overshadowing, no impact to utilities and it will not be detrimental to the neighborhoods.

**Attorney Harrison** noted that an additional relief for distance between buildings will be sought for the distance between the hotel and the restaurant. The zoning ordinance requires distance between buildings to equal the sum of the height of the two buildings. In this case we need 113' and are providing 46'. We believe there is no overcrowding and there is sufficient distance between the two buildings. The hotel is being proposed as a business hotel which provides housing for families of residents who are in assisted living. The demand for the hotel is not just

coming from the business community but also from people who don't want a three day minimum or a high rate. The Hotel height as per design is 60' but per zoning it is 71'.

**Drive Through Bank**

The Planning Board endorsed the drive through banking facility.

**Mr. Cademartori** looked at two safety issues with regards to the drive through. He questioned the safety of a one way aisle, so the bank has been moved to allow that aisle to be two-way traffic and the median strip has been moved farther down so there isn't a chance of a car straying in or out of the ATM line.

**Attorney Harrison** noted that pursuant to Section 21-41 of the Gloucester Code of Ordinances the City Council has the authority to relocate an easement. The present easement goes right through the wetlands and we are proposing to run it up the new road and have it go around the perimeter of the property before it goes across Rte. 128 to the industrial park. We are trying to protect those wetlands through a process of mitigation, replication and enhancement of the wetlands and also by removing the National Grid power easement. The city easement isn't clearly defined and there is no plan that goes with it either, so they are requesting if the project is approved that the easement be relocated. Also pursuant to Section 21-42 of the Gloucester Code of Ordinances there is a paper right of way that connects Green and Perkins Street and Mr. Park has made a commitment to the neighborhoods that he will not go through there with traffic. The right of way was only granted to the city and does not show on any maps in either the Engineering or Assessors. She has reviewed this with the City Solicitor and requests if this project is approved that the right of way be discontinued.

**Mr. Cademartori** stated when they developed a budget for the independent consultant; they allotted meeting time for them to come to answer questions and anticipated having that additional submittal on traffic as well.

**Councilor Hardy** asked if this is approved, how long it would be to pull a building permit for construction.

**Attorney Harrison** replied some of it depends on Fuller School. Mr. Park is committed not to construct during school hours and would anticipate 18 to 24 months to full build out.

**Mr. Park** stated the initial site work would be done as soon as permitted and they would finalize detailed engineering plans for the building, firm up leasing commitments, but the building construction would not start until site work and excavation is done.

**Attorney Harrison** stated complete construction phasing is available and she will provide a copy of the power point presentation.

**A site visit is scheduled for Tuesday, 6/12/07 at 10 a.m.**

**The special permit applications for Sam Park and Company, Gloucester Crossing are continued to Wednesday, 6/13/07.**

4. Other Business: There was no other business discussed.

**It was moved and seconded to adjourn the meeting at 10:45 p.m.**

Respectfully submitted,

June Budrow  
Clerk of Committees

CITY COUNCIL  
AND  
CITY COUNCIL STANDING COMMITTEE  
**Planning & Development**  
Wednesday, June 13, 2007 - 6 p.m.  
Kyrouz Auditorium, City Hall

**Attendance:** Councilor Walter Peckham, Chairman, Councilor Jackie Hardy, Vice Chairperson, Councilor Michael McLeod

**Also:** Steve Magoon, Sara Young, Budd Williams, Richard Gaines, Gus McEachern, Councilor Destino, Sam Park, Michele Harrison, Sam Bard, Joe San Clemente, Richard Cutts, Howard Richardson, Gordon Baird, Ellen Solomon, Eric Holdsworth, Frank Stadler, Mary John Boylan, Richard Emmanuel, Elizabeth Lewis, John Gale, Keith Gufstason, Janet Rice, Henry Ferrini, Laurie Hagar, Kathleen White, Carmine Gorga, Erica Hanson, Peter Todd, Ann Rosenfeld, Ann Rearick, Kate Wiggins, Nancy Shaw, Budd Williams

**Absent:**

**The meeting was called to order at 6:00 p.m.**

1. Farmer's Market – request for street use.

**Request from Sara Young representing Cape Ann Farmers Market to close a section of Harbor Loop.** Last summer they did a pilot market for the four Thursday's in August with great success and confirmation that the vendors would like to return. She has been working with the businesses on the loop and has made arrangements that Bank North would not be used for market parking. She feels the location is ideal to bring people downtown and the overflow is good for restaurants and other businesses; they chose Thursday nights to coordinate with the concerts.

**Steve Magoon, CAO** stated that last year the Farmer's Market was a great asset to the city. There was a considerable amount of people there for the free concerts and adding an additional amenity like the Farmer's Market has created a real attraction and benefits for the citizens. We looked at some of the safety issues and Lt. Joe Aiello was hoping to be here to speak on this. One of the things the police implemented last year was using a vehicle to block off the road as a physical barrier to traffic and it would make sense to implement the same type of barriers this year. From the administration's perspective he would like to see this continue to grow and be a long term asset to the city.

**Councilor McLeod** stated it was well organized last year. He asked what if any affect there was on the coast guard, police and businesses.

**Ms. Young** stated the feedback she got back was primarily positive and there was a little bit of an issue the first day with the Bank North parking lot. We didn't block the parking lot of Bank North but because of poor signage at the head of the loop people thought they could use the bank parking lot as a turnaround. We put two attendants at the head of the parking lot. Last year the barricade was after the Bank North parking lot and this year we are planning to use signage so people are aware the street has been closed off. We had no problems with the coast guard station and the Building Center is working with us. They left the parking lot open to provide additional parking and this year they will be staying open later to benefit from the crowd.

**Councilor McLeod** asked how many volunteers last year.

**Ms. Young** stated we had close to 50 volunteers; last year it was all volunteers but this year the Cape Ann Food Coop gave us some seed money so we were able to hire a market manager and have more money for advertising.

**Councilor Hardy** asked if they are sure this particular location is the right location to have this.

**Ms. Young** stated they formed a volunteer committee and board this year to look at a number of locations in the city and they have determined this is the location for us at this time. Being in the downtown is very important to building that community in the downtown area and really is the least disruptive.

**Councilor Hardy** asked how they accommodate for the fish company behind the Building Center.

**Ms. Young** stated for those Thursdays, he knows in advance whether a truck is coming in. He has a three hour window where he can have them on hold or have them come later and he is willing to work for us. We stop just before the entrance to that property, so a truck could enter from the other side if they had to.

**Councilor Hardy** asked if the entire loop is closed.

**Ms. Young** stated both the Building Center and Bank North parking lots will be open, up past Harbor Loop Gifts and will end right before the fish processing parking lot, right before the loop curves.

**Councilor Hardy** asked do you think the folks attending the concert are affected by this at all and do they have room to park.

**Ms. Young** stated last year we did work hand in hand. She heard a couple of people mention parking but didn't hear any negative feedback.

**Councilor Hardy** stated if this is going to become a yearly event, we might want to request that this be part of an ordinance. This year we will be looking for some licensing fees and she will also be looking for input from the board of health, police and fire department as to emergency vehicles.

**Ms. Young** stated we have been talking about the safety concerns and she brought a map of the layout showing the distances.

**Councilor Hardy** would like the information in advance of the meeting and asked are these considered fixed vendors.

**Ms. Young** stated they are considered mobile vendors and receive a special permit through the health department to do this.

**Councilor Hardy** asked do the vendors produce these good themselves.

**Ms. Young** stated their mission is to provide healthy foods directly from the farmer. The Common Crow is involved – they get their products directly from the farmers and we have an agreement they can provide the products we don't have.

**Councilor Hardy** asked if the farmer's are aware that Common Crow is going to sell these goods.

**Ms. Young** replied yes.

**Councilor Hardy** asked if Common Crow requires special permits since they aren't the original growers.

**Ms. Young** stated they have all their permits.

**Councilor Hardy** asked if local farmers are going to be accommodated here.

**Ms. Young** replied yes we do accommodate the local farmers. Goose Cove is considering coming down to sell plants and flowers and in discussions with some of the local farmers – Marshall's is one of the ones that are trying to figure out how they can attend (they are understaffed). Our first priority is local and second priority is organic. We give preference to local growers.

**Councilor Hardy** asked that a copy of the by-laws be made available for the records.

**Ms. Young** stated they are guidelines for the board and the market manager to follow.

**Councilor Hardy** asked what services you are expecting the city to provide.

**Ms. Young** stated there are bathrooms at the Fitz Hugh Lane and last year they were able to open those a little earlier. We didn't need extra trash barrels – one of the beauties of a farmer's market is that there isn't a lot of trash generated. Lt. Aiello did work with us as far as setting up the barricades at the entrance and exit of the market for safety reasons.

**Councilor Hardy** asked if the matter of moving vehicles in case of emergency is being addressed this year.

**Ms. Young** stated one of the vehicles is a vendor and we have been working all of that out with Lt. Aiello.

**Councilor Hardy** stated running from July to October - it seems to her as we get deeper into the season 8 p.m is late – it gets dark.

**Ms. Young** stated the market closes at 7 p.m. giving vendors until 8 p.m. to break down. We have talked about closing at 6 p.m. as the season gets later.

**Councilor Hardy** asked them to make note of that for next year.

**Councilor Peckham** asked are those bathrooms handicapped accessible.

**Ms. Young** doesn't know.

**Councilor Peckham** asked if they have worked with police and fire.

**Ms. Young** replied Lt. Joe Aiello is definitely supportive – to make the access for emergency vehicles.

**Councilor Peckham** is very supportive of this and feels it is a great thing for the city. Usually when we approve things like this we like letters of communication from the police, fire and DPW stating this conforms.

**Councilor McLeod** stated the simplest way to do this is to have a form they can sign off on. We are looking to make this self sufficient.

**Ms. Young** stated we do have a plan in place to do that through vendor fees and the Cape Ann Farmer's Market we will have our own booth where we will sell coffee, tea and bags with the Farmer's Market logo for people to carry their goods. We also have a couple of fund raising events plan for this year as well.

**Councilor McLeod** asked what about bad weather.

**Ms. Young** replied the market is rain or shine. We will make a judgment on the weather prior to noon.

**Councilor Hardy** asked if they are covered by an indemnification insurance policy holding the city harmless is provided.

**Ms. Young** replied the market is insured under the Mass. Federation of Farmer's Markets.

**Councilor Hardy** asked that a copy of the certificate of insurance be provided for the city.

**Ms. Young** agreed.

**Councilor Hardy** stated if there are some problems, we will be calling you back to try to straighten it out.

**Ms. Young** stated this is an event for the city and we are completely willing to work with the city.

**Councilor Hardy** would like to work with her to form the application form for all events. She would like to reach out to fire and police and requested the market send written notification to all the businesses in the loop informing them that you are coming before us and asking for the road closure and provide certification of that notification. An abutters list can be obtained by the assessor's office. She asked do you accept food stamps at this market.

**Ms. Young** replied yes, we accept Mass. Farmer's Market coupons and WIC coupons as well.

**Councilor Hardy** asked about trash barrels or dumpsters and how often are they emptied.

**Ms. Young** replied it is completely carry in carry out. Last year there was no trash generated. We had personal barrels we brought which was carried out with us each night.

**Councilor Hardy** asked who she contacts if there is a problem.

**Ms. Young** replied you would contact her and we will fix the problem.

**Councilor McLeod** asked if she could have this information by next Wednesday.

**Ms. Young** replied yes.

**MOTION: On motion of Councilor McLeod, seconded by Councilor Hardy the Planning and Development Committee voted 3 in favor, 0 opposed to continue Cape Ann Farmer's Market request to close a portion of Harbor Loop to Wed., 6/20 at 7 p.m.**

**It was moved and seconded to recess until 7 p.m.**

**The meeting reconvened at 7:12 p.m.**

2. SCP – Sam Park, Gloucester Commons – Major Project (*cont. from 6/6/07*)

A site visit was held on Tues., June 12<sup>th</sup> at 10 a.m.

Communications received Barry McKay and Planning Director.

**Michele Harrison, Attorney 63 Middle Street** provided a brief overview of the project applications. She asked the committee to consider the proposal in two separate permits. First look at the permits under your jurisdiction and second consider the permits under the jurisdiction of the state. The council can issue an advisory opinion to Mass Highway citing concerns, suggestions and recommendations if a signal is approved; vote and recommend on the special permits and second draft and vote an advisory opinion to Mass highway. She reviewed the permitting process to date and noted that this has been a lengthy, thorough and extensive review. Last week heard commentary on the six criteria that apply to all the permits we are looking for. She listed the permits they are looking for as well as permission to relocate a water line easement and abandon a paper right of way. She commented on the site walk which focused on special areas of interest that included the wetlands. She stated no building will be built on the wetlands or the three vernal pools identified on the site. During construction there will be siltation fences installed. She spoke on where the power lines will be relocated and the proposal to take them out of the wetlands. There was a lot of comment on the storm water plan. The important issue being that less volume of water is going to flow in both directions. Other utility issues were addressed. She was asked about the availability of water pressure if there were an electrical outage. There is a pump station in the Fuller School parking lot and Councilor McLeod recommended considering a backup generator. She met with Joe Parisi and Keith Keating in response to that concern and also looked at where the traffic light will be located. Chief McKay made some recommendations for the relocation of two fire hydrants and the addition of fire hydrants. Chief McKay also raised an issue of having a wider turning radius behind the Fuller School. Safety issues were a primary concern heard yesterday. How many responders would be provided and she made a suggestion that be a recommendation to Mass. Highway. An additional safety issue was lighting of the intersection of the Loop Road where pedestrians might be crossing. There are already two street lights at that location. All of the lighting is according to the new lighting regulations.

**Sam Bade, CDM** was hired by the city to perform drainage design review, actually performed by John Crowe Co. CDM made three or four runs of comments with drainage calculations provided; the last being in early May. One of the major comments regarded amount of runoff being generated in terms of peak rates and total quantity at the two points of discharge – one to the northeast going towards 128 and the other going to the southwest to the CSO 002 area. We concur that both the rates of runoff and the volume generated is less after the construction over the existing conditions and satisfied one of the comments we made. Another comment was to perform additional modeling, because drainage calculations end at the property line, to see if there are any additional impacts on the existing drainage system. In addition to that we commented that drainage design calculations should be submitted to the MHD for their review and comment.

**Councilor Hardy** asked have you performed that additional work to the existing drainage as requested.

**Mr. Bade** stated we are the peer reviewers and John J. Crowe will be doing the calculations; we have not seen those figures. We recommended additional percolation tests should be performed in the locations of the proposed infiltration basins. We received a letter justifying that no

additional testing need be done. The city staff was present when the test pits they performed were completed and he feels the test pit data is uniform throughout the site and is comfortable that no additional testing is necessary.

**Joseph Sam Clemente, HSH** is another city consultant hired to view the transportation of the project. He provided a detail peer review of the report and site plan the applicant has submitted. Since then the applicant has made changes to the site plan improving circulation and safety of the site. The project has two different methods of access, the right in, right out and also a limited signal access alternative. After review given design considerations both provide safe access and egress to the sight and the signalize alternative also provides some additional benefit over the right in, right out alternative. One key concern was the buffer that would be put in place to protect the school. We believe the applicant has gone to great length to put in that buffer on School House Road. He provided a slide that outlines why we feel the traffic signal does help reduce the impact on School house Road and improve safety overall. The signal helps relieve pressure off of School House Road as it provides diffused access. The provision of the signal provides an orderly movement of traffic. Without the signal, if you are taking a right turn into the city you are free to take a right turn at any time. When the signal is in place it is a controlled movement that helps to reduce conflicts with incoming traffic. More than half of the site related traffic headed west allows them to avoid the school and go directly onto 128. During off peak periods this reduces excessive speeds and with either site access alternative meets the intersection sight distance requirements.

**Richard Cutts, Site Engineer for John Crowe** spoke regarding CDM's comments relative to the drainage study. We have balanced the watershed - there are 19.5 acres of watershed currently going to 128. We have designed the site to control the runoff with underground storage systems and large infiltration systems that control and send the runoff into these two systems and allow it to go out along the highway into the three existing inlets - these are open catch basins strategically placed there to take the drainage that comes off of the existing watershed area. We modeled them and reduced them by underground storage - so the water leaving the property is less in all of the design storms. We reduced the amount of peak rate of run off and the volume going into that system and for this reason we have not studied the state highway system - but would be happy to submit our calculations to the Mass Highway. Test pits were on the identified there were volume issues - went to underground galley systems - 22 test pits were done end of March - concerns relative to CDM was to have additional testing done. During construction we will do additional testing to make sure they meet the performance.

**Councilor McLeod** asked re-do these tests.

**Mr. Cutts** asked to do additional testing not redo them.

**Speaking in opposition to the project.**

**Howard Richardson, Pirate's Lane, E. Gloucester** uses the extension every day and cannot understand why when you have a piece of highway coming into the City of Gloucester - through two rotaries. Between the last rotary and the traffic light are we going to put another rotary in - or are we are going to put in another light - and to have traffic crossing 128 and stop all traffic that may go to Rockport. This is going to block the traffic that goes to Rockport. He is concerned about heavy traffic adding additional blockage with the traffic light. How in the world do you expect the citizens of Gloucester to put up with that - he doesn't understand the thinking that went into it. He feels a lot of people in this room will not stand for it. This is not even an intelligent answer to the problem.

**Gordon Baird, 27 Fort Hill Avenue** stated there is only one reason to have the traffic light. The developer wants the traffic light and he doesn't need it. Independent consultants all speak on the pro side of this; he hasn't heard any cons. He did admit the other alternative of no light was doable. The turn out is a compromise. Common sense must prevail. Have the courage to do what is right. The only reason to have the light is because the developer wants it.

**Don McEachern, 22 Marina Drive** has lived there for 50 years and has seen the traffic. Do we need another bank, are we sure we are going to get a Kohl's or a Target; do we need a motel or another restaurant. We have stores downtown. We have a light that isn't going to help traffic. The cross walk at the rotary is a big problem and with the 3,500 more cars that are going to use that road are we going to put our kids in jeopardy. We have Rockport to consider too. The traffic on Eastern Avenue is slow and the traffic coming down the extension can't get down because of the traffic on Eastern Ave. We are not positive we are going to have a good department store. He feels this is no common sense and asked the council to make sure they know what they are doing here. He heard people's fears about the possibility of a road through Dog Town that will lead to Rockport. A light at this part of 128 would give more of a reason to do this and that is a concern Rockporter's have. In terms of the development itself initially he was opposed to it all. He is still opposed to the shopping center but can't argue the need for an assisted living facility and for a hotel for working class people. He does feel a large hotel won't help the existing hotels and that it is not very considerate of people trying to make a living doing this. In terms of a shopping center, he can't see why this area needs another restaurant, coffee shop, sports, hardware or any of these things. We have been getting along fine – there are chains on Cape Ann but it seems like a quick fix solution that thinks more about today than tomorrow. Large department stores are just an addition that will take business away from local business owners and he doesn't see why that is good for the community at all.

**Ellen Solomon, 8 Haskell Street** knows why this project is popular among many people for people adjacent to the proposed project it is so much better than what was originally proposed. Malls were a big thing in the 50's, 60's and 70's and no one questioned this was a project to put hot top over natural conditions. City planners know now that the big malls destroyed the downtowns of America. Our downtown is evidence of that to some extent. This is the year finally that international leaders agree that we are on the brink of destroying the planet. A lot of trees are coming down, vernal ponds and wetlands are threatened. One thing that CDM said was that Mr. Park's environmental people didn't use the Cornell studies in the calculations of rainfall; they used calculations that are now below industry standards. It is almost like a city that is being developed under the site with these detention holders for rain. She doesn't think those calculations were to industry standard and any plans for this city have to be calculated on industry standards. We know sprawl is not a good thing - we believe in smart growth and yes, we need a retail store because we don't have Ames we need the city to provide a store in an area already developed – we don't need this huge project. You must look at what the legal implications for accountability are. She watched some of a tape of the site visit and noted there is an immense complicated drainage system and someone has to be held accountable if something goes wrong. Is Mr. Parks willing to be held accountable. If she thought the money from the taxes will help this fiscally challenged city but she doesn't think it is going to help us if our local merchants have to close down and the people who work for them lose their jobs and we need more police to patrol this area at night - people will be gathering here night. Just at this moment in our history, when the cruise ships are coming, we need a push for a vibrant downtown and this is just the opposite. She believes that in terms of traffic it is estimated there will be 8,000 new car trips per day, not the 3,500 talked about. She asked the committee to please check those numbers. Sometimes the traffic has been backed up over the bridge and she feels this would be a horrible thing for our city.

**Eric Holdsworth, 19R Walker Street** stated for him it is the light. He feels a compromise has to be made. The types of retailers they are talking about are not going to come to Gloucester and downsizing this project will eliminate the need for the light. Gloucester is an island and people aren't going to come from up the line to come here to shop. Eliminating the light makes it more palatable for everyone. "Gloucester has not yet reached its retail critical mass" "Gloucester Crossing will be a lifestyle destination". He disagreed with those statements. This light is a

dangerous addition to the extension and the recommendation of this committee should be no to the light.

**Frank Stadler, 1049 Washington Street** stated since the light will be used for traffic exiting and going west, why not route that traffic through School House Road and make it a one way and just not have a light. It has been well documented about the danger and they haven't simulated the 18 wheelers that come up that road on ice and the probability of accidents

**Mary John Boylan, 85 Mt. Pleasant Avenue** personally has missed all six of the Gloucester Conservation Commission meetings and didn't know about the last P&D meeting. She noted that what you are hearing from the proponent, even the independent experts is generated by a desire to have this project happen. The whole point of an open process is to have public comment and the public is involved in the process. Meetings are published legally but she doesn't feel it has been geared for public participation. Last week Traffic Solutions LLC showed a movie of the proposed traffic and people who were at the information meetings were also shown a movie that was not real to life. She feels as citizens we would like to have our own data but we need some time to really find out what the traffic is like. They only spent 13 hours studying the traffic and two of those were on holidays. She has a report she would like to submit from a concerned citizens group who hired their own environmental engineer and he has gone through all the filings on every level. Mr. Park's expert has skewed the environmental studies - there are different kinds of ways to categorize wetlands. She read into the record correspondence from Amy Green, of Green Environmental to Nancy Ryder, Conservation Agent. (*copy in file*). Nancy Ryder questioned the category of isolated land subject to flooding and felt the land was being classified a certain category when that hasn't been determined. No matter how many experts look at the rain data - it is data already collected. Because of global warming rainfall is much heavier then it was a generation ago. They are talking about using all this data to deal with a large parcel, a large amount of impervious blacktop and wetlands and they aren't counting the rainfall right. People have had questions about this project and many people were personally insulted by members of the Planning Board and the Conservation Commission. She read part of that into the record as well. "Gloucester Conservation Commission and Planning Board have beaten this project to death - please be honest and find some other issue to pursue." We have been shut out of this project from the get go and the City Council needs the citizen input because this affects all of us. Mr. Park should file a new notice of intent and the people in the city should be adequately noticed on every aspect of this project. It is time to admit this has been a flawed project. Mr. Park should start over and file a new notice of intent, because we can't keep up.

**Rev. Richard Emmanuel, The Church, E. Main Street** wants the council to prove him wrong - Rte. 128 is the only exit off the island. We are going to have an LNG terminal off of the coast of Gloucester and if there is a gas leak... any changes to 128 complicate the process. He sent this letter to the state in anticipation to Ann Kennedy stating that local boards have failed to protect the citizens of Gloucester. Sam Park has use powerful permitting strategies to assert there is no problem and the community has accepted the project. There are major problems - Rte. 128 is a gateway to these communities - we need to protect the access to the coastal zone aspects to Cape Ann. Just look at the road access of our sister Cape Cod. What is at stake here is access to historic harbors, beaches, parks, historic art colonies and fishing and small but growing cruise ship industry. Rte. 128 is the gateway to our coastal zone - 128 is already a distressed highway and we need a full impact assessment but the city has neither money nor resources to make it happen. The state has to protect the coastal resources of Cape Ann. It is important to know the Sam Park group - it is a new, powerful group that specializes in seed capital using permitting strategies. They have built a business by making deals work. Sam Park and Co. is focused group "appealing to the brokerage community". Gloucester Crossing is a prime example of Sam Park's strategies. Once all permits are granted and legally in place the game plan is their to control - the city does not have the expertise or the money - yet an unseen developer will have absolute

control and will be able to sell or market the property to a higher bidder if one should appear. It is important to know they are doing their job and doing it well.

**Councilor Peckham** asked people to speak specifically to the project – not on personal issues.

**Rev. Emmanuel** stated all this committee and the council has to do is to deny the request for a new intersection with a light at Rte. 128. This is a master game of high gains and high losses the city being the loser and we need to put the common safety of the community first. The access to this city must be made easy and friendly for all visitors. He asked that you deny the Sam Park request for special council permits. It is essential to protect the gateway; Gloucester is a very special place and there has been a breakdown in the process - we are looked at as the foes. Let's not sell our birthright for a fist full of dollars.

**Elizabeth Lewis, Rocky Neck** commutes down 128 twice daily and is very concerned about the proposed mall and the 8,000 cars a day it might bring to the city and that part of the highway and the light. She did hear there was a stage one of this plan –including an assisted living facility without the light and she doesn't have an objection to that.

**John Gale, 24 Beach Road** spoke on the proposed light and the changes of traveling during the 30's, 40's and 50's. After WWII came the Eisenhower complex building highways across America. The Rte 128 extension is a vital part of the essential highway and up until now has worked amazingly well. Having a traffic light where four lanes turn to two would sacrifice public good for private gain. He has traveled over this extension almost daily for over 50 years and seen a gradual increase in traffic each year. On hot summer days, cars are often backed up into the Blackburn Circle and it is conceivable that on really hot days if the traffic extends back into the Grant Circle that much of the vehicular movement in the city would be halted. He feels the traffic light has no place on Rte. 128 and should not be approved.

**Keith Gufstason Summer Street** is opposed to the traffic light. Virtually everyone he has spoken to sees no reason for a traffic light. The traffic now backs up to the rotary. Having a traffic light will back up traffic through the rotary. This isn't an egress issue it is a sales issue - they want a traffic light to sell it – but we don't have to buy it. There are restrictions in Gloucester. Danvers is much worse - Gloucester is a walk in the park compared to these places.

**Janet Rice, 15 Starknaught Road** is the mother of two teenage boys 13 and 15. In talking about changing the Fuller School to a middle school she envisions the schools emptying out and the kids going to the malls. Kids are going to miss their buses and they are going to be walking home up the extension and she doesn't see any sidewalks or accommodations being made for pedestrians and that is a big concern.

**Henry Ferrini, 5 Wall Street** remembers when he was a kid there use to be a light on Rte, 128 – on Lowell Street and they took it out because it was a safety issue. He was at the site visit yesterday and Councilor Destino asked where is that water going to go. The engineer says they have a plan – they say all that land is uniform but anyone that has a garden in Gloucester realizes how different land is. He can't buy that they are going to be able to drain and control that water through a couple of pipes and he feels as a city we have to find out about that. The traffic folks said on a summer Saturday the most traffic that will be backed up at the light is 12 cars.

**Laurie Hagar, 54 E. Main Street** is opposed to the project. She doesn't think a shopping center is appropriate for the island portion of this community. She feels we can do better than that for economic development. We are a community of immensely creative, talented people and we can come up with something better than a retail shopping center for Gloucester. An assisted living facility to her makes sense. She knows that something is going to have to go on this property but it should be something necessary and useful and something that has value to the community. She feels a shopping center will detract from downtown. As for the traffic light – when she first heard about this project she tried to envision the light. It just doesn't make sense to come around the rotary and just a few yards away hitting a light. It isn't going to improve anything for anyone except for the people leaving the shopping center.

**Kathleen White, Rockport** stated this project will affect Rockport a lot. She has only lived here since December and never once has not sat in traffic at the light to go to Rockport. The north access to Rockport is not adequate; the roads are windy and need repair. Her family owns a house on Cape Cod and they started with a project like this in Mashpee. They started with a mall this size but now there are three additional developments – it is a nightmare. They didn't put a light in until we got more than one development – the light is the same distance from their rotary - now they are talking about getting rid of that rotary. If you want to see what this project is going to look like go to Mashpee – it is a nightmare - there will be major problems on 127 as well.

**Carmine Gorga, Gloucester** is not against the assisted living or the conception of a mall as a unified unit – what he is against is the location for traffic and drainage reasons. The major reason why this location isn't appropriate is because of Gloucester downtown. The city council has to consider the entire city; we are talking about the present and the future of Gloucester. He has made proposals on how to implant this wonderful project downtown. The reasons are technical and he urged them to read what he wrote in the Gloucester Daily Time on 6/9<sup>th</sup>. One of the conceptions is that we ought to own Gloucester – we should not sell Gloucester - we should contribute and share in the ownership provided it is downtown. He talked about this with local banks and if we implemented that idea in 1999 we would have had all the money in our control. He presented a letter from the bankers who looked at that program and said we don't need this right now but if there is a major project we may need this fund. (*copy in file*)

**Erica Hanson, Wall Street** agrees we need development but is concerned about the scale of retail. We need an economic impact review and objective information on benefits – retail is only 7% of the economy and does it make sense to use what little land is available for that type of development. She read from an article regarding vacancy and shopping center blight (*copy in file*) and noted Walmart has closed 350 stores nationwide.

**Peter Todd, 23 Mt. Vernon Street** was born and raised in Gloucester and agreed we need some kind of economy coming in and if it takes Sam Park to do it – then do it.

**Ann Rosenfeld, Wonson Street** believes if this is a commercial success it will ruin downtown. Chances are it could become a financial disaster and the city could be left with a depressed tarred over retail area. She doesn't think the local community is going to support those stores. She commutes to Boston daily and feels that no one south of Cape Ann will ever drive north to use these stores. She added her voice to the disaster a light at that particular place would be for all the reasons stated. She also spoke on her concern over the LNG terminal and safety of all citizens in an emergency situation and suggested what need to do before putting in such development is to develop an emergency plan.

**Don McEachern, 22 Marina Drive** asked why Blackburn rotary. When that rotary was put in Fuller School was St. Peters and the road was supposed to go straight through to Pond Road but Gloucester was against it. People in Rockport didn't want it because they thought it would bring more traffic. If we get that road to Rockport that is why we have that rotary - the industrial park wasn't there and the school wasn't there and if we had that road we wouldn't have the problem we have right now.

**Nancy Shaw** has written to the newspaper editorial on the demographics – we are a small island and there are not enough people here to support a mall. There is no one from down the line that is going to come north to shop in Gloucester – people come to Gloucester because it is a beautiful place, for its history and the beauty, they don't come to shop. She feels if this does go through it will become a ghost town. There are reasons why large stores haven't come to Gloucester, we can't support a mall.

**Kate Wiggins, Wall Street** stated her concerns are the same. The strip between the proposed light and Eastern Avenue light is narrow and if that is opened up and that free right hand turn is available, once the light turns green it isn't a free right hand turn and if merging to go to Rockport

she feels it will become a very dangerous situation. She feels we don't need all that here but most importantly she is opposed to the light. She feels that this will not draw people to the downtown.

**Ann Rearick, 13 School Street** stated traffic has gotten worse especially coming up to the bridge. She lives down town and is concerned about the health of Main Street. She is worried about clothing stores and all the businesses on Main Street. We don't want a community like Danvers and Peabody; we want a city with a downtown.

**Rebuttal. Michele Harrison** commented on the idea the public has been shut out of this process and listed all the public meetings that have occurred. She stated these don't take into consideration the neighborhood meetings; the public has not been shut out. Each city meeting was properly advertised and notice posted at city hall and on the website – we even went to Rockport and did a meeting with the board of selectmen. Considering the issue of access; it is not just for retail but there are lots of components to Gloucester Crossing. It provides a second means of access to the Fuller School - right now the school is a dead ended. This access also serves the Fuller School and has been very important to Chief McKay. The independent Traffic reviewer highlighted all the safety purposes of the signal and we have to rely on the experts. We can't disregard Traffic Solutions and that has been confirmed by Howard Stern Hudson (HSH). We are not creating a disaster here; all parts of this have been studied, including demographics. One very important issue is that Gloucester misses the department store we had. Where can we go for the retail products we had and Mr. Park responded with the department store that provides the retail Gloucester needs. Our studies show that only 20% of the patrons will be off island most will be Cape Ann residents. The idea the data we used for our storm water was flawed is inaccurate. The Cornell data was published in 1993 and has yet to be accepted by the DEP. We used technical paper #40 - it is not required to use the Cornell data. Wetlands issues were also raised and those permits have been granted by the Conservation Commission. With regards to downtown – the idea of making sure downtown stays viable is very important to Mr. Park and we talked about things he wants to encourage people to go downtown and that our shops will be complimentary to downtown. Leases extend out more than 10 years and Mr. Park has no intention of flipping this project. The traffic signal is not within the council's jurisdiction. The council's responsibility is to make a recommendation to Mass Highway to express concerns and any conditions you might want to impose. What is before you is the permits for Gloucester Commons – retail, hotel, assisted living and drive through bank and she asked the committee to consider everything heard tonight.

**Sam Park** stated the facts speak for themselves. Planning Board has spent a lot of time reviewing the facts and he understands there is a lot of passion about the signal. We are very committed to an open process and being a long term investor in Gloucester, we pride ourselves for having strategic planning for properties. He is very appreciative that people take this much time to come out and speak but noted the concept of a mixed use center hasn't been hidden. When asking for the layout of the road we offered a concept and he would take exception that this has been a hurried process. He also took exception on our interest in this project. This is the most expensive process undertaken and we want it to be a good project for the city. Ultimately we have also heard from people who say they can't get a job in Gloucester and people who can't get certain things on Cape Ann. If we are drawing 200 local residents to the site per hour, that is 600 gallons in fuel we are not spending going up the line. After construction we intend to continue to work with the city. If people need to contact him he is very accessible. We are still more than willing to meet with anyone at any time.

**Budd Williams, 10 Dale Avenue** joined in the rebuttal. He has heard a great deal about the traffic light and we need to throw out all the details of the studies of the light and the impact on traffic and consider the following. Traffic is backed up from Eastern Ave. all the way to the rotary. What is the impact of the light at the proposed crossing? Let us assume for the purpose of this discussion that he is the first car in line at the light and it turns red. The car in front of him has crossed the light and is edging forward and it stops. The light now turns green. His question

is what have I lost by having the light there and the answer is in this particular case he has lost nothing. The general rule on this light is that the only time I lose anything is when I am unable to reach the cycle that I was entitled to if the light wasn't there. We need to stop all this nonsense about the traffic – the problem with Cape Ann is that we have a major artery that begins to branch out and of course it is going to choke – it has choked ever since the Andrew Piatt bridge went up. In a letter to the Times - lets stop thinking of the connector as limited access – there is a traffic circle at Grant Circle with a dangerous pedestrian crossing and another traffic circle. It is not a limited access. If the police would only enforce the posted speed limits the safety concerns would stop. Stop obsessing about the traffic; it just isn't the problem that some people have hysterically made it out to be.

**Rebuttal in opposition.** **Ellen Solomon** believes Attorney Harrison when talking before the Planning Board said the Cornell data was not required legally – that doesn't mean the figures aren't wanted. CDM said the Cornell data should have been used because it is in line with the rainfall we are receiving. We need involvement of citizens in the process. Legally there were notices put in the back of the paper but people opposed have not been invited into this process and she thinks we really need to be.

**Rev. Emmanuel** obligation to all the land locked citizens. He stated this is a coastal zone and is very special to all people coming to see a unique city port. The logic presented about the concern that this city council doesn't have the right to address the light – he served on the CZM in the 70's and the uniqueness of this cape is unlike anything else in the U.S. You cannot consider these projects separate from each other. The Park group is an amazing group interested in development but we look at them formidably with their ability to manipulate boards.

**Mary John Boylan** stated Mr. Williams says we have lost nothing with the light but there is a small matter of 8,000 new vehicle trips a day. She encouraged the council to read the environmental report by the city expert. The criticisms from CDM the independent company the city engaged; the environmental engineering the citizens group hired and the report detailed in response to reports submitted by Amy Green. She stated this process was legal for a project of this size but it would have been helpful in the beginning to try to engage the citizens. This is about trying to find out what is going on.

**Councilor Hardy** asked Mr. Cademartori to speak to the CDM Cornell data.

Gregg Cademartori, Planning Director referenced a memo submitted from HSH on safety issues associated with the two alternatives as well as a memo from Mike Hale, Engineering Department. Regarding the Cornell data; the data set is a newer data set and the standards the state requires to analyze rain data have been followed. It may be something you would use a hybrid of the two to come up with a stricter standard. Through the CDM review there was a substantial revision to the storm water design for the site. They looked at peak run off and the application was specifically asked to look at storm volume. They have demonstrated in all of the design storms that there will be a lesser rate of runoff as well as less volume. He was instrumental in the selection of the independent consultants. CDM was selected because of their knowledge of the CSO project and as well as from a traffic engineering standpoint HSH was chosen. In terms of funds, the applicant provides funds so third parties can be hired. There should be no suggestion that because the funds came from the applicant that it wasn't the cities interest the independent reviewers are looking out for.

**Councilor Hardy** asked if he could also address the statement regarding the economic impact study.

**Mr. Cademartori** stated there hasn't been something specific contracted to look at that aspect of the project. Planning Board recognized potential tax benefits of the project. The project impact to downtown is something that has been eroding over time and you can't consider it completely in isolation if this project moves forward or not and just looking at it in the eyes of Planning Department. There has been a large turn over in the department and he will strive to move forward with economic development in the downtown area and the harbor. We don't have a broad

economic development plan. It is those long term planning activities that are difficult to fit in and is hard to do that in the context of just reviewing one project.

**Councilor Peckham** asked that any information that we receive is also available for public viewing at the Clerk's office.

**Councilor McLeod** referred to the drainage and asked Mr. Cutts if the water in the parking lot between the school and development will be taken care of.

**Mr. Cutts** stated that is isolated land subject to flooding and as the lower basin, wetland #7 area #C fills up it floods across the new road and this provides a dike to stop the water so there won't be any flooding.

**Councilor McLeod** asked if they will actually be doing infrastructure work in the school itself.

**Mr. Cutts** replied yes.

**Councilor McLeod** asked about the water being drawn to the holding areas.

**Mr. Cutts** stated the major detention basin is located in the corner. The watershed shown in blue is a 45 acre water shed that will go through a traditional pipe system of underground infiltration and will join the main spine. There will be improvements on the school site but all water going into the basin will go through filters and be cleaned.

**Councilor McLeod** stated CDM confirms that there is a less amount of water going into the system.

**Mr. Cutts** identified through the calculations that there is approximately almost 1 acre by 4' deep less water going down into the area of the Emerald Forest.

**Councilor Hardy** asked about dumpsters, hydrants, lights at the cross walk and a snow plowing plan.

**Mr. Cutts** stated dumpsters will be located behind the stores away from the residential areas. Acoustical sound wall is being provided for the neighbors. Dumpsters will be enclosed with fencing so they are not accessible. Lights are proposed for one cross walk from people walking in from Trask or Dodge Street and there will be standard light fixtures, one will be relocated for extra light.

**Councilor Hardy** asked if these are street lights.

**Mr. Cutts** replied yes – it is a matter of relocating those light. With regards to hydrants – we have reviewed with the fire department and propose six new hydrants. There has been a request for two more which we will put in and we will maintain and meet all fire department requirements. With regards to snow plowing; the conservation commission required us to do a snow management plan that requires use of the islands for snow storage and there will be a reduction of salt. We will be taking the edges where they are stockpiles and pitch it back to the street so the melt will go through the drainage system, through the filters and to the underground storage facilities and are not to be plowed into the wetlands.

**Councilor Hardy** is concerned about the wet pond location for any of the residents living in the assisted living facility.

**Mr. Cutts** stated the wet pond is 5' deep and has a side slope of 3'. It is important to realize that is isn't a sheer walk off. We are proposing a fence around the top and a slope down to a 10' planting area. After a couple of growing seasons you won't have access down to the pond and the fence will also restrict anyone from going down into that area.

**Councilor Peckham** asked if there is a model of this project.

**Mr. Cutts** stated to build this to scale these buildings that are 30' will be very small. He feels the benefit is to see the site, realizing the site is relatively flat, so when you go up there you will have the perception that it is level.

**Councilor Peckham** asked about the economic impact study process.

**Mr. Park** clearly disagrees about the ghost town. When you look at the general merchandising on Cape Ann there is a gap. Downtown retail needs its own investment. There are some holes in downtown and it is an important asset – we are not trying to compete with downtown. The reality is our analysis of the economics found there is a very large hole requiring residents to travel for

goods and we are confident this project will produce tax revenue and hotel tax. Taxes for jobs haven't been included nor have ancillary excise taxes - ours is based on a simple tax cost per thousand square fee.

**Councilor McLeod** stated you talked about the transponders for the emergency vehicles and believes at one time he was told there might be a contingency plan in case one of the lights gets blocked and asked is it possible to regulate that light.

**Mr. Park** stated in the event there is a special event that backs up traffic the police always have the ability to change the lights to red blinking, or to block off a lane and redirect traffic. He doesn't think there is that kind of issue but we clearly will look at contingency plans. If the signal goes in it will be fully equipped for local override.

**Councilor Hardy** asked if the applicant is planning on applying for a TIFF.

**Mr. Park** stated this is probably one of the most expensive projects we have embarked upon. We are trying to do what everyone has asked for. Currently we are trying to pursue that increment through the state. We are applying for state grants and we intend exhaust those options before approaching the city. This project will provide 200 construction and 240 permanent jobs. This is a great job creating opportunity and is what TIFFs are intended for. This is really a class A project. The infrastructure is being built the right way and hopefully we will be able to get those grants from the state.

**Ms. Harrison** stated the applicant is looking at grants for the street, the improvements at the school, drainage, re-configuration of parking fields and better access for the administration of the schools.

**Councilor Hardy** stated when the road layout for a portion of Gloucester Crossing Road was accepted by the city council in November we were told that the developer would own and maintain that road for 15 years before turning it back over to the city and before doing so would pay to have the road repaved.

**Ms. Harrison** met with Bill Ellis and Joe Parisi, Keith Keating and Joe Pratt to discuss making sure there is money for that repaving. Sam Park has agreed the responsibility for the plowing and sweeping will be the responsibility of the Crossing, establishing a budget for that to be paid annually and to be used for all the maintenance of the road. In addition he will also pay annually an amount being calculated as an inflationary amount so this road can be resurfaced and re-stripped; that will be a separate line item specifically allocated for this road at the end of 15 years.

**Councilor Peckham** stated that Joe Parisi is very pleased with the plan for the road.

**Ms. Harrison** stated that is indicative of the attention Mr. Park has given to this project.

**Councilor Hardy** referred to the completeness of the application for the assisted living facility, Sec. A of 5.7.2 states, "In addition to the information required under Sec. 1.4.2.2 the developer shall submit photographs of the premises in relation to adjoining structures and natural features and for projects involving 50 or more dwelling units a simple block model of proposed buildings and topography." She asked if they could submit for review to meet this criteria a model of the assisted living facility.

**Ms. Harrison** has submitted the photos and in reviewing the application with Mr. Sanborn and Mr. Cademartori it was determined at that point that the model would not be necessary given the size of the project and the location of the assisted living facility, which at the closest point is over 133' from the closest residence. What we did is to provide in detail within the application, the elevations, floor plans of the assisted living facility and a landscape plan. She doesn't think a model is going to add to the understanding of what it is going to look like.

**Councilor Hardy** stated the assisted living facility is probably the least contentious of everything heard but since the zoning ordinance does use the word "shall" she must ask the question.

**Mr. Cademartori** stated in terms of the context he agrees the model is not necessary with this site and where it is being proposed. Renderings would do a much better job at showing the assisted living facility and is consistent with past major project applications, such as CAHO and other major projects.

**Councilor Hardy** referred to the traffic study and stated that during the site visit we went over the report prepared and the pullouts figures. #13, 14, all the way up to #24 show the site that is shaded and delineated on these maps to appear to be a site on the opposite side of the street and she questioned if HSH based their report solely on where it is indicated there.

**Joe San Clemente**, HSH stated the shading had exactly no impact on our analysis. That is simply a typo.

**Councilor Hardy** would like a letter stating this had no impact on their decision and a drawing showing the real site for the record. During the presentation comments were made about retailers talking about this not being a good fit for downtown.

Mr. Park stated that is healthy retail skepticism whether or not we will get support – we have been in contract with most small stores. We have had discussions with TJ Maxx, Kohls, Marshalls but haven't finalized terms and can't breach their confidentiality – it is difficult to get hard commitments. There is interest in being here because of the gap and we have to focus on getting the junior and anchors – most of the other stores follow. We are looking for things that will be compatible with a TJ Maxx – Gloucester economics are clearly pointing at retail. There is some type of chain restaurant interest. We do enough testing to know that there is strong interest.

**Councilor Peckham** stated one of the larger concerns is businesses such as Pallazolas are the only one of their type in town; the same for the one small jewelry store and he asked is there any way you can put in a no competition clause so they don't have to be concerned about being put out of business.

**Mr. Park** stated we are not fit for a large facility such as Dicks, a retail national chain. Main Street shops are becoming more service oriented and it is a matter of retail choice. He doesn't think placing restrictions on retail choice is a good thing. He lives near the biggest shopping district but he shops at town stores. There are definitely changes in the retail industry – it is about retail choice – more than it is about trying to protect by prohibiting. There is greater economic growth because more people can shop because more people are working.

**Councilor Hardy** asked if they are working with CATA for more transportation.

**Councilor Harrison** stated we have met with Bob Ryan who organizes the routes and he definitely is putting Gloucester Crossing on the CATA stop list and anticipates this will be a regular stop on the route.

**Councilor Hardy** stated there are concerns from the public that the school is going to be middle school and there are going to be kids going over there. She just wants to make sure there will be a regular stop and the kids will have a way to get out of the mall if they miss the bus.

**Ms. Harrison** stated we are discouraging pedestrian traffic from the school building to Gloucester Crossing.

**Mr. Park** stated in his former life he was a transportation planner. He stated walkways can be controversial and in working with neighborhood groups we have defined walkways people thought would be beneficial and have also encouraged bike racks. A lot of thought was put into pedestrian circulation by the architects.

**Councilor Hardy** referred to transportation and asked if there will be any spaces where taxi cabs can come in and pick up hotel people. Right now we have a bit of a problem with taxi cabs getting in line at the train station.

**Mr. Park** hasn't thought about a cab stand but agreed to look at that.

**Councilor Hardy** does have other questions but needs to review the data presented tonight.

**Councilor McLeod** thanked everyone for their input and stated it basically comes down to the light.

**Councilor Hardy** stated there has been a lot of talk about the light and it is no secret she doesn't like that light either. She made a written comment to the state. All local government meetings have been properly noticed and posted. She doesn't particularly care for the way the state handled this. She isn't happy that we don't get to vote on the light – but we don't - she doesn't

like the light. We are going to do the best we can with what we have. Gloucester needs to start moving forward.

**Councilor McLeod** stated we are in some dark days right now in the city and we are looking at everything – this weighs heavy on the city because we have other projects coming on after this. There is no magic wand – for anyone to think I would sell out Gloucester - I was born here and spent my whole life in public service and if this project is good I will vote for it if not I won't – but Gloucester does need to turn around.

**Councilor Peckham** stated our goal is to be as thorough as possible.

**Councilor Hardy** the planning board recommended the council ask the city departments for input on how their budgets would be affected by this project with regards to core city services and she would like clerk to send letter to department heads ask them how this project will impact their budgets. We have some conditions and compromises coming up and if there is a way they can assist the city as to their fiscal needs, she would like to know that now.

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to continue the matter of the Sam Park proposal to 6/20<sup>th</sup> at 7 p.m. in the Kyrouz Auditorium.**

**Ms. Harrison** asked for clarification that the continued public hearing will only hear new testimony and answer questions.

**Councilor Peckham** replied yes.

3. Other Business:

Request Building Inspector check 85-89 Bass Avenue project for compliance to the conditions of the permit and the project on Crowell Avenue/Western Avenue to make sure the parking space has been installed.

**It was moved and seconded to adjourn the meeting at 10:30 p.m.**

Respectfully submitted,

June Budrow  
Clerk of Committees

CITY COUNCIL  
AND  
CITY COUNCIL STANDING COMMITTEE  
Planning & Development  
Wednesday, June 20, 2007 - 7 p.m.  
Kyrouz Auditorium – City Hall

**Attendance:** Councilor Walter Peckham, Chairman, Councilor Jackie Hardy, Vice Chairperson, Councilor Michael McLeod

**Also:** Steve Magoon, Sara Young, Michele Harrison, Sam Park, Clay Smook, Richard Cutts, Gregg Cademartori, Richard Gaines, Jeff Worthley, Maggie Rosa, Mary John Boylan, Budd Williams, Teresa Zeng, Ellen Solomon, Marcia Hart, Tom Cox, Janice Lufkin Shea, Lisa Rigsby, Nancy Shaw, Susan Steiner, Ann Rosenfeld, Gordon Baird, Laurie Anderson, Don McEachern, Tasha Gula, Nicole Bogan, Laura Evans, Marina Evans, Erica Hanson, Chris Costello,

**Absent:**

The meeting was called to order at 7:00 p.m. Agenda items were taken out of order.

**0. Letter from Cape Ann Farmer's Market requesting road closures. (cont from 6/13/07)**

**Sara Young** is requesting closing a portion of Harbor Loop to run the second annual Farmer's Market. We have decided to expand this year in collaboration the Harbor Concert Series who has also extended. We have provided per request last week additional supporting documents insurance policy – letters were sent to all abutters – conversations with police dept re: safety for the closure of the street.

**Mr. Magoon** indicated for clarification that the Harbor Loop Concert series is part of this and asked that the concert series be added to the street closure request.

**Councilor Hardy** asked if Ms. Young has spoken with Lt. Joe Aiello on how they plan to block Harbor Loop.

**Ms. Young** stated they will use signage, saw horses and vendor vehicles. If an emergency vehicle did need to get through the vendor could move quickly. She also has notified abutters.

**Councilor Peckham** asked if there is any access for handicapped to bathroom facilities.

**Ms. Young** replied they have been using the city facility at the Fitz Hugh Lane House.

**Councilor McLeod** stated this went over very well last year and he will be supporting this.

**Councilor Hardy** asked if they could apply next year by the first P&D meeting in April.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council granting permission to Cape Ann Farmer's Market and Harbor Concert Series to close the section of Harbor Loop from the Building Center to the Coast Guard Station each Thursday starting on July 12, 2007 and ending on October 11, 2007 from 1:00 p.m. to 8:00 p.m. subject to the rules and regulations of the Fire Department.

**2. Stanwood Avenue - acceptance of rail crossing as public way. (added to the agenda)**

**Mr. Magoon** apologized for not having a better presentation. The council had been petitioned to establish a quiet zone at the Stanwood Avenue rail crossing and the council took a vote to do that. The problem arose when it was discovered it wasn't a public way. We went through protracted discussions about taking over ownership of a railroad crossing and whether that made sense for the city to do and the state or MBTA's reaction would be. Fortunately, more recently it became apparent we didn't have to address the ownership issues of the rail crossing in order to address the quiet zone issue. All that was required was that it be accepted as a public way and the ownership of the actual rail bed could be retained by MBTA; and that would allow us to proceed with the application process for the quiet zone

already endorsed by the city council. There is a public way on either side of the rail crossing; it doesn't change any of the ownership or liability issues. For some surrounding property owners who have been dealing with the whistles blowing, they are very anxious to see this go forward. He respectfully requested the committee refer this back to the council for a public hearing and we will have additional information in terms of maps for the public hearing.

**Teresa Zeng** stated this has been an ongoing issue since May 2000 when we became aware of pending legislation governing whistle decibel levels. It has since gone into effect we find it is inordinately loud at very late hours. We have found that quiet zones are standard operating procedure at many crossings particularly along the Boston to Rockport line. The City of Beverly has 17 of them in place. They aren't instituted without very specific guidelines and safety measures in place at the crossing, including gates, lights and whistles. When a quiet zone is established using this safety measures it is reviewed on a periodic basis to ensure public safety. For all us who have been struggling with this issue for the last seven years, she is hoping you will allow us to proceed.

No one spoke in opposition.

**Councilor Hardy** asked for a show of hands in favor.

**There was about 8-10 people in favor.**

**Councilor Hardy** asked do we have a letter from DPW and Engineering that the road is the proper width before this goes to public hearing.

**Councilor McLeod** stated as the chief of police he is very familiar with this. The only loop hole was the Washington Street crossing and because he could do it from his position as police chief we made it a quiet zone. This avenue here allows it. Yes, the road is wide enough; the biggest thing was the safety with the gates and flashing lights – this will alleviate a lot of problems. He is in favor of this not just for the residents but as a safety issue it has no impact. This is long overdue.

**Councilor Hardy** is not saying she doesn't agree but would like a letter in the file from DPW and the police chief saying this is a safe crossing.

**Mr. Magoon** stated we will get that information prior to the public hearing.

**MOTION: On motion of Councilor McLeod, seconded by Councilor Hardy the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the adoption of Stanwood Avenue as a public way in order to proceed in the process of establishing a quiet zone and further to ADVERTISE FOR PUBLIC HEARING.**

2. SCP – Sam Park, Gloucester Crossing – Major Project *(cont from 6/13/07)*
  - . Letter from Senior Housing Task Force re: proposed assisted living facility.
  - . E-mail from resident regarding Sam Park, Gloucester Crossing project

**Michele Harrison, Attorney for Sam Park** spoke to a couple of questions raised by the committee; a request from the city's independent reviewer Howard Stein Hudson providing written documentation that a graphing error had not influenced their findings in their report. You have received that letter. Second was a request for a simple block model for the assisted living residence. That will be provided by the architect. She commented on the certificate issued by the Executive Office of Environmental Affairs (EOEA). We are only presenting new information tonight and hope the committee will recommend to the council for public hearing the 11 special permits and the two items under the code of ordinances. Separately the council will provide its own advisory opinion on the traffic signal on the extension to Mass Highway. The EOEA deferred any decision on the traffic signal to Mass. Highway. The final environmental impact report looked at storm water, wetlands, drainage and comments will be addressed in the sewer connection permit in the application. Two access alternatives are part of this application, one right in right out and the other signalized. There is a feasible alternative – right in right out – but the preferred access would be the signalized. EOEA found no further review of the right in right out was necessary but left the traffic signal open for further review. Your option to make a

comment on the preferred access remains available. Other comments in the certificate were a whole lot of draft Sec. 61 findings and she suggested that one of the conditions would be to incorporate those draft Sec. 61 findings. They are all things we have offered to the council and the planning board through this application.

**Clay Smook, Architect** submitted the block model in compliance with Sec. 5.7.2a, regarding assisted living facilities, and is available to answer any questions. We are requesting a special exception for height on the assisted living building which under zoning can be up to 35' high. The assisted living was carefully located to be linked with the retail but far enough away and will allow walking paths and shuttle service to the shopping. We are seeking an exception to the existing height of 62', the actual height will be 60'. The building was designed based on industry standard. You typically find these as 100 bed facilities. What we attempted to do was to take the four story building and disguise it as three stories; all the elements are an attempt to break down the size of the building. We are bringing elements of residential architecture into this building so it feels more like a home. There will be minimal impacts to the wetland and this allows for more green space.

**Ms. Harrison** noted that P&D did receive correspondence from the Senior Option Group recommending approval of this important component.

**Councilor Hardy** asked in relationship to the model provided is there a hydrant that is close by.

**Richard Cutts, Site Engineer for John Crowe** stated the assisted living facility will have a sprinkler system and a hydrant located in the general area.

**Councilor Hardy** stated we have another shopping center we did a few months ago and were concerned about lighting behind the buildings. Is this property going to be lit like that as well.

**Ms. Harrison** replied she thought Council Hardy was referring to Station Place and the fact there was only 10' between the back of the building and the neighbors. It was a very tight area. The only thing that might come close to that is the pedestrian walkway and that is between 30 and 40'. Every place here can be accessed by a vehicle.

**Councilor McLeod** stated there was a presentation before the council regarding light pollution and talked about illuminating the ground and not the sky.

**Ms. Harrison** stated we will comply with the new conservation lighting ordinance.

**Councilor Hardy** asked if the dumpsters will be surrounded by vegetation or fenced in.

**Ms. Harrison** stated the dumpsters will be enclosed.

**Councilor Hardy** asked is the hotel going to have a swimming pool inside.

**Sam Park** stated most hotels we have talked to would like a small fitness center with a small pool; like a 10' x 30'.

**Councilor Hardy** asked about laundry facilities.

**Mr. Park** stated they will have all the services.

**Councilor Hardy** asked if we have a location for the taxi stands.

**Mr. Park** stated there is little capacity to reconfigure a couple of parking spaces. We are envisioning carving off a section to accommodate one or two taxi spaces. Generally the hotel is requiring the front spaces be reserved for the hotel operations.

**Councilor Hardy** stated the concern is that it is close enough for folks to walk to and we need a way for folks to be able to get downtown.

Park - agreed.

**Ellen Solomon, 8 Haskell Street** stated last time you asked that all the city departments be contacted to provide information on what it would cost them. Have you received those communications.

**Councilor Hardy** has received communications from three different departments and hasn't heard from the police department.

**Ms. Solomon** asked what legal resource the council has if the promises made by the applicant turn out not to be true. She is concerned about enforcement of the conditions. Is there legal recourse to be taken. She also doesn't know how a development like this works. Does he own everything and sell the buildings to the stores or does he rent them. Are the people responsible if he leaves and sells the whole thing who is responsible and maintaining the complex drainage system.

**Gordon Baird** referred to the letter from the Office of Environmental Affairs and asked does the proposal no longer include a traffic signal and if it doesn't include a traffic signal he hopes you recommend it to the council. If it still includes a traffic signal, he recommends not forwarding this to the council.

**Tom Cox, Ward I** quoted "Build not for today alone but for tomorrow as well." He read about a development in Baco Raton Florida that came into being because a 15 year old shopping center had gone bankrupt. Dead shopping centers are an increasing problem across the country. To local politicians shopping centers promise growth, sales and property tax income but they are a man made wasteland. He encouraged some vision be taken to think what do you envision for Gloucester future; a 20<sup>th</sup> century mall? This is going to be a legacy for the council and the parting Mayor and he urged them to think of the ramifications of this. This would be better used for a high tech office park. This is the last large parcel in Gloucester, 30 acres almost matching the size of Blackburn Industrial Park. He urged the committee not to jump at this proposal to increase property tax revenue \$500,000. They will be asking for a TIFF for the roadway.

**Mary John Boylan, Mt. Pleasant Ave.** noted that Ms. Harrison said the EOEI stated in its decision there would be no further review of the right in right out alternative. This is what it actually says. "In addition in consultation with the proponent MHD has agreed to a right in and right out option that would allow proposed trips to enter by an unsignalized intersection off of north bound 128. This option would not create too much interference with 128 through traffic heading toward Eastern Avenue and preserve the free flow conditions on Rte. 128. Mass Highway has stated that although this alternative is undesirable from a pure traffic operations perspective due to an increased number of conflict points (right in right out), it is preferred over other options presented in the final environmental impact report. Therefore MHD believes no further review is necessary based upon the feasibility of the right in right out alternative to mitigate the project's traffic impacts." What MHD is saying is that we don't need to talk about the light anymore. They have a feasible alternative, we don't like it; we don't think it is safe, so we aren't going to talk the light anymore but it does say the proponent can bring it up during the permitting process. She would like the committee to allow people to speak on the economic impact of this development.

**Janice Lufkin Shea, owner of property and business 139 Main Street** has the utmost respect for Sam Park. She feels he has done a terrific job but would personally like to see our city do the same job as Sam Park – but in our city itself. She read a communication into the record (*see attached*).

**Lisa Rigsby, Ward II and business owner on Main Street** is asking about the cost implications of this project for local businesses. She asked that the full report from every department be published as a matter of public record.

**Marsha Hart, E. Gloucester** feels a hotel would be a better place on the harbor. She asked if the whole concept of the sewer project ripping up Washington Street has been discussed – leaving the 128 extension the only road that goes into Gloucester that won't be under construction. She feels it would be better to support the existing businesses. She doesn't see the city is supporting local businesses by drawing attention away from the downtown. She has relished living in a place that isn't a mall town. There was a large showing of opposition for the project at this time. This is a unique place that people love – it isn't a cookie cutter place – it is a real place. She is also opposed to assisted living – she has been a nurse for 25 years and people in favor of assisted living are either very wealthy or they don't understand what actually occurs in those facilities.

Assisted living facilities are not licensed to give injections and you are paying \$40,000 to \$60,000. She feels it is a major elder rip off – if people are going to start planning they need to start planning for places that are affordable. Assisted living is a money making industry which has a huge lobbying industry behind it and as a professional nurse she considers it a sham as not being publicized for what it is.

**Nancy Shaw, Rockport** believes this should be a ballot issue for both Gloucester and Rockport. Everyone who lives on Cape Ann needs to know what is being planned. We need to revitalize our downtown area. Why not build a hotel downtown.

**Susan Steiner, Wall Street, E. Gloucester** stated across the country people are implementing smart growth and sustainable economic principles and every thing about this project goes against that – and goes against the Plan 2000. We have a downtown that can greatly use support rather than going somewhere else. In the 2000 plan it recommends that we work to develop the waterfront and support businesses along the waterfront. She read a letter in opposition from Henry Ferrini, Wall Street into the record.

**Ann Rosenfeld, Rocky Neck, E. Gloucester** recommended insisting the developer use forward practices in design. With global warming and lack of energy resources – why aren't we talking about solar panels, and other sources of energy to fuel this. This is a very serious matter. We have two LNG terminals going in - one 13 miles off the coast and one 7 miles and we are only 10 miles as the crow flies from Seabrook. She would like the council to develop an evacuation plan in case of a disaster. She also doesn't think you should approve height permits beyond what is allowed. She doesn't understand what the distance between buildings is all about and she is opposed to drive through banking facilities. She is not in favor of this project. This does not belong in Gloucester and it will be an economic disaster.

**Laurie Anderson, owns business on Main St.** wonders why there isn't a discussion to come to some kind of understanding about the MHD recommendation on the traffic light. There are points being made and they aren't being resolved in this forum. She is confused about what is going to be voted on specifically. How can we justify building a shopping center away from the heart of the city. We have a vibrant walkabout city. Why wouldn't we want a hotel built downtown on the harbor. At this juncture when we have so many enormous challenges why we wouldn't do what is best for the city. When are we going to have a vote to find out what the people want to see happen. Will this be the final recommendation by P&D to the council.

**Don McEachern, Marina Drive** feels something is wrong with the system – this was not advertised in the newspaper. He found it on the website.

**Councilor Hardy** stated we are trying to keep the process as open as possible. The process can be daunting. It is posted at the city clerk's office. We have met the publication requirements. She addressed the traffic issue about Washington Street and 128 being tied up. One of the first phases will be to cut in the road – they will be able to use School House Road when the kids aren't in school. We are relying on the police to control the traffic. On 6/26 this will be going to the full council for a public hearing.

**Councilor McLeod** stated he would like to see a hotel on the waterfront but we are restricted by the designated port authority and we can't tell private industry what to do. Sam Park has the right to be heard and if he meets the requirements set forth we make a recommendation to the full CC. It doesn't not take your right away to speak. There is the concern about 40b – they have a valid permit – this gentleman has brought in a project without that attached and he has the right to present this.

**Tasha Gula** spoke against the project. We have the most gorgeous resources – we have zero budget for tourism this year. We have the answers within our own community if we take care of what we've got - this project doesn't belong here. Why isn't this being handled by referendum.

**Nicole Bogan, 10 Marble Road** would like a third party economic impact study.

**Laura Evans, Rockport** stated it is your responsibility as elected officials to pause and answer some of the questions that have been raised tonight.

**Erica Hanson, Wall Street** stated the first Ward meeting was not a public input meeting but a sales pitch. All the data has come from the developer and we are only looking at one side of the balance sheet – how can we not look at other communities and conduct a cost benefit analysis. We need to do diligence about the economic impact. We feel this process has been rushed and the information needed to make your decision is not before you. She asked the council to hold off on granting approval before all the state permitting processes are complete. She asked for an economic impact study.

**Chris Costello, VP of Bldg Center** feels businesses are going to be successful based on what you put into it - not what happens around us. This land is owned privately and the developer who is proposing it has the right to propose what is his vision for the project. The reality of the situation is we can give our input but we don't have the final say. This is a development that will increase revenue. He feels the city

has been investing in the downtown through improvements on the façades and the east and west end improvement programs. In order for this city to thrive we need growth and this project provides a \$5 million tax base for the city. We need to embrace new growth. He feels the traffic and logistics are up to the experts. The people hired by Mr. Park are competent people and he hopes the council and the department heads carefully consider everything they have to say. If we don't look at our possibilities we might never get past where we are right now. There is a future for Gloucester and we need to consider the possibilities.

**Marina Evans, Rockport** sees this development as a step in the wrong direction – it changes the character of our town – and that is something we should really worry about.

**Ms. Harrison** stated the traffic signal is not before the council – it is before Mass Highway (MHD). MHD is satisfied with the right in right out and will allow further review of the traffic signal if deemed appropriate. There will be over 200 jobs that are not minimum wage jobs. Conservation measure techniques will be implemented as noted by Amy Green. This project has gone through extensive review and she asked the committee to base their decision on the evidence of the extensive technical review. There is a 120 page report submitted by the planning board to the council and independent consultants hired by the city for traffic and drainage. The responsibility for a vital downtown is the responsibility of all of us and she believes this will be complimentary to the downtown and will generate economic growth.

**Councilor Hardy** asked will there be affordable housing in the assisted living.

**Ms. Harrison** stated 20% affordable is required.

**Councilor Hardy** asked if there will be any green construction and/or energy savings.

**Ms. Harrison** replied that Amy Grant and Clay Smook did talk about some of the green construction and it has been delineated.

**Councilor Hardy** We acknowledge that although this project is composed of many parts and many individual special permits, it is also viewed as a whole. The approval or disapproval of one affects the whole. There are 11 Special Permits before the Committee and two votes under the Gloucester Code of Ordinance Chapter 21-42. There is also an advisory opinion to be made to Mass Highway.

I will make individual motions on the three special permits for a major project (one for the shopping center, one for the hotel, and one for the assisted living residence), a special permit for the drive through facility, six special permits for height exception; a motion for distance between buildings, and two motions under the City's Code of Ordinances.

Each of the major project applications and the drive through facility must meet the criteria for a Special Council Permit under Section 1.4.2.2(e). The Planning Director and the Planning Board have reviewed in detail each of the criteria and all of the guidelines for the special permits. These motions incorporate the recommendations from the Planning Board in addition to the extensive review by this Committee.

For clarification, "Project" refers to Gloucester Crossing, "Applicant" refers to Sam Park & Company, LLC, "Application: refers to the application materials filed with the City Clerk on January 2, 2007 and supplemental material filed on May 30, 2007. **The criteria apply to all special permits and I offer the following in support of the various Special Permits:**

### ***1. Social, Economic or Community Needs***

With regard to the social, economic or community needs:

A. The Application is consistent with the uses in the EB district and with the Community Development Plan. The Project's Assisted Living Residence will serve the housing, health care needs and supportive services of Gloucester's senior citizens. The Project would also introduce approximately 195,000 square feet of commercial/retail space and a business hotel with meeting facilities to serve the existing

businesses in the Business Park and throughout the community. The availability of retail business help to close the gap in the availability of retail soft goods created by the loss of other retailers in the recent past. This project also reduces the current need to travel off Cape Ann approximately 34 miles round trip to find many of the same proposed goods and services.

B. The Application is consistent with the goals and objectives of the City of Gloucester Community Development Plan ("CDP"), dated March, 2001. As recognized in the CDP, the population of Gloucester is aging. There are over 6,000 seniors 65 years of age or older according to the 2000 U.S. Census. Since the closing of Shore Cliff facility in Magnolia, there is no similar Assisted Living Residence in Gloucester. The Project addresses the needs of Gloucester residents who require or desire such services.

C. Gloucester Crossing will result in many jobs at various levels. There would be numerous construction-related jobs over a period of two years and after build out, the Project would provide approximately 200 permanent professional and service jobs. The Applicant has committed to cross-promotional opportunities with Gloucester's downtown. This will provide a new means of marketing our City's downtown and tourist industry that does not currently exist.

D. The Project will provide a business style Hotel with meeting facilities that would provide support to the Blackburn Industrial Park and to the community at large.

E. Of special importance is an acknowledgment that many of Gloucester's residents cannot make that trip up the line to do their shopping, either because of age, disability, family obligations, cost or other individual reasons. The availability of goods and services for those residents is a compelling reason for the finding under the social, economic and community need for this Project.

## ***2. Traffic Flow and Safety, including Parking and Loading***

P&D and the Planning Board reviewed the impacts of the anticipated traffic from the Project in its entirety. P&D reviewed the report from its technical consultants, Howard/Stein-Hudson ("HSH"), who were retained initially by the Planning Board to perform the traffic review. Reports from HSH were reviewed in addition to a presentation by HSH at the P&D Committee on June 13, 2007.

Based on the review by Howard Stein Hudson, by the Planning Board as noted in detail in the Planning Board recommendations and by this Committee, P&D makes the following findings with regard to traffic flow and safety, including parking and loading, but excluding the issue of a traffic signal:

A. Although there are varying opinions by this Committee as to the data, we find that the applicant has conducted all traffic counts and related studies, utilizing appropriate industry standards for the proposed uses.

B. The Project (ALR, SC with Drive-Thru, and Hotel) would attract approximately 7,014 new vehicle trips per weekday. This total trip figure, which is comprised of trips in and trips out, equates to approximately 3,507 new vehicles per day, many of which are recognized as existing pass-by trips and not new vehicles to Gloucester.

C. Although there are varying opinions by this Committee - HSH reports that adequate intersection and sight stopping distance are provided for both eastbound and westbound approaches to the proposed intersection of Route 128 and Gloucester Crossing Road. HSH confirmed for this Committee by separate document dated June 14, 2007 that a "graphical" error in the report did not affect its review as project plans were used, not the graphic in the report.

D. We acknowledge that an accident rate summary was prepared and updated to include the Grant Circle Rotary.

E. Plans show that adequate circulation and access are provided for truck traffic, loading and for anticipated operations for each element of the Project.

F. The Applicant proposes two alternative design configurations for the intersection of Gloucester Crossing Road at the Route 128 Extension. It is important to note that the ultimate decision on the design configuration and whether or not a traffic light will be installed will be made by the Mass Highway Department. The City Council will submit an advisory opinion outlining its concerns, recommendations and conditions for issuance of MHD's design approval.

Important to the committee are certain mitigation measures to satisfy concerns related to vehicular access and circulation and safety for Grant Circle, Blackburn Circle, the Eastern Avenue and Route 128 extension, and other traffic issues. These measures are found in the advisory opinion and the suggested conditions that follow.

### ***3. Adequacy of Utilities and Other Public Services***

Regarding the adequacy of utilities and other public services:

A. Electricity, gas, sewer, and water connections are all readily available to the Site and are adequate. A water line will be relocated and looped.

B. With respect to sewer, the Project will connect directly to the city sewer line at the Perkins Street boundary. An independent consultant, New England Civil Engineering Corps.(NECE), utilized by the City's Engineering Department to conduct and evaluate the city sewer system found that the system can meet the demands of the Project with some recommended off site upgrading which is a condition of this finding.

C. The revised stormwater management plan dated April 18, 2007 and as shown on the revised Site plan dated May 11, 2007, addresses both the rate and volume of runoff leaving the Site. The independent civil engineering consultant, CDM, reviewed and confirmed to the Planning Board and to this Committee that both the rate and the volume of runoff leaving the Site will be less in both directions than exist under current conditions. This is important as we look at conditions at both Bass Avenue and Maplewood Avenue. The stormwater plan was reviewed by this Committee at meetings and at the site walk, by the Planning Board and by the Conservation Commission both with independent peer review, and also reviewed by the City's Engineering Department. We find that the review of this important issue has been extensive and thorough.

### ***4. Neighborhood Character and Social Structures***

Regarding neighborhood character and social structures:

A. The visual impact of the buildings and improvements within the Project, will reportedly have minimal effect on the neighboring residential abutters due to proposed screening, but will be accessible via pedestrian paths from the neighborhoods. In previous proposals for this site, the abutting neighbors expressed opposition to traffic going through their neighborhood streets. The Gloucester Crossing project eliminates all vehicular traffic through this neighborhood.

- B. The architecture of the buildings and improvements within the Project fits into the New England character with the inclusion of clapboard materials as well as the proposed distinct rooflines. The design eliminates views of the "back side" of the buildings.
- C. The Project has been designed to screen the project from the abutting residential neighborhood, to minimize adverse acoustical impacts to the adjacent neighborhood, and to implement regulations recently promulgated by this City Council to address night sky with cut-off box parking lot lighting that mitigates light spill over to abutting properties

##### ***5. Impacts on the Natural Environment***

Regarding impacts on the natural environment:

- A. Protected resource areas and their relevant buffer zones have been reviewed by the Gloucester Conservation Commission (GCC) with additional analysis by the City's Conservation Agent, as well as by Camp Dresser McKie and ENSR, Inc., both as independent consultants. The review included wetland resource area delineations, land subject to flooding, vegetated wetlands, buffer zones, potential vernal pools, wildlife habitat/rare species, stormwater management and operations and maintenance and resulted in the issuance of an Order of Conditions under the Gloucester Wetlands ordinance and an Order of Conditions under the Massachusetts Department of Environmental Protection.
- B. This review resulted in the revision to the stormwater management design, which as mentioned above, was able to maximize infiltration of stormwater onsite, mimic the exiting hydrology supporting the onsite wetland resources and minimize the potential of offsite flooding or impacts to the Mass Highway drainage system adjacent to Route 128 and the CSO 002 area.

##### ***6. Potential Fiscal Impact, Including Impact on City Services, Tax Base and Employment***

Regarding potential fiscal impact, including impact on City services, tax base and employment:

- A. The P&D Committee notes the tax revenue from the proposed Project is projected to be between \$300,000 and \$500,000 at full build out with minimal impact on city services. The Committee specifically finds that the growth of the commercial tax base in Gloucester is essential for the sustainability of the city and its city services.
- B. The Project is projected to generate additional direct revenue to the City from the various building permits, connections to municipal services, hotel tax revenue that returns to the City and the revenue that is incidental to having an employed citizenry being able to work in Gloucester and spend their disposable income in Gloucester.
- C. The voluntary contributions of the Applicant include but are not limited to providing the design, construction and maintenance for 15 years of School House and Gloucester Crossing Roads, the improvements to Fuller School athletic fields and the reconfiguration of parking areas at Fuller School, the relocation of an existing municipal water line for improved access to the line, the installation of improved stormwater management to address flooding issues at the Fuller School, the installation of municipal utilities in Gloucester Crossing Road and the improvement of the municipal sewer line at Staten Street. The Applicant estimates that these public improvements alone carry a value of over \$2.5 million.
- D. The Applicant estimates that more than 200 construction related jobs over several years and approximately 200 or more permanent professional and service jobs, both full time and part time, will

provide a positive fiscal impact. Jobs associated with other services related to the operation of components of the Project such as maintenance, snowplowing, landscaping, waste removal, and private security will also be provided.

These Major Project Applications have been reviewed for many months and based on the information provided through the many public presentations and meetings with all the related and pertinent Boards, consultants, third party peer reviews etc., the P&D Committee finds that the adverse effects of the proposed use will not outweigh its beneficial impact to the City or the neighborhood in view of the particular characteristics of the Site and of the Proposal in relation to this site.

#### THE SHOPPING CENTER

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Major Project/Shopping Center for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 2.3.4(49) and Section 5.7.**

#### DISCUSSION:::

The proposal meets the criteria under Section 1.4.2.2(e) as detailed above, the guidelines under Section 5.7.5 (a-d) for a Major Project and under the Design Guidelines for a Shopping Center under Section 5.7.5 (f). The Committee is directed to detailed supporting material provided by the Planning Board on May 14, 2007.

This motion is subject to the following conditions, all of which are found in the recommendations of the Planning Board in pages 16-23, recommendations 1 through 36. In addition, we recommend the following conditions:

0. If the traffic signal is ultimately approved by the MHD, the applicant shall purchase and install the following transponders free of charge to the Municipalities: six transponders to the Gloucester Police Department (one for each cruiser on the road), twelve transponders to the Gloucester Fire Department, and two transponders to the town of Rockport for their emergency ambulance use.
0. All fire hydrants shall be located where indicated by the City of Gloucester Fire Chief, including any additional fire hydrants requested by the Fire Chief, said hydrants shall be protected by ballards and shall not be blocked or hidden from view by any vegetation or dumpsters or anything obstructive in nature.
0. Dumpsters shall be screened from view by vegetation and or fencing and shall be locked when not being accessed by the owner of record.

#### HEIGHT EXCEPTIONS

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2 , footnote (3) for a height exception of 11 feet - for Building B shown as the junior anchor on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.**

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to Recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 22 feet for Building C shown as specialty retail on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 9 feet for Building D shown as Restaurant on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 12 feet for Building F shown as Restaurant on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

#### THE HOTEL

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Major Project/HOTEL for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 2.3.1(7) footnote 3 and Section 5.7.

#### DISCUSSION:.....

The proposal meets the criteria under Section 1.4.2.2(e) as detailed above and the guidelines under Section 5.7.5 (a-d) for a Major Project. Again, the Committee is directed to detailed supporting material provided by the Planning Board on May 14, 2007.

As above, this motion is subject to all of the conditions that were cited for the Shopping Center numbers 1-36 of which are found in the recommendations of the Planning Board in pages 16-23, and the special conditions added tonight.

#### DISTANCE

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.1 for distance between buildings - for Building E shown as the HOTEL on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

## HEIGHT EXCEPTIONS

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.1, footnote (4) for a height exception of 41 feet - for Building E shown as the HOTEL on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

## ASSISTED LIVING RESIDENCE

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit under Section 1.4.2.2 for Major Project/Assisted Living for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, and Map 43 Lot 4 - EB zoning classification, pursuant to 2.3.1(11A), 5.7 and Section 5.14.

## DISCUSSION:::::

The proposal meets the criteria under Section 1.4.2.2(e) as detailed above, the guidelines under Section 5.7.5 (a-d) for a Major Project, and the Performance Standards under Section 5.14.4(g) for an Assisted Living Residence. In addition, the City Council is required to make special findings under Section 5.7.5(e) for an Assisted Living Residence in a non-residential district. I move that the P&D find and recommend to the City Council under Section 5.7.5(e) that :

- The public good will be served by granting a special permit for an Assisted Living Residence as there is a clear and documented need for such a residence in Gloucester.
- The non-residentially zoned area will not be adversely affected as the Project includes the retail and hotel components which are allowed with a special permit in the Extensive Business district; and
- The uses permitted in the Extensive Business zone are not noxious to the assisted living use but instead represent a principle of smart growth to combine residential and commercial use.

Again, The Committee is directed to detailed supporting material provided by the Planning Board on May 14, 2007.

As above, this motion is subject to conditions 1-36 of the Planning Board recommendations that were cited for the Shopping Center and the special conditions added tonight.

## HEIGHT EXCEPTIONS

**MOTION:** On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, and Map 43, Lot 4- EB zoning classification, pursuant to section 3.2.3 footnote 2 for a height exception of 27 feet - for Building H shown as the Assisted Living on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

## DISCUSSION:::

For a height exception to allow the hotel to be four stories or 71 feet as measured from existing grade as there are no adverse impacts related to view obstruction, overshadowing or utilities consideration.

## DRIVE THROUGH BANKING FACILITY:

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Drive Through Facility for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, - EB zoning classification, pursuant to section 5.17 of the Gloucester Zoning Ordinance**

## DISCUSSION::::

The proposal meets the criteria under Section 1.4.2.2(e) as detailed above and the performance standards under Section 5.17:5.

Detailed supporting material provided by the Planning Board.

And as above, this motion is subject to conditions 1-36 of the Planning Board recommendations that were initially cited for the Shopping Center and the special conditions added tonight.

## HEIGHT EXCEPTIONS --- general discussion points....

There are various special permits for height exceptions that are requested and are a part of this application. The City Council is to consider in granting the Special Permits for height and move that the Committee find that the increase in building height is not substantially detrimental because of obstruction, overshadowing, utilities consideration or other adverse neighborhood impact. The maximum height for the retail buildings is 30' measured from average existing grade. I understand that the final design building is not necessarily the height that we are granting but instead this is the height as measured from existing grade, not the design grade.

I find that the additional height for the retail buildings is necessary to create the architectural detail required to avoid unattractive flat roofs cut off at 30 feet. As represented it is the tower detail, the different roof and façade details that necessitate the increase for the retail buildings. The proposed increases are not detrimental as there will be no material obstruction of any view; no overshadowing, no utilities consideration as proposed utilities at the site are underground and no adverse impacts to the neighborhood.

General discussion for height exception assisted living facility....

A special permit for a height exception is also requested for the assisted living facility under Section 3.2.3(footnote 2) for a height above 35 feet. Again the City Council can vote for such a special permit where such an increase is consistent with neighborhood character and deemed not to be substantially detrimental to the neighborhood because of view obstruction, overshadowing, utilities consideration, or other adverse neighborhood impacts.

As represented by the applicant and as shown by the simple block model, the proposed height of the four-story building allows for the necessary number of assisted living dwelling units without lengthy

corridors for the elderly or disabled, can avoid a sprawling building and is not detrimental because of obstruction of view, overshadowing, utilities consideration or adverse neighborhood impact.

**General discussion for height exception hotel**

The final height exception is for **the hotel** under Section 3.2.1(footnote 4). there are no adverse impacts related to view obstruction, overshadowing or utilities consideration.

General discussion for distance between buildings.

The hotel raises another special permit that can be granted by the City Council which is a special exception for distance between buildings. I move under Section 3.2.1 that the hotel, building E is allowed to be located 46 feet from Building F as such a reduction is not detrimental because of view obstruction, overshadowing, service access or visual crowding.

That completes the motions for Sam Park/Gloucester Commons major project.

The final issues before P&D are two items under the City's Code of Ordinances. Pursuant to Sections 21-42, the City Council has the authority to abandon any street or way. It is in this Ward 2 neighborhood's interest to discontinue this connection between Perkins Street and Green Street to eliminate the possibility of a development on this site using it as frontage to gain access to those neighborhood streets.

**DISCONTINUE UNIMPROVED RIGHT OF WAY**

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to discontinue, terminate and dissolve the unimproved right of way shown on a plan entitled "plan to Accompany Easement Agreement between Shirley Woodger, Robert Brown and the City of Gloucester, dated February 1970, recorded with the Essex South District Registry of Deeds as plan 24 of 1971 and as described in Grant of Easement dated January 4, 1971 and recorded with the Registry as document number 136436**

**RELOCATE CITY WATER LINE**

**MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the relocation of a City water line as shown on Map 262, Lot 13, from its current location that runs directly through the wetlands on site with a manhole in the middle of the wetlands to a location in the road way and around the perimeter of the site. I move that the applicant be allowed to relocate the water line as shown on Sheet 7.0 of the Project plans, revision date May 11, 2007.**

4. Other Business:

**It was moved and seconded to adjourn the meeting at 9:55 p.m.**

Respectfully submitted,

June Budrow  
Clerk of Committees

June 20, 2007  
Janice Lufkin Shea  
139 Main Street, The Cormorant Shop  
978-281-9533

1) The following is copied from the Gloucester Daily Times, June 15, 2007  
"Peckham said he was more concerned about the light than the impact of the shopping center. He predicted Gloucester Crossing would work together with the new cruise terminal to accelerate Main Street's evolution into a tourist-oriented shopping district, such as Faneuil Hall Market in Boston."

Questions:

- Have the Planning and Development Committee, City Council and the administration decided that downtown Gloucester is to be a tourist attraction?
  - Will the businesses be notified of the change in city?
  - Will the residents be notified of this change?
  - Will the small businesses survive with tourism as their sole means of support?
  - Will the downtown be closed during the "off seasons"?
  - Will downtown be able to attract new businesses for seasonal business?
  - Should the small businesses close, how will this affect property value and taxes?
  - Will the closing of the small downtown business affect those who benefit, as schools, police, fire, the houses of worship?
  - Will the downtown consist of services such as banks, salons, etc.? *(Not very touristy)*
  
  - The mayor has removed the Department of Tourism from the budget.
  - What will the administration and council do in regard to tourism with the decision that downtown Gloucester is only for tourists?
  - Is a mall a tourist attraction?
  - Have you talked with what visitors we have to get their reaction to visiting a mall en route to or as part of a tourist destination?
  - Gloucester has been designated as a Massachusetts Historic Port. Will cruise ship passengers be directed to visit the mall?
  - How does the mall connect with the downtown and waterfront?
  - Is the waterfront to remain marine commercial, only? Or, will it be mixed use, including tourism?
  
  - Has the Planning and Development Committee, administration and Council had any input, other than Sam Park and city employees, via consultants and/course education regarding the influence of a mall on a small city?
  - Earlier in this year, City Council voted to hire a consultant to help and advise with planning. Council noted that it needs help in regard to projects such as Gloucester Crossing. Has this consultant been hired?
  - Also, the State has \$150 thousand for Gloucester for economic stimulus. Has this money been collected? How will Gloucester stimulate its economy?
  - Is a mall part of long range planning?
  - Was Gloucester on the massive radar screen of mall developers?
  - How does Mr. Peckham qualify his prediction?
  - Do you have statistics regarding success and failures of malls?
  - Have you conferred with other the nearby towns as to impact of a local shopping mall?
  - Have you read the Main Street Program from the National Historic Trust?
- Attached: <http://www.mainstreet.org/content.aspx?page=1927&section=16>
- Have you reflected back to the demise of downtown due to the influx of the many malls?
  - Has the administration and Council considered putting our many resources, Downtown Development Commission, Department of Tourism, Gloucester Redevelopment Authority, Economic Development Industrial Corporation, Traffic Commission, Parking Committee, and Community Development to work on revitalization of our historic city for both the present and future generations?

2) Gloucester Crossings is now being called "a life style center". This is false information. A life style center is somewhat a mini city: a civic center, post office, banks. library, service businesses, entertainment (as movie theatres), shopping, community activities (as parades), etc. Life style is not only a shopping expedition, either alone or with family.

Reference:

## **Building communities**

The trend that makes the most sense to many crystal-ballers in retail real estate is the community center idea. Longtime May Co. executive and Build-A-Bear Workshop founder Maxine Clark, who has a reputation as a keen observer of retail trends, believes the most successful projects in the future will incorporate important family functions alongside retail stores — medical and dental offices, for example.

"There should be public places for events that bring people to the mall," says Clark. "Maybe even portable kiosks that can be 'rented' by kids to sell their wares — i.e., Girl Scout cookies — from time to time, so [the center] is more community oriented. Maybe a sports arena on the grounds for soccer or hockey or whatever." Anything, in short, that brings families together in a safe, secure and fun setting. That's why Henry Gruen's Southdale Center, the nation's first enclosed mall, featured a public auditorium, an ice rink and even a school.

Envirosell's Underhill would go a step further. He believes malls and shopping centers will evolve into "a combination of lifestyle-facilitation places where we can go and execute all of our needs, not just some." That would mean malls with groceries, schools, day care and farmers' markets in the parking lots. (He also expects to see more malls with coat checks, which would encourage shoppers to spend more time — and money. "I don't understand why more landlords don't make that simple connection," he says.)

Clark points to the Easton Town Center in Columbus, Ohio, as an example of a center that has already moved in that direction. "It is almost a community — shops, restaurants, hotels, big box, all basically on the property," she says.

The 1.5-million-square-foot center, which opened in 1999, is a collaboration between designer Steiner + Associates, The Georgetown Co., The Limited and actor Arnold Schwarzenegger. It is pedestrian-oriented, with open-air squares, and even a children's park. Its anchors are Nordstrom, Barnes & Noble, Lazarus, Virgin Megastore and AMC Theaters. But it goes beyond the conventional: It has spas and a fitness center, for instance, as well as a comedy club and a mammography center.

Easton Town Center has also been more adventurous than other major malls in its tenanting. "This mall has allowed room for new tenants with new concepts," says Clark. "They leased to us very early on" — a good move, given Build-A-Bear's popularity and rapid expansion to its current 116 stores where customers can create personalized teddy bears.

Yaromir Steiner, the president of Columbus-based Steiner + Associates, which specializes in "new urban retail" centers, believes the public thinks of shopping and leisure as linked activities.

"It goes back to how people have always liked things," Steiner says. "Shopping and leisure were always mixed together in the town center, in the agora. They were always in the same general area."

Steiner says future shoppers will demand better overall design. "People want shopping environments to give them a sense of place," he says. "Their demand for good-feeling spaces is increasing. They are not willing to accept long hallways with anchors at each end anymore."

Such innovation is already making its presence felt. In Durham, N.C., The Rouse Co.'s 1.3 million-square-foot Streets at Southpoint, blends mall and Main Street environments with individualized storefronts in the mall and its outdoor component to provide a seamless transition between streetfront and mall shopping. (Streets at Southpoint is the winner of a 2002 SADI award, page 126.)

Steiner also says that shoppers are no longer willing to accept inconvenience. "The old mantra of 'Let's

Outside areas "will have most of the leisure-time uses — clubs, theaters, bars — and also branded retailers, which will increasingly locate there because they don't need to be in a mall," Steiner says. Strongly branded stores, including Talbots, Gap, AnnTaylor and Banana Republic, "have become a destination in their own right, and they don't need the validation of the department store."

**"We're going to go back to design inspired from city blocks** that will be convertible to other things," Steiner says. Convertibility means that a space developed for shopping could at some point be switched to another use, a flexibility that he says will lengthen the lifetime and the raise the value of the project.

### **Lifestyle lessons**

Retailers, of course, are watching the industry's evolution closely, and one of the biggest, Federated Department Stores, isn't betting the farm that the traditional enclosed mall is a relic. At current rates of lifestyle-center construction, "there will probably still be only a third as many of those as regional shopping centers" in a decade, notes Gary Nay, vice president of real estate at Federated.

But Nay isn't dissing the benefits of lifestyle centers. Indeed, he says Federated has "paid a lot of attention" to their growth and has "experimented with a small store that might fit that format, but I think it will have a relatively small impact on us and the traditional department store."

Still, he agrees that change is coming to the traditional mall. "The regional mall is certainly of a big concern to us," Nay says, adding that some properties, especially the class C centers, "will have to get better or go away." Those that improve will likely take lessons from lifestyle centers, which Nay says are tackling some important issues.

"There are a number of things that are being dealt with in open-air lifestyle centers," including amenities and ambience," Nay says. "The old regional mall frequently was lined with truck ports and delivery docks. When you drive up to a lifestyle center, you see restaurants and attractive landscaping. We'd like to see more of that — additional restaurants and leisure-time activities."

"What you'll end up seeing in 10 years are shopping centers that are more of a hybrid — discount retailers mixed with specialty. The line has grown much funkier," says Kass. That trend is illustrated by the new breed of power towns such as Desert Ridge Marketplace in Phoenix.

"We've been seeing a trend toward fewer department stores," says developer Nathan Forbes. "When they go out through consolidation or bankruptcy, developers are looking at their options. Discounters? Additional uses like restaurants and ancillary retail, maybe a large Nike or Sony store? Are you better off taking a department store box and figuring out what else you can do with it?"

Underhill, who wrote the bestseller *Why We Buy: The Science of Shopping* and has another book tentatively titled *Walking the Mall* coming out later this year, also sees nontraditional anchors stepping up to the plate. "The era of the department store anchor is coming to a close," he says. "We'll see a broad collection of other types of stores as anchors." Target, he says, could be "fantastic," and L.L. Bean or upscale supermarkets could succeed nicely as anchors.

Simon's Michael McCarty believes there will be a big role for department-store anchors in the centers of the future, even open-air centers. He points to Bowie Town Center, which he calls "a poster child for what people think is the next generation of lifestyle centers." Opened in 2001, it has a Main Street, lined with individual stores. But it also has two traditional anchors: Sears and Hecht's. Lifestyle centers "don't necessarily exclude traditional department stores. It's a concept whose architecture is being studied intensely by us and others."

With whatever changes occur in shopping center design, with whatever shifts might take place in tenant

"There will be a recognition that the customer's experience starts in the parking lot, and there will be a driving desire to define your mall as something different from the next mall down the road," says Underhill.

The consequence of that, says developer Steiner, will be a great deal of renovation and upgrading of existing properties. "There is going to be a wholesale recycling of the retail environment in the coming years. There will be a revolution in quality."

Deciding what to build and where — and how to even approach the decision — will be the challenge for developers and retailers in the coming decade. "Malls are at a very important time," says Clark, who believes that developers need to do some serious soul searching and start asking themselves whether they are really doing what's right for the consumer. To meet all the needs of a changing America, the retail real estate industry might have to sacrifice some sacred cows and rethink many assumptions. But, Clark is optimistic: "It's times like these when people dream their best."

### **Beyond Lifestyle**

The outdoor elements of today's lifestyle centers may just be the start. As retail and mixed-use projects attempt to attract consumers with community activities, look for more park-like spaces to be built, with jogging paths, duck ponds and band shells.

### **ENCLOSED MALL**

The enclosed mall is dead! Long live the mall! The mall will evolve, perhaps incorporating different types of anchors and adding services and amenities to give consumers something more than a great selection of stores. Increasingly, however, malls may be attached to open-air and mixed-use projects.

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Unless the biggest trend in retailing — the triumph of the big-box stores — suddenly reverses, the coming decade will bring these upstarts into mainstream retail real estate development. Power centers are morphing into power towns and traditional malls as well as lifestyle centers are looking for ways to accommodate these high-traffic tenants.

### **MIXED USE**

With space at a premium and Americans tiring of the perpetual traffic jam, mixed-use development will become even more pervasive. But the uses will multiply. In addition to retail, office and residential components, these projects are also likely to have venues for civic and social functions — post offices, day care centers, community theaters.

### **ENTERTAINMENT**

The trend toward mixing shopping with recreation is here to stay. But the retail center of the future won't be complete with just a movieplex. There will be a range of diversions to keep the traffic coming: an aquarium, a comedy club, an IMAX, a concert venue.

Think 24/7 lifestyle.

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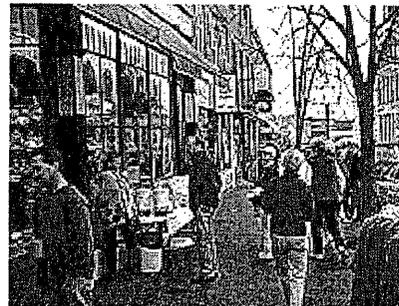
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1. **Commercial districts are prominent employment centers.** Even the smallest commercial district employs hundreds of people, and often the district is collectively the community's largest employer.
2. **The commercial district is a reflection of community image, pride, prosperity, and level of investment** — critical factors in business retention and recruitment efforts.
3. **Main Street represents a significant portion of the community's tax base.** If the district declines, property values drop, placing more of a tax burden on other parts of town.
4. **The traditional commercial district is an ideal location for independent businesses,** which in turn:
  - o *Keep profits in town.* Chain businesses send profits out of town
  - o *Support other local businesses and services*
  - o *Supports local families with family-owned businesses*
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5. **Main Street is the historic core of the community.** Its buildings embody the community's past and its visual identity.
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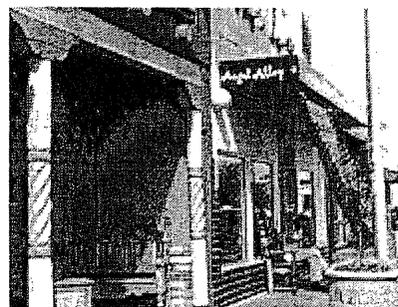
*A pink flamingo adorns Cafe Hon in Hampden Village neighborhood Main Street, Baltimore, Md.*



*People gather in downtown Bath, Maine for christmas events -- and shopping*



*Main Street Fairbanks webcasts a little Alaskan culture to a worldwide audience on the shortest day of the year.*



*Distinctive storefronts in the Nob Hill neighborhood Main Street in Albuquerque, N.M.*

unique shopping "experience."

7. **A vital Main Street area reduces sprawl** by concentrating retail in one area and uses community resources wisely, such as infrastructure, tax dollars, and land.
8. **A healthy Main Street core protects property values** in surrounding residential neighborhoods.
9. **The commercial district offers convenience.** Main Streets are often within walking distance of residential areas, providing easy accessibility for the community and reducing the reliance on auto-dependent shopping.
10. **The district is usually a government center** where city hall, municipal buildings, the courthouse, and/or post office are located. It often is an important service center as well for finding attorneys, physicians, insurance offices, and financial institutions.
11. **Main Street provides an important civic forum, where members of the community can congregate.** Parades, special events, and celebrations held there reinforce intangible sense of community. Private developments like malls and strip centers can and do restrict free speech and access.
12. **The commercial district represents a huge public and private investment.** Imagine how much it would cost to re-create all of the buildings and public infrastructure in your commercial district.

*Gloucester EDIC and economic development in New Bedford and Fall River:*

The Gloucester Economic Development and Industrial Corporation (EDIC) is a public corporation established in 1977 in accordance with Chapter 121c of the Massachusetts General Law. The EDIC is responsible for promoting economic development in Gloucester by attracting new industries and expanding the industrial capacity of the city.

**New Bedford Economic Development**

NBEDC is a "one stop" approach to economic development working with businesses located in or locating to, the city. NBEDC maintains a real estate database listing commercial property available for lease, sale or development; structures financial assistance and tax incentive packages; facilitates introductions to other Federal, State and local support agencies; and provides technical assistance for product development. Just 55 miles south of Boston and 35 miles east of Providence, New Bedford is within commuting distance to major metropolitan transportation hubs. The city offers service by ocean, air and rail. Its proximity to Interstate 195 and Route 140 makes the major cities of the Northeast easily accessible. The City of New Bedford and the New Bedford Economic Development Council take economic development seriously. Let our team assist you in expanding within or locating to New Bedford. For more information, contact Bob Luongo, New Bedford Economic Development Council, at 508.991.3122.

**Fall River Office of Economic Development**

FROED helps businesses evaluate the many advantages of locating in Fall River, offering aggressive incentive programs including low-interest financing, tax exemptions, employee recruitment and training services, and site selection assistance. We also provide consultation and technical support in areas ranging from permitting to international trade assistance. These programs complement Fall River's low business costs and can be packaged with other private and public sector incentives. Whether your business is a startup venture or an existing firm, the FROED offers aggressive incentive programs such as low-interest financing, tax exemptions, employee recruitment and training services, and site selection assistance. Loan Programs: As a one-stop financing center, the Fall River Office of Economic Development (FROED) works closely with public-sector agencies and the banking and investment communities to identify available sources of capital. Our in-house loan programs, funded in part through a Community Development Block Grant, can be combined with private, state and federal funds. The result is a below-market financial package tailored exclusively for your business. For more information, contact Ken Fiola, Fall River Office of Economic Development, at 508.324.2620

Bob Whynott

Glou. Commons

**From:** Joie Designs [joiedesigns@earthlink.net]  
**Sent:** Saturday, November 11, 2006 12:28 PM  
**To:** Wellis; Sam Park; rosenberg@globe.com; Olimpia Palazzola; Jonathan Pope; Jim Destino; John Bell; Greg Verga; Gillis, Jenn; Chris Pantano; cfarmer@gloucester.k12.ma.us; btarr@senate.state.ma.us; Bob Whynott; bgillis@casbank.com; anne.canaday@state.ma.us; mc@capeannchamber.com; rpino@carlisonre.com  
**Subject:** Mass Highway Meeting

**Police Chief John Beaudette's records show that 10 pedestrians have been hit trying to cross the Grant Circle Rotary in the past ten years.** I am neither opposed nor in favor of putting a shopping mall in Gloucester. I am in favor of protecting our children from danger and possibly death. We must focus our attention on the Grant Circle Pedestrian Crosswalk before we add a mall further up on this already dangerous and unruly extension where this crosswalk exists. Let me explain why; Traffic on Washington St., from downtown, will now make a hard right into the pedestrian crosswalk which is located on a blind corner to go to our new mall. As of now, traffic from downtown avoids this crosswalk entirely by traveling halfway around the rotary and then onto Rt. 128 S. With a new mall, traffic coming from Lanesville will now travel around the rotary directly into the pedestrian crosswalk and up the extension to the mall. As of now, this traffic enters the rotary and makes a right onto Rt. 128 S. entirely avoiding the pedestrian crosswalk.

Please be totally informed of all traffic conditions that pertain to adding a new shopping mall. I advise you to go onto this website which gives detailed data collected by Mass Highway. [www.mass.gov/envir/mepa/index.htm](http://www.mass.gov/envir/mepa/index.htm). Once on this site, at the top type in Grant Circle Rotary in the search box. This will bring you to link no. 2 Feasibility Analysis of Safety and Operational Improvement- Text Version. On page 31 it states: Grant Circle Rotary; A total of 125 crashes were recorded between 1999 and 2001. Pg. 33: The crash rate at the Grant Circle Rotary is over 40 per year., High traffic volumes during the AM and PM hours and inappropriate maneuvers by drivers in the rotary contribute to the high crash rate at this location. Pg. 49 Summary of Capacity Analyses, graded from A( Excellent) F( Failing)/ **Washington St. Westbound entering Rotary-** A.m. level of service in 2001-F+ P.M. level of service-F Predictions for 2025- A.M. F P.M. F **Washington St. East-** A.M. level of service in 2001- C P.M. level of service- C Predictions for 2025- A.M.- F P.M.- D

I did meet with Paul Stedman, Operations Engineer and Rich Horgan, Construction Engineer, of Mass Highway on Thurs. Nov. 9th at 2:15 pm at the Grant Circle Rotary. In the near future I hope to discuss their findings in scheduled meetings with Gloucester's City Council, School Committee, Mayor John Bell, State Sen. Bruce Tarr and State Rep. Anthony Verga and all of the above named.

Sincerely,  
Joie Busby  
14 Gloucester Ave.  
978-283-0477

*Sam Park*  
*Glou Commons*

**June Budrow**

**From:** "Nancy Ryder" <nryder@ci.gloucester.ma.us>  
**To:** "Jeremy Gillis" <jgillis@ci.gloucester.ma.us>; "Gregg Cademartori" <gcademartori@ci.gloucester.ma.us>; "Ellen Preston" <epreston@ci.gloucester.ma.us>; "Bill Sanborn" <wsanborn@ci.gloucester.ma.us>  
**Cc:** "June Budrow" <jbudrow@ci.gloucester.ma.us>  
**Sent:** Friday, October 06, 2006 2:59 PM  
**Subject:** Re: Proposed Gloucester development

Good Afternoon, Conservation has conducted preliminary reviews of the site, completed the identification of the resource areas and issued decisions confirming types and locations of resource areas.

The Notice of Intent application for actual work, which reviews potential impacts and prevention of those impacts has not yet been recieved. We have reviewed several modifications of the project in staff meetings, and preliminary reviews have gone before the Commission.

There are two vernal pools identified on the project one near Fuller School building, in the wetland along the power lines, and one in the wetland behind 10 and 14 Green Street. These wetland resources can be viewed in the final resource delineation site plan on file with the commission, reference # 28-1763.

Thanks, Nancy Ryder

----- Original Message -----

**From:** Jeremy Gillis  
**To:** 'Gregg Cademartori'; Nancy Ryder; Ellen Preston; Bill Sanborn  
**Cc:** June Budrow  
**Sent:** Thursday, October 05, 2006 7:42 AM  
**Subject:** FW: Proposed Gloucester development

Good Morning All,

Please see the email from Councillor Tobey below. If any of you can provide the dates he is seeking , please let June or me know.

Thank You

*Take Care.*

*Jeremy*

Jeremy P Gillis  
Assistant City Clerk  
9 Dale Avenue  
Gloucester, MA 01930  
978-281-9720  
978-281-8472 (Fax)  
[jgillis@ci.gloucester.ma.us](mailto:jgillis@ci.gloucester.ma.us)

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**From:** [tobeybruce@aim.com](mailto:tobeybruce@aim.com) [mailto:tobeybruce@aim.com]  
**Sent:** Thursday, October 05, 2006 12:20 AM  
**To:** Jeremy Gillis  
**Subject:** Fwd: Proposed Gloucester development

SAM  
PARK  
PROJECT 10/30/06

To: Mayor Bell City Council  
Planning Board

CITY CLERK  
GLOUCESTER, MA  
06 OCT 30 AM 11:38

Dear Sirs:

I am writing to protest the proposed light (and mall) at the Blackburn Rotary. As a resident of East Gloucester, I commute everyday through the lights at the end of 128 and through both rotaries to get to my job. Along with residents of Rockport, we endure the summer beach traffic with patience and good humor. The lights that stop traffic are "smart lights," programmed to minimize unnecessary backups and wait times. However, a light at the Blackburn Circle would create a traffic nightmare.

The traffic from businesses at The Blackburn Office Park manages to fit into the flow of the rotary traffic without significant backups. Any "mall" or business development in this area needs to be in scale to the environment, so as not to create untenable congestion.

I too miss the old Ames store in town, but will not tolerate the traffic problems caused by a large mall behind the school. Economic development should not destroy the community it purports to benefit. I am a decision who you have consulted when making

June 20, 2007  
Janice Lufkin Shea  
139 Main Street, The Cormorant Shop  
978-281-9533

1) The following is copied from the Gloucester Daily Times, June 15, 2007  
"Peckham said he was more concerned about the light than the impact of the shopping center. He predicted Gloucester Crossing would work together with the new cruise terminal to accelerate Main Street's evolution into a tourist-oriented shopping district, such as Faneuil Hall Market in Boston."

Questions:

- Have the Planning and Development Committee, City Council and the administration decided that downtown Gloucester is to be a tourist attraction?
  - Will the businesses be notified of the change in city?
  - Will the residents be notified of this change?
  - Will the small businesses survive with tourism as their sole means of support?
  - Will the downtown be closed during the "off seasons"?
  - Will downtown be able to attract new businesses for seasonal business?
  - Should the small businesses close, how will this affect property value and taxes?
  - Will the closing of the small downtown business affect those who benefit, as schools, police, fire, the houses of worship?
  - Will the downtown consist of services such as banks, salons, etc.? *(Not very touristy)*
  
  - The mayor has removed the Department of Tourism from the budget.
  - What will the administration and council do in regard to tourism with the decision that downtown Gloucester is only for tourists?
  - Is a mall a tourist attraction?
  - Have you talked with what visitors we have to get their reaction to visiting a mall en route to or as part of a tourist destination?
  - Gloucester has been designated as a Massachusetts Historic Port. Will cruise ship passengers be directed to visit the mall?
  - How does the mall connect with the downtown and waterfront?
  - Is the waterfront to remain marine commercial, only? Or, will it be mixed use, including tourism?
  
  - Has the Planning and Development Committee, administration and Council had any input, other than Sam Park and city employees, via consultants and/course education regarding the influence of a mall on a small city?
  - Earlier in this year, City Council voted to hire a consultant to help and advise with planning. Council noted that it needs help in regard to projects such as Gloucester Crossing. Has this consultant been hired?
  - Also, the State has \$150 thousand for Gloucester for economic stimulus. Has this money been collected? How will Gloucester stimulate its economy?
  - Is a mall part of long range planning?
  - Was Gloucester on the massive radar screen of mall developers?
  - How does Mr. Peckham qualify his prediction?
  - Do you have statistics regarding success and failures of malls?
  - Have you conferred with other the nearby towns as to impact of a local shopping mall?
  - Have you read the Main Street Program from the National Historic Trust?
- Attached: <http://www.mainstreet.org/content.aspx?page=1927&section=16>
- Have you reflected back to the demise of downtown due to the influx of the many malls?
  - Has the administration and Council considered putting our many resources, Downtown Development Commission, Department of Tourism, Gloucester Redevelopment Authority, Economic Development Industrial Corporation, Traffic Commission, Parking Committee, and Community Development to work on revitalization of our historic city for both the present and future generations?

2) Gloucester Crossings is now being called "a life style center". This is false information. A life style center is somewhat a mini city: a civic center, post office, banks, library, service businesses, entertainment (as movie theatres), shopping, community activities (as parades), etc. Life style is not only a shopping expedition, either alone or with family.

Reference:

## Building communities

The trend that makes the most sense to many crystal-ballers in retail real estate is the community center idea. Longtime May Co. executive and Build-A-Bear Workshop founder Maxine Clark, who has a reputation as a keen observer of retail trends, believes the most successful projects in the future will incorporate important family functions alongside retail stores — medical and dental offices, for example.

"There should be public places for events that bring people to the mall," says Clark. "Maybe even portable kiosks that can be 'rented' by kids to sell their wares — i.e., Girl Scout cookies — from time to time, so [the center] is more community oriented. Maybe a sports arena on the grounds for soccer or hockey or whatever." Anything, in short, that brings families together in a safe, secure and fun setting. That's why Henry Gruen's Southdale Center, the nation's first enclosed mall, featured a public auditorium, an ice rink and even a school.

Envirosell's Underhill would go a step further. He believes malls and shopping centers will evolve into "a combination of lifestyle-facilitation places where we can go and execute all of our needs, not just some." That would mean malls with groceries, schools, day care and farmers' markets in the parking lots. (He also expects to see more malls with coat checks, which would encourage shoppers to spend more time — and money. "I don't understand why more landlords don't make that simple connection," he says.)

Clark points to the Easton Town Center in Columbus, Ohio, as an example of a center that has already moved in that direction. "It is almost a community — shops, restaurants, hotels, big box, all basically on the property," she says.

The 1.5-million-square-foot center, which opened in 1999, is a collaboration between designer Steiner + Associates, The Georgetown Co., The Limited and actor Arnold Schwarzenegger. It is pedestrian-oriented, with open-air squares, and even a children's park. Its anchors are Nordstrom, Barnes & Noble, Lazarus, Virgin Megastore and AMC Theaters. But it goes beyond the conventional: It has spas and a fitness center, for instance, as well as a comedy club and a mammography center.

Easton Town Center has also been more adventurous than other major malls in its tenanting. "This mall has allowed room for new tenants with new concepts," says Clark. "They leased to us very early on" — a good move, given Build-A-Bear's popularity and rapid expansion to its current 116 stores where customers can create personalized teddy bears.

Yaromir Steiner, the president of Columbus-based Steiner + Associates, which specializes in "new urban retail" centers, believes the public thinks of shopping and leisure as linked activities.

"It goes back to how people have always liked things," Steiner says. "Shopping and leisure were always mixed together in the town center, in the agora. They were always in the same general area."

Steiner says future shoppers will demand better overall design. "People want shopping environments to give them a sense of place," he says. "Their demand for good-feeling spaces is increasing. They are not willing to accept long hallways with anchors at each end anymore."

Such innovation is already making its presence felt. In Durham, N.C., The Rouse Co.'s 1.3 million-square-foot Streets at Southpoint, blends mall and Main Street environments with individualized storefronts in the mall and its outdoor component to provide a seamless transition between streetfront and mall shopping. (Streets at Southpoint is the winner of a 2002 SADI award, page 126.)

Steiner also says that shoppers are no longer willing to accept inconvenience. "The old mantra of 'Let's

Outside areas "will have most of the leisure-time uses — clubs, theaters, bars — and also branded retailers, which will increasingly locate there because they don't need to be in a mall," Steiner says. Strongly branded stores, including Talbots, Gap, AnnTaylor and Banana Republic, "have become a destination in their own right, and they don't need the validation of the department store."

**"We're going to go back to design inspired from city blocks** that will be convertible to other things," Steiner says. Convertibility means that a space developed for shopping could at some point be switched to another use, a flexibility that he says will lengthen the lifetime and the raise the value of the project.

### Lifestyle lessons

Retailers, of course, are watching the industry's evolution closely, and one of the biggest, Federated Department Stores, isn't betting the farm that the traditional enclosed mall is a relic. At current rates of lifestyle-center construction, "there will probably still be only a third as many of those as regional shopping centers" in a decade, notes Gary Nay, vice president of real estate at Federated.

But Nay isn't dissing the benefits of lifestyle centers. Indeed, he says Federated has "paid a lot of attention" to their growth and has "experimented with a small store that might fit that format, but I think it will have a relatively small impact on us and the traditional department store."

Still, he agrees that change is coming to the traditional mall. "The regional mall is certainly of a big concern to us," Nay says, adding that some properties, especially the class C centers, "will have to get better or go away." Those that improve will likely take lessons from lifestyle centers, which Nay says are tackling some important issues.

"There are a number of things that are being dealt with in open-air lifestyle centers," including amenities and ambience," Nay says. "The old regional mall frequently was lined with truck ports and delivery docks. When you drive up to a lifestyle center, you see restaurants and attractive landscaping. We'd like to see more of that — additional restaurants and leisure-time activities."

"What you'll end up seeing in 10 years are shopping centers that are more of a hybrid — discount retailers mixed with specialty. The line has grown much funkier," says Kass. That trend is illustrated by the new breed of power towns such as Desert Ridge Marketplace in Phoenix.

"We've been seeing a trend toward fewer department stores," says developer Nathan Forbes. "When they go out through consolidation or bankruptcy, developers are looking at their options. Discounters? Additional uses like restaurants and ancillary retail, maybe a large Nike or Sony store? Are you better off taking a department store box and figuring out what else you can do with it?"

Underhill, who wrote the bestseller *Why We Buy: The Science of Shopping* and has another book tentatively titled *Walking the Mall* coming out later this year, also sees nontraditional anchors stepping up to the plate. "The era of the department store anchor is coming to a close," he says. "We'll see a broad collection of other types of stores as anchors." Target, he says, could be "fantastic," and L.L. Bean or upscale supermarkets could succeed nicely as anchors.

Simon's Michael McCarty believes there will be a big role for department-store anchors in the centers of the future, even open-air centers. He points to Bowie Town Center, which he calls "a poster child for what people think is the next generation of lifestyle centers." Opened in 2001, it has a Main Street, lined with individual stores. But it also has two traditional anchors: Sears and Hecht's. Lifestyle centers "don't necessarily exclude traditional department stores. It's a concept whose architecture is being studied intensely by us and others."

With whatever changes occur in shopping center design, with whatever shifts might take place in tenant

"There will be a recognition that the customer's experience starts in the parking lot, and there will be a driving desire to define your mall as something different from the next mall down the road," says Underhill.

The consequence of that, says developer Steiner, will be a great deal of renovation and upgrading of existing properties. "There is going to be a wholesale recycling of the retail environment in the coming years. There will be a revolution in quality."

Deciding what to build and where — and how to even approach the decision — will be the challenge for developers and retailers in the coming decade. "Malls are at a very important time," says Clark, who believes that developers need to do some serious soul searching and start asking themselves whether they are really doing what's right for the consumer. To meet all the needs of a changing America, the retail real estate industry might have to sacrifice some sacred cows and rethink many assumptions. But, Clark is optimistic: "It's times like these when people dream their best."

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The outdoor elements of today's lifestyle centers may just be the start. As retail and mixed-use projects attempt to attract consumers with community activities, look for more park-like spaces to be built, with jogging paths, duck ponds and band shells.

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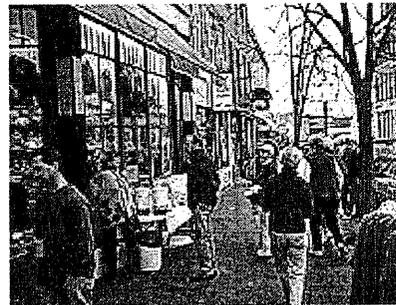
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6. **A historic commercial district is often a major tourist attraction** When people



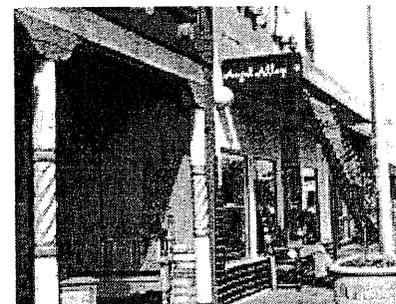
*A pink flamingo adorns Cafe Hon in Hampden Village neighborhood Main Street, Baltimore, Md.*



*People gather in downtown Bath, Maine for christmas events -- and shopping*



*Main Street Fairbanks webcasts a little Alaskan culture to a worldwide audience on the shortest day of the year.*



*Distinctive storefronts in the Nob Hill neighborhood Main Street in Albuquerque, N.M.*

unique shopping "experience."

7. **A vital Main Street area reduces sprawl** by concentrating retail in one area and uses community resources wisely, such as infrastructure, tax dollars, and land.
8. **A healthy Main Street core protects property values** in surrounding residential neighborhoods.
9. **The commercial district offers convenience.** Main Streets are often within walking distance of residential areas, providing easy accessibility for the community and reducing the reliance on auto-dependent shopping.
10. **The district is usually a government center** where city hall, municipal buildings, the courthouse, and/or post office are located. It often is an important service center as well for finding attorneys, physicians, insurance offices, and financial institutions.
11. **Main Street provides an important civic forum, where members of the community can congregate.** Parades, special events, and celebrations held there reinforce intangible sense of community. Private developments like malls and strip centers can and do restrict free speech and access.
12. **The commercial district represents a huge public and private investment.** Imagine how much it would cost to re-create all of the buildings and public infrastructure in your commercial district.

*Gloucester EDIC and economic development in New Bedford and Fall River:*

The Gloucester Economic Development and Industrial Corporation (EDIC) is a public corporation established in 1977 in accordance with Chapter 121c of the Massachusetts General Law. The EDIC is responsible for promoting economic development in Gloucester by attracting new industries and expanding the industrial capacity of the city.

**New Bedford Economic Development**

NBEDC is a "one stop" approach to economic development working with businesses located in or locating to, the city. NBEDC maintains a real estate database listing commercial property available for lease, sale or development; structures financial assistance and tax incentive packages; facilitates introductions to other Federal, State and local support agencies; and provides technical assistance for product development. Just 55 miles south of Boston and 35 miles east of Providence, New Bedford is within commuting distance to major metropolitan transportation hubs. The city offers service by ocean, air and rail. Its proximity to Interstate 195 and Route 140 makes the major cities of the Northeast easily accessible. The City of New Bedford and the New Bedford Economic Development Council take economic development seriously. Let our team assist you in expanding within or locating to New Bedford. For more information, contact Bob Luongo, New Bedford Economic Development Council, at 508.991.3122.

**Fall River Office of Economic Development**

FROED helps businesses evaluate the many advantages of locating in Fall River, offering aggressive incentive programs including low-interest financing, tax exemptions, employee recruitment and training services, and site selection assistance. We also provide consultation and technical support in areas ranging from permitting to international trade assistance. These programs complement Fall River's low business costs and can be packaged with other private and public sector incentives. Whether your business is a startup venture or an existing firm, the FROED offers aggressive incentive programs such as low-interest financing, tax exemptions, employee recruitment and training services, and site selection assistance. Loan Programs: As a one-stop financing center, the Fall River Office of Economic Development (FROED) works closely with public-sector agencies and the banking and investment communities to identify available sources of capital. Our in-house loan programs, funded in part through a Community Development Block Grant, can be combined with private, state and federal funds. The result is a below-market financial package tailored exclusively for your business. For more information, contact Ken Fiola, Fall River Office of Economic Development, at 508.324.2620

## June Budrow

---

**From:** "Jeremy Gillis" <jgillis@ci.gloucester.ma.us>  
**To:** "jackie hardy" <jackieahardy@verizon.net>  
**Cc:** "June Budrow" <jbudrow@ci.gloucester.ma.us>  
**Sent:** Monday, June 18, 2007 8:08 AM  
**Subject:** Response to your request from Chief McKay

-----  
This request takes a lot of thought to formally, and in a detailed analytical way, answer. I submitted four pages of comments on the plans and did address some impacts such as the plans review, construction inspections, permitting, blasting issues that will be numerous, and final sign-off/testing for all fire and life safety related systems in 8 buildings including a hotel and assisted living facility. To do it right and document all this work is beyond our current resources.

To identify the impacts on the fire department and ambulance division, without expert assistance and data that is simply not available (ex. estimating the number of emergency ambulance responses to an 80 to 100 unit assisted living facility as we have no comparable facility other than nursing homes that have very few emergency transports due to skilled nursing care available on site) will be difficult at best. I will note that the life safety and rescue needs in a real fire situation in the hotel or assisted living facility is beyond the resources of the Gloucester Fire Department presently. I must, on the other hand, note that these buildings will be fully sprinklered. If the complete sprinkler system is maintained exactly to national standards and is functioning 100%, any fire in these buildings should be contained and be able to be handled within existing resources except in the most extraordinary of events (ex. multiple fires and emergencies at the same time).

Unfortunately, we all know there will be impacts on our departments. However, to identify these impacts in definitive ways cannot be done adequately with the time and resources we have.

-----

*Take Care,*

*Jeremy*

Jeremy P Gillis  
Assistant City Clerk  
9 Dale Avenue  
Gloucester, MA 01930  
978-281-9720  
978-281-8472 (Fax)  
[jgillis@ci.gloucester.ma.us](mailto:jgillis@ci.gloucester.ma.us)

## June Budrow

---

**From:** "Jeremy Gillis" <jgillis@ci.gloucester.ma.us>  
**To:** "jackie hardy" <jackieahardy@verizon.net>  
**Cc:** "June Budrow" <jbudrow@ci.gloucester.ma.us>  
**Sent:** Wednesday, June 20, 2007 7:40 AM  
**Subject:** Responses from Building and Health Dept

From Bill Sanborn:

"In response to councilor hardy request.

There would be no impact on my dept that the building fee and inspection fees would not cover.

From Jack Vondras:

"The Health Department will only need to have a sanitarian on site for inspections. No other costs are projected at this time.

Jack

*Take Care.*

*Jeremy*

Jeremy P Gillis  
Assistant City Clerk  
9 Dale Avenue  
Gloucester, MA 01930  
978-281-9720  
978-281-8472 (Fax)  
[jgillis@ci.gloucester.ma.us](mailto:jgillis@ci.gloucester.ma.us)

2  
These development plans? I don't know anyone in East Gloucester who commutes up the line who wants the community character to include mall traffic (like 174.)

Furthermore, I question the judgment of those officials who allowed the new crosswalk at the main rotary. It is an accident-waiting-to-happen; and should not have been built. A pedestrian route should have been created by a decent sidewalk down Poplar St. to the underpass at Maplewood Ave. The congestion of signs at the crosswalk, and the tower, prevent safe visibility of pedestrians despite the new warning lights. I know two people who have been hit by cars at this spot.

We need smart thinking and common sense in our public officials. I am beginning to wonder whose interests this city government is serving.

Thank you for hearing me out.

Sincerely,  
Myron Bardnick

## June Budrow

---

**From:** "CHRISTOPHER MARTIN" <martinc529@msn.com>  
**To:** "June Budrow" <jbudrow@ci.gloucester.ma.us>  
**Sent:** Wednesday, June 13, 2007 6:58 PM  
**Subject:** Memo to Gloucester City Council, Planning and Development

To the Subcommittee on Planning and Development of the Gloucester City Council

I apologize for being unable to attend your meeting and hope you will accept these written comments in lieu of a personal presentation.

As a resident of the City of Gloucester (Address below) I wish to record my opposition to the construction of a multiuse mall in Gloucester, the so-called Gloucester Crossing. I firmly believe that the special permits being sought should be denied. My opposition rests on the conviction that such a commercial development is not in the best interests of the City.

In spite of assurances to the contrary, I am unable to see how this proposed commercial development will be an asset to the City of Gloucester. The unimaginative and clearly artificial mix of businesses being proposed for this development offer very little to enhance the lives of residents and those visiting this city. Not only that, but the projections of increased revenues which have been advertised to attract support for this project remain conjectural. Little effort has been devoted to hard analysis of the economic realities of competition and alternative sources of the products and services proposed. Failure to address the long-term fiscal picture could very well commit Gloucester to shouldering unpredictable costs in the future. There are plenty of examples of ailing or defunct malls in Massachusetts.

Moreover, the assertions (largely guesswork) that existing businesses elsewhere in the city will benefit from this new commercial center are not supported by the record. In other communities the predominant evidence is that malls with easy access, easy parking and available amenities have doomed the traditional "downtown" commercial districts. Make no mistake, Main Street, Gloucester will suffer.

The issue of traffic has been spotlighted in the local media. And for good reason. Most people who have walked or driven in Gloucester are quite aware of the increasing congestion of our streets and roads. (Gloucester is no longer the quaint fishing town that I first visited more than half a century ago.) Commercial and personal vehicles frequently clog the downtown streets. Gloucester Crossing will encourage the influx of a mix of shoppers, hotel visitors, elderly and/or partially disabled residents in personal vehicles and service and delivery trucks of all dimensions to share an already overtaxed roadway (Rt 128 Extension). Such a plan borders on irresponsibility, in my view. Computer or other models based on inadequate data will not predict the impact of traffic volume on the safety and wellbeing of residents and visitors alike.

Route 128 provides the best and most convenient access to the city. Its shortcomings are well known. This primary transportation artery is no place for a traffic signal light no matter how technologically sophisticated ("smart") it may be. It is inconceivable that such an idea should have been proposed in connection with this development. Hopefully, with your encouragement it will be put to rest.

Finally, I am concerned that the quality of life that everyone associates with Gloucester will be compromised. This city offers so much to all who reside, work or visit here. Its character, its personality is unique. Gloucester is not just another city or town. It does not have to emulate other places. Malls may be right for other cities but that is no argument for encouraging them to be located in Gloucester. This city has the natural beauty, industrious nature, and imagination to

deal with its future intelligently. A mall in Gloucester is a dinosaur. Socially and economically it does nothing for this place. I hope you agree with me and deny permits to Gloucester Crossing.

Thank you for your attention, sincerely,

Christopher Martin  
38 Mt. Pleasant Avenue  
Gloucester

GIC  
GRLF  
GRP

February 1, 1999

Carmine Gorga, Ph. D.  
President, Polis-tics, Inc.  
87 Middle Street  
Gloucester, MA 01930

INTERFERENCE

Re: Gloucester Mutual Fund

Dear Carmine,

We are writing in response to the discussion held on January 20<sup>th</sup> relative to your concept of a Gloucester Mutual Fund. After you excused yourself the other evening, the group had an opportunity to further discuss your ideas and then asked Dave Sidon to draft this response.

First and foremost, we would like to commend your selfless efforts toward establishing a common vision for Gloucester's urban restoration and recognizing that such a vision needs an economic stimulus in order to be successful. Your plan provided us with an interesting framework within which to discuss Gloucester's economic issues and potential.

As to the issue of considering the establishment of an entity such as your envisioned fund, we reached consensus that such an entity is not currently needed or viable. It seems to be premature to establish another funding source prior to establishing the restoration vision that will create the demand for such funding. Over the past few years, we, as a fraternity of local bankers, have established three new funding sources for low-interest loans. The Gloucester Investment Fund, Gloucester Revolving Loan Fund and Gloucester Revitalization Program have all been created to fill particular needs. Our experience has shown a lack of demand for all three sources. Our experience has also shown a lack of cohesive community vision surrounding these loans. To that end, the local banks will continue the community work of helping to facilitate such a vision. Without a "solid" need, we feel it would be difficult at this time to entice "solid" investment in a new entity. The concept is intriguing, but we would recommend waiting as a course of action.

Thank you again for including us in this important discussion, and please keep us informed of any input you receive from others concerning this matter.

Sincerely,

David Sidon, Executive Director, GIC/GRLF  
Peter Anderson, Rockport National Bank  
David Marsh, Gloucester Bank & Trust  
John Pettazzoni, Gloucester Cooperative Bank  
Harold Rogers, Cape Ann Savings Bank

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**From:** Charlie <coanderson@comcast.net>

[ **add to contacts** ]

**To:** mj@mjboylan.com

**Cc:**

**Date:** Monday, June 11, 2007 09:28 pm

**Subject:** Gloucester Crossing

MJ,

I read your negative comments about the Gloucester Crossing project with interest. However, as a member of the Gloucester Conservation Commission, I want to tell you that the Gloucester ConComm., and the Planning Board have almost beaten this project to death, particularly as it relates to storm water runoff. There are perhaps many reasons that people can challenge this project, but conservation/storm water control issues are not amongst them. We have studied this project, walked the site and for many months now, with the help of independent third party consultants (and we've held many public hearings about this project -- never seen you there). ConComm issues should not be used to combat this project. We have closely reviewed, with legal counsel, this project within the bounds of our jurisdiction, both State and Local Statutes, Rules and Regulations and the Local Ordinance. If you wish to continue the fight against the project, please be honest and find some other issues to persue.

Charlie Anderson

Text version of this message. (1KB)

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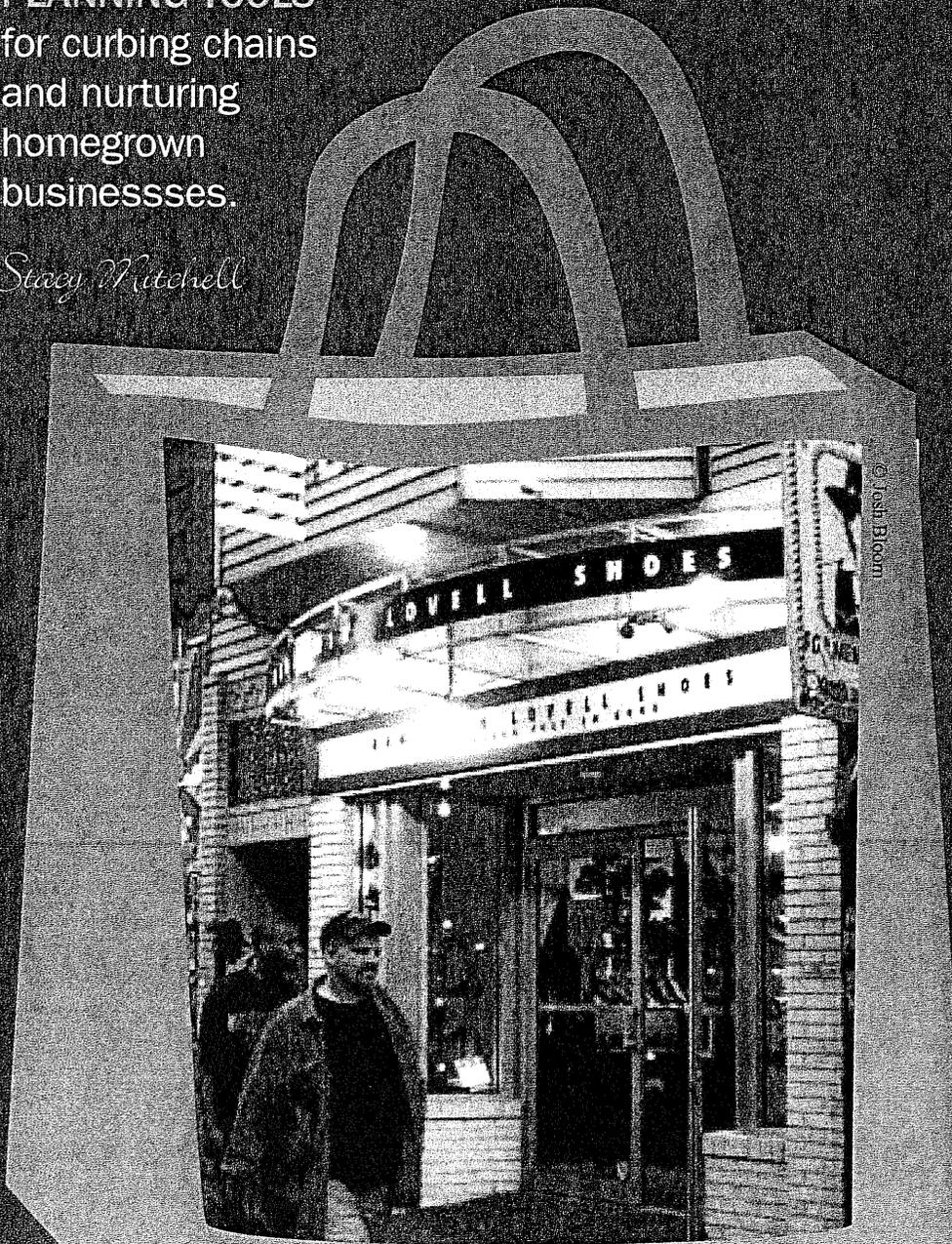
# MainStreetNews

THE MONTHLY JOURNAL of THE NATIONAL TRUST'S

## *Protecting* **LOCALLY OWNED RETAIL:**

**PLANNING TOOLS**  
 for curbing chains  
 and nurturing  
 homegrown  
 businesses.

*by Stacy Mitchell*



By now, many community leaders recognize that when chain retail sprawls unchecked, main street loses, not just jobs and businesses but the very essence of what makes the district unique. Small, independent businesses CAN prosper, however, when planners use the right tools to manage economic growth in the region. This month, we report on some of the most promising new regulatory strategies available.

— Doug Loescher,  
 Assistant Director, NMSC

*in this issue*

16

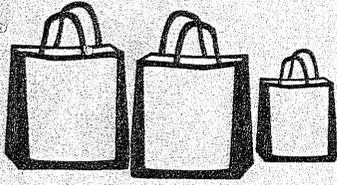
### **National Main Streets Conference**

Gear up for this year's National Main Streets Conference in Albuquerque, New Mexico, May 9-12, by checking out the tours we have planned. Come to the Land of Enchantment and explore historic neighborhood business districts and landmarks stretching from ancient times—pueblo and petroglyphs—to the recent past—roadside signs and architecture along Route 66.

**MAIN STREET**



**NATIONAL TRUST**  
 for HISTORIC PRESERVATION

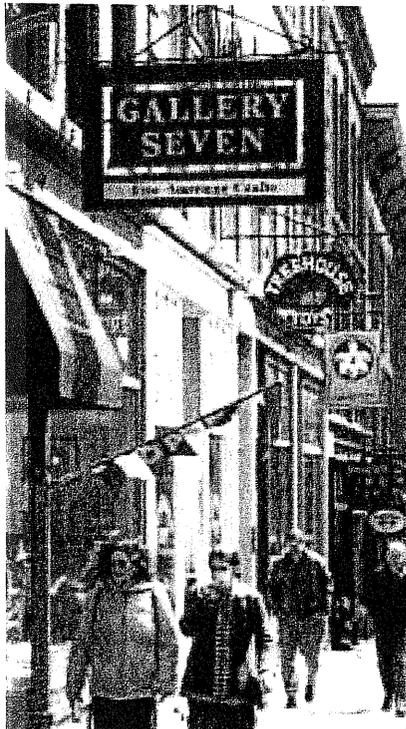


## Protecting locally owned retail

One afternoon not too long ago, more than 200 residents of Hood River, Oregon, linked arms to form a giant circle around their downtown. They sought to demonstrate support for locally owned businesses and opposition to a proposed Wal-Mart supercenter. By encircling an area roughly equal to the footprint of the store, participants hoped to illustrate just how large the development and its impact on the downtown would be.

The event was one of several highly visible public education initiatives organized by Citizens for Responsible Growth (CRG), a grassroots group that formed to block the 185,000-square-foot supercenter and generate support for a countywide ordinance banning stores over 50,000 square feet.

© Stacy Mitchell



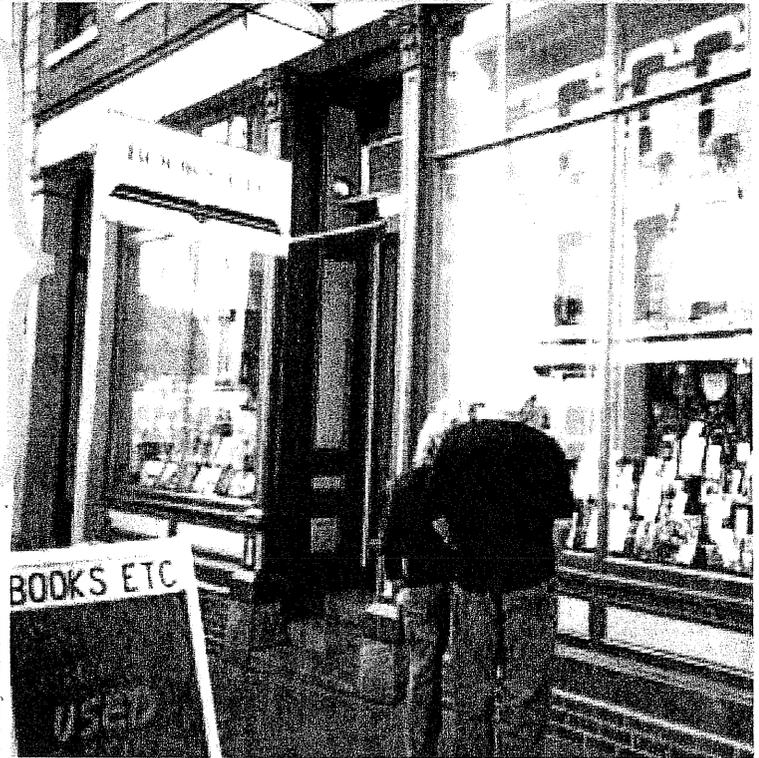
Because they tend to be located in dense commercial areas, Main Street retailers are efficient users of public infrastructure and services.

CRG organized meetings and events, wrote letters to the newspaper, hung posters around town, and launched a website. Bit by bit, they built a case against large-scale chain stores. Their argument came partly from the heart. They talked about Hood River's vibrant downtown, about a sense of community, about lost open space. But they also made a sophisticated and detailed economic argument, much of it drawn from information they'd gathered on the web (see sidebar, "Resources," page 6).

CRG won a partial victory when the town and county voted in favor of the measure capping stores at 50,000 square feet. But the new ordinance would not apply to Wal-Mart, which had submitted its application before the vote.

With the help of a land-use attorney and a water consultant, CRG convinced the county that the supercenter violated its existing comprehensive plan due to floodplain impacts and incompatibility with surrounding property. Finally, in early January, the county commission voted to reject Wal-Mart's proposal.

Similar scenes are playing out across the country. More and more communities are questioning whether large chains are really such a bargain. And many, like Hood River,



© Stacy Mitchell

Communities that protect their distinctive character and maintain one-of-a-kind businesses are more interesting places to live and to visit. They also tend to attract a skilled populace, the kinds of people considered to be key drivers of job creation and prosperity.

are adopting size limits and other kinds of land-use polices that restrict the growth of chains, support downtown revitalization, and create an environment in which locally owned businesses can thrive.

### The Case for Locally Owned Retail

Independent businesses have faced a tough road over the last 15 years. Tens of thousands have closed as chain retailers such as Home Depot, The Gap, and Barnes & Noble have multiplied. Biggest of all is Wal-Mart, which now has 3,000 stores in the U.S., commands nearly nine percent of all retail spending, and accounts for one-tenth of our trade deficit with China.

Consumer choices are only partly responsible for the rise of chains and decline of local businesses. Public policy has played

a role. Land-use and transportation policies have fueled sprawl and undermined the viability of older commercial centers. Chain store developers routinely receive multi-million dollar subsidies that are rarely offered to local businesses. State and federal tax policies tilt the playing field as well, giving national retailers an advantage over their smaller rivals.

Communities have encouraged the expansion of large retailers for the perceived economic benefits. But there's mounting evidence that these stores actually weaken local economies and entail significant costs that far outweigh their benefits.

One of the most persistent myths about chain retailers is that they expand employment. Towns often welcome big-box stores for the jobs they produce. But many studies have found that large chains eliminate as



The arrival of a big-box store is often welcomed for the jobs it produces. Ironically, the job losses from local stores that downsize or close frequently equal or exceed the job gains from the new superstore.

many jobs as they create. That is because consumer spending is a relatively fixed pie. Sales gains at a new shopping development are invariably offset by losses at existing businesses.

It's "a zero-sum game," according to Dr. Kenneth Stone of Iowa State University, who, for more than a decade, has tracked Wal-Mart's, and more recently Home Depot's, impact in Iowa. As local stores lose sales, they either downsize or close. The resulting job losses typically equal or even exceed the gains at the new superstore.

The new jobs at Target or Wal-Mart, moreover, often pay less and offer fewer benefits than the jobs they replace. Taxpayers end up picking up the difference. Half of Wal-Mart's workers qualify for food stamps. Washington state reports that Wal-Mart employees are the largest group of users in its taxpayer-funded low-income health care program.

Another common myth is that new retail development will boost the tax base and relieve some of the burden shouldered by homeowners. This may be the case in some places. But other towns have discovered that these sprawling stores require more in public services than they generate in

revenue. Take the case of Pineville, North Carolina. This town of 3,400 people has added some 6 million square feet of retail—a mall and many big-box stores—over the last decade, only to find that the new stores generate so many police calls—for bad checks, shoplifting, and parking lot accidents—that they consume all of the revenue they produce. The town recently raised property tax rates across the board and, desperate to control rising costs, blocked further big-box construction.

In contrast, Main Street retailers, because they tend to be located in relatively dense commercial areas, are very efficient users of public infrastructure and services. The difference is dramatic, according to a recent study in Barnstable, Massachusetts, a city of 48,000 people. The study, conducted by Tischler & Associates, compared public revenue and costs for various land uses. It found that the city's small, downtown stores generate a net annual surplus (tax revenue minus costs) of \$326 per 1,000 square feet. Big-box stores, strip shopping centers, and fast-food outlets, however, require more in services than they produce in revenue. A big-box store creates an annual tax deficit of \$468 per 1,000 square feet.

If that's not enough to give city officials pause before approving a new megastore, consider the many non-retail businesses in the community that depend on local retailers at least in part for their livelihood. A few months ago, the Institute for Local Self-Reliance teamed up with Friends of Midcoast Maine to conduct a small, informal study in the Maine towns of Rockland, Camden, and Belfast. We wanted to find out what happens to a dollar spent at a local store versus a dollar spent at a chain.

Using a variety of sources, we created an expenditure pro-

file for a major big-box retailer operating in the region and estimated that only 14 percent of the revenue taken in by the store is re-spent within the state. Payroll accounts for most of this in-state spending. The rest, 86 percent, leaves the state, flowing to corporate headquarters and out-of-state suppliers.

We then surveyed about a dozen locally owned retail businesses and found that 54 percent, or more than three times as much, of their sales revenue was re-spent within the state (almost all of it within the surrounding two counties).

amount of consumer spending from chains to locally owned stores would generate millions of dollars in new economic activity and create hundreds of new jobs—the equivalent of attracting a major employer.

Lastly, it's worth noting that in a time when so many cities are ringed by identical sprawling boxes or overrun by ubiquitous chains like The Gap and Starbucks, uniqueness has become a rare and valuable economic asset. Those communities that have protected their distinctive character and maintained many one-of-a-kind businesses are more interesting



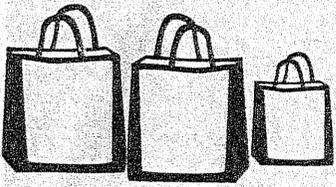
Studies have shown that land-hungry chains, strip shopping centers, and fast-food outlets frequently require more in services than they produce in revenue.

These independent retailers support a variety of other local businesses, we found. They advertise in local newspapers, bank with local banks, purchase inventory and supplies from local firms, and hire local accountants, printers, web designers, and so on.

When local retailers are replaced by chains, all of these other businesses suffer. The implications for the way cities approach economic development are significant. Our study concluded that shifting a small

places to live and visit. They are also more likely to attract skilled workers and entrepreneurs—the kinds of people many economists consider to be key drivers of job creation and prosperity in today's economy.

Aside from the economic benefits, there's much to be said for the civic value of patronizing businesses owned by our neighbors—people who



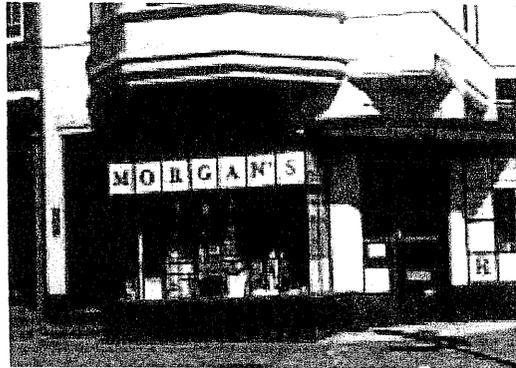
## Protecting locally owned retail

greet us by name, send their kids to school with our kids, and have a vested personal interest in the long-term health of the community. Our study in Maine found that local merchants contribute, relative to their overall size, more than four times as much money to charitable causes as Wal-Mart does and twice as much as Target.

Altogether, it's a pretty high price to pay to save a few bucks and even that claim may not hold up to scrutiny and time. As they've gained market share, Barnes & Noble and Borders have sharply reduced the number of books they offer at a discount. Surveys in New York and Maine have found that independent pharmacies have lower prescription prices on average than drugstore chains like Rite Aid, Walgreens, and CVS. Some evidence suggests that Wal-Mart's prices rise significantly once the company has eliminated the local competition.

### Limiting Big Boxes

Planning and land-use policy provides a powerful tool for communities seeking to limit chain store development and foster small, homegrown businesses. Reviewing and working



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While drugstore chains usually promote low prices, surveys in New York and Maine revealed that independent pharmacies offer lower prescription prices on average than chains like CVS, Rite Aid and Walgreens.

to revise local land-use policies should be a core part of any downtown revitalization program. Indeed, strong land-use policies are essential to ensure that years of revitalization work and downtown investment are not undermined by uncontrolled, competing retail growth elsewhere in the community.

Strong land-use policies can also help a downtown recruit new businesses. After the town of Excelsior, Minnesota, expressed a desire to keep out chain retailers, Linda Murrell, director of the Excelsior Area Chamber of Commerce received numerous calls from entrepreneurs and small business owners eager to locate (or relocate) in a community that was committed to its downtown and local merchants.

One of the most common approaches is to prohibit stores over a certain size. What constitutes an appropriate upper size limit depends on many factors, including the community's population, the scale of its existing buildings, and its long-term planning goals. Some towns have banned only the biggest of the big boxes; others have opted for much lower thresholds.

In 1999, prompted by several applications for retail projects that were larger than anything anticipated by the community's comprehensive plan, the town of Easton, Maryland, enacted a temporary moratorium on

construction of large retail stores. It used the time to study the issue and hold a series of public meetings, after which the Planning Commission released a report concluding, "Once a big-box retail store exceeds 65,000 square feet. . . it is of such a scale that its negative impacts outweigh its positive ones." The town council adopted an ordinance banning stores over 65,000 square feet (about half the size of a typical Home Depot).

Some towns have chosen to send the issue to the voters. After Wal-Mart optioned land on the outskirts of Belfast, Maine, a community of 6,500 in the fast-growing mid-coast region of the state, the city council adopted a temporary moratorium on large stores and placed an initiative banning stores over 75,000 square feet on the ballot.

At first, the council was widely criticized for being "anti-growth." Informal polls suggested more than 60 percent of residents favored Wal-Mart. But an extensive public education campaign by the grassroots group Belfast First turned the tide. "People learned a lot about our economy and about the predatory practices" of large retail chains, noted Mayor Michael Hurly. On election day, voters endorsed the size cap by a 2-to-1 margin.

Size limits have also been enacted by counties to prevent large retailers from setting up shop on unincorporated land just beyond a town's borders. This was the case in Hood River, where the town and county acted simultaneously to bar stores over 50,000 square feet. Another example is Coconino County, Arizona, which banned stores over 70,000 square feet after big-box developers threatened to locate on the outskirts of Flagstaff if blocked from the city itself.

In some cities, these measures are being adopted at the neighborhood level. The Brookside district in Kansas City bans stores over 10,000 square feet. Stores over 4,000 square feet are prohibited in several San Francisco neighborhoods. The aim is to keep out chains like J. Crew and The Gap, which generally require larger formats, and to maintain local, neighborhood-serving businesses.

### Limiting Commercial Sprawl

A number of cities have adopted land-use rules that steer new retail development to areas in or adjacent to the downtown or other established business districts. This supports a more efficient use of land and public



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Capping the size of retail stores is a powerful tool to limit the impact of sprawl.

infrastructure, and preserves the vitality of existing commercial centers, rather than allowing economic activity to shift to other parts of town.

The planning policy of Hailey, Idaho, for example, states that the downtown "should be the primary commercial center of the community." The city's policy calls for developing any vacancies in the central business district before allowing commercial growth in other areas. In 1995, the Idaho Supreme Court upheld this policy, noting that "preserving... the economic viability of a community's downtown business core can be a proper zoning purpose."

#### Requiring an Economic Impact Review

Cities and towns commonly make decisions about retail development without objective information on the potential costs and benefits. Often, in fact, the only economic data available is provided by the developer. Officials may know how many jobs a store will create, but they rarely know how many it will eliminate.

To ensure adequate scrutiny of retail projects, many communities are enacting policies that require retail projects over a certain size to undergo a comprehensive economic and community impact review. To gain approval, the project must meet specific criteria outlined in the law.

One town currently working on such a measure is Homer, Alaska, a community of 4,700 people on the breathtaking Kenai Peninsula. Homer has a vibrant downtown with a multitude of locally owned businesses. Last November, the supermarket chain Kroger caused an uproar when it announced plans to build a 94,000-square-foot Fred Meyer store. The city council passed a temporary measure prohibiting stores over 40,000 square feet, which will remain in place pending permanent regulations to set impact standards and store size limits.

An ordinance now under consideration would require proposals for retail stores over 15,000 square feet to undergo a review. The project's impact on traffic, scenic and historic resources, tax revenue, city services, employment, the

downtown business district, and the town's character would be examined. If officials determine that the store's costs outweigh its benefits, then the developer would be denied a permit to proceed. To cover the costs of the review, which could entail hiring independent analysts, developers would pay a fee of \$300 per 1,000 square feet.

#### Restricting "Formula" Businesses

Some communities have concluded that, regardless of their size, "formula" businesses are rarely if at all acceptable due to their impacts on community character and the local economy. Formula business are legally defined as businesses that adopt standardized services, methods of operation, decor, uniforms, architecture, or other features virtually identical to businesses elsewhere.

About a dozen towns have banned or limited the number of formula restaurants or retail stores allowed within their borders. Coronado, California, for example, allows no more than 10 formula restaurants and requires a special review and permit for formula retail stores. Bainbridge Island, Washington, bans all formula restaurants.

Formula business ordinances are garnering more interest as chain drugstores, fast-food outlets, clothing retailers like The Gap and Banana Republic, and even Wal-Mart and Home Depot, which recently unveiled urban prototype stores, increasingly seek locations in town centers and urban neighborhoods.

San Francisco, for example, is currently considering a measure that would ban formula businesses entirely from certain areas and require neighborhood notification and a public hearing for those proposed

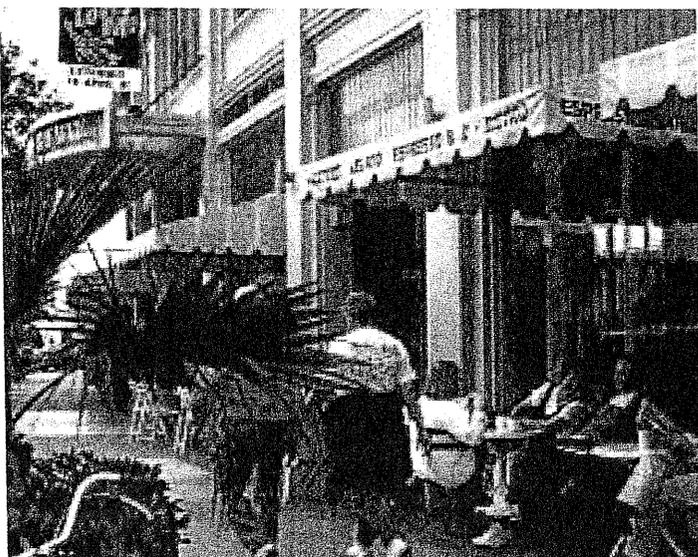
## COMMERCIAL BLIGHT

One of the most compelling reasons to establish limits and standards for retail development is to avoid the epidemic of vacancy and shopping center blight that is now sweeping the country.

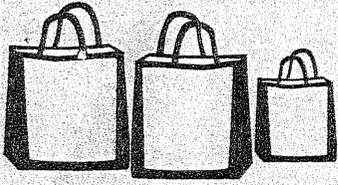
Countless strip malls are shuttered and idle. About one-third of all enclosed malls are in serious financial distress; hundreds have already closed. Even the big boxes are going dark as companies like Wal-Mart and Home Depot abandon existing outlets to build ever larger stores. Wal-Mart alone has more than 350 empty stores nationwide. Some communities are now home to dozens of vacant boxes, creating eye-sores and blight that can affect nearby property values.

The problem is that most cities are "over-zoned" for retail. Cities tend to zone huge swaths of land along every highway and major roadway for retail development—far more retail than residents can actually support. For developers and chain retailers, it's cheaper to colonize greenfields than to redevelop existing shopping centers.

Limiting new retail growth to defined areas adjacent to existing business districts, setting store size limits, and establishing economic impact criteria are some of the planning tools that can save your community from this fast-growing epidemic.



To maintain its distinctive character, Coronado, California, allows no more than 10 formula restaurants downtown and requires a special review and



## Protecting locally owned retail

elsewhere. "The increasing number of formula stores has a homogenizing effect on our neighborhoods and makes it more difficult for local and independent businesses to have a foothold in the city," says the ordinance's sponsor, Supervisor Matt Gonzalez.

### Regional Cooperation

In some areas, neighboring communities are beginning to work together to develop regional planning policies and joint strategies for controlling retail sprawl. Although very challenging to accomplish, regional planning is increasingly important given the fact that the impacts of large retail developments--from traffic congestion to small business closures--are typically felt far beyond the host town's borders.

A good model comes from Cape Cod, Massachusetts, a region with a fast-growing population of 227,000. In 1990, residents voted to create a regional planning body called the Cape Cod Commission. The commission reviews all proposals for commercial development over 10,000 square feet. The review process involves a public hearing and focuses on the project's impact on the environment, traffic, community character, and the local economy. Applicants bear the burden of demonstrating that the project's benefits outweigh its detriments.

A Regional Policy Plan, updated every few years, provides the commission with standards and guidelines for reviewing applications. Several large retailers, including Wal-Mart, Costco, and Home Depot, have been turned down as a result of this process.



© Scott Day

In some areas of the country, neighboring communities are joining forces to develop regional planning policies and strategies to control retail sprawl.

## RESOURCES

### MODEL ORDINANCES

The Institute for Local Self-Reliance maintains an on-line clearinghouse of ordinances, including the kinds of policies described here and many others, along with related resources, at [www.newrules.org](http://www.newrules.org).

### ORGANIZATIONS

**Institute for Local Self-Reliance** - [www.newrules.org](http://www.newrules.org)  
Research, technical assistance, and innovative policies to curb chains and rebuild strong local economies.

**Sprawl-Busters** - [www.sprawl-busters.com](http://www.sprawl-busters.com)  
Expert advice and loads of information on beating big box retailers.

**American Independent Business Alliance** - [www.amiba.net](http://www.amiba.net)  
Tools for raising public awareness of the benefits of supporting local businesses.

**Business Alliance for Local Living Economies** - [www.livingeconomies.org](http://www.livingeconomies.org)  
Help building local business networks to foster sustainable communities.

### NEWSLETTERS

*The Home Town Advantage Bulletin* - A free, bimonthly email newsletter reporting on successful community efforts to limit chain store proliferation and strengthen locally owned retail businesses. Keep abreast of the latest trends, research and strategies. To browse back issues or sign-up: [www.newrules.org/hta](http://www.newrules.org/hta)

### BOOKS

*Going Local: Creating Self-Reliant Communities in a Global Age* by Michael Shuman (The Free Press, 1998).

*The Home Town Advantage: How to Defend Your Main Street Against Chain Stores and Why It Matters* by Stacy Mitchell (ILSR, 2000).

*How Superstore Sprawl Can Harm Communities and What Citizens Can Do About It* by Constance E. Beaumont (National Trust for Historic Preservation, 1994).

*Slam-Dunking Wal-Mart: How You Can Stop Superstore Sprawl in Your Hometown* by Al Norman (Raphel Marketing, 1999).

*10 Reasons Why Vermont's Hometown Economy Matters and 50 Proven Strategies to Revive It* by Stacy Mitchell (Preservation Trust of Vermont, 2003).

### MAIN STREET NEWS

"Chains on Main." *Main Street News*, September 2001.

"The Discount Jitters." *Main Street News*, April 1994.

"Planning Tools for Main Street." *Main Street News*, October 1996.

"Smart Growth: New Opportunities for Main Street." *Main Street News* January/February 2000.

"Smart Growth: Planning and Zoning." *Main Street News*, April 2002.

"Smart Growth: Retail Caps." *Main Street News*, December 2002.

"Smart Growth: Smart Codes." *Main Street News*, September 2003.

"Smart Growth: Temporary Development Controls." *Main Street News*, October 2002.

"When Chain Drugstores Come to Town." *Main Street News*, November 1998.

## calendar of events

March 17-19, 2004

The California Downtown Association, 2004 Spring Conference  
El Segundo, Calif., 888-429-1224 or e-mail: info@californiadowntown.com  
<http://www.californiadowntown.com/conferences/el/fall/>

April 17-19, 2004

International Downtown Association, 2004 Spring Conference  
Houston, Tex., 202-393-6801 or e-mail: question@ida-downtown.org  
[www.ida-downtown.org](http://www.ida-downtown.org)

April 21-22, 2004

International Economic Development Council, Business Retention and Expansion  
Columbus, Ohio, e-mail: lmaloy@iedonline.org  
[http://www.iedonline.org/prodev\\_BRE\\_GA.html](http://www.iedonline.org/prodev_BRE_GA.html)

April 22-23, 2004

Project for Public Spaces, How to Turn a Place Around  
New York, N.Y., 212-620-5660 or e-mail: jwintrob@pps.org  
[http://pps.org/nyc\\_training.htm](http://pps.org/nyc_training.htm)

April 24-28, 2004

American Planning Association: Celebrate Community, APA National Conference  
Washington, D.C., 202-872-0611 or e-mail: Confregistration@planning.org  
[www.planning.org/](http://www.planning.org/)

April 27-28, 2004

Main Street New Jersey, Guiding Design on Main Street  
Trenton, N.J., 609-633-9769  
[www.state.nj.us/dca/dhcr/msnj.htm](http://www.state.nj.us/dca/dhcr/msnj.htm)

May 1, 2004

NTHP, Nomination Deadline for National Preservation Honor Awards  
202-588-6000 or e-mail: awards@nthp.org  
[www.nationaltrust.org/preservation\\_awards/index.html](http://www.nationaltrust.org/preservation_awards/index.html)

May 6-8, 2004

Texas Historical Commission, 2004 Annual Conference: "Recognizing Resources, Preserving Places"  
Fort Worth, Texas, 512-463-6255  
[www.thc.state.tx.us](http://www.thc.state.tx.us)

May 9-12, 2004

NMSC, 2004 National Main Streets Conference: Revitalization Resources: Money, Places, Partners  
Albuquerque, N. Mex., 202-588-6329  
<http://www.mainstreet.org/Conferences/NTM/index.htm>

May 11-14, 2004

U.S. Department of Energy, 2004 National Conference for States and Communities  
Minneapolis, Minn., 202-586-8296 or 202-586-2621

May 18-20, 2004

Heritage Ohio/Downtown Ohio, Inc., Annual Preservation/Revitalization Conference and Awards  
Dayton, Ohio, 614-258-6200 or e-mail: downtown@heritageohio.org  
[www.heritageohio.org](http://www.heritageohio.org)

July 21-22, 2004

Main Street New Jersey, Creating Economic Opportunity  
Trenton, N.J., 609-633-9769  
[www.state.nj.us/dca/dhcr/msnj.htm](http://www.state.nj.us/dca/dhcr/msnj.htm)

Calendar entries of state, regional, and national interest may be submitted in writing by the fifth of each month for the following month's issue.



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Years of revitalization work in downtowns and neighborhood business districts can be undermined by uncontrolled retail development elsewhere in the community. Not only can this growth be an eyesore that damages a town or city's sense of place; it can also have an adverse impact on traffic, tax revenue, public services, and employment.

These are just a few examples of the innovative planning policies cities and towns are adopting to curb chain store sprawl and rebuild their local economies. Rather than accepting the one-size-fits-all model of development, these commu-

nities are actively shaping their own future. For further information and assistance in applying these policies in your community, see the resources listed in the sidebar on page 6.

Stacy Mitchell is a researcher with the Institute for Local Self-Reliance and author of *The Home Town Advantage: How to Defend Your Main Street Against Chain Stores and Why It Matters*. She produces *The Home Town Advantage Bulletin*, a free e-mail newsletter on strategies to curb chains and strengthen locally owned business, and has advised community organizations, small business groups, and policymakers nationwide.



## JOB ANNOUNCEMENTS

### Executive Director

The Municipal Service District serving Historic Uptown Shelby, the central business district in Shelby, North Carolina, (pop. 22,000) is seeking a progressive professional to direct the activities of a nationally recognized, established Main Street program. The executive director serves as chief administrative officer and assumes supervisory, administrative, and professional responsibilities associated with economic project development, planning, board and committee organization, and marketing. This position requires an individual with a minimum of 5 years' progressive experience as manager/executive director in the field of uptown development and the Main Street program. Bachelor's degree from

tration, economic development, or a related field required; masters or related advanced degree preferred. Extensive experience with economic development projects, historic preservation, historic tax credits, and mixed-use development required. Written, computer, and oral communication skills imperative, along with ability to handle budgeting, public relations, and contract negotiations. Salary and benefits negotiable. Position will remain open and applications may be accepted until filled. EOE. Submit letter of interest, resume, salary history, and examples of work to: USA Search Committee, P.O. Box 2042, Shelby, NC 28151.

### Executive Director

The Berlin Main Street Program is seeking an execu-

along with a volunteer board of directors in this New Hampshire community. The director will work with local businesses, government, and community organizations to build on events, economic development projects, and community projects. Applicants should have experience in public policy, planning, economic development, and marketing. Good communication, team-building, management, and computer skills essential. Competitive salary and benefits, with training and support from the New Hampshire Main Street Center in Concord. Northern New Hampshire offers a great quality of life, and access to superb skiing, hiking, and outdoor activities. Send resume to: BMSF, 220 Main St., Berlin NH 03570 or e-mail

June 8, 2007

Ms. Anne Canaday  
Executive Office of Environmental Affairs  
100 Cambridge Street  
Boston, MA 02114

Ms. Canaday,

In a telephone conversation with Ellen Solomon of the Citizen Task Force on June 8, 2007, Rick Bourre, Assistant Director of MEPA, indicated that if the Citizen Task Force in Gloucester sent you reviews and evaluations of the Gloucester Crossing project over this weekend, Mr. Bourre would make sure they would be accepted as part of the material that MEPA will consider in its deliberations this coming week.

As requested by the Citizen Task force, I would like to submit the following examination of some of the issues associated with the Gloucester Crossing development with regards to MEPA. As background, I have over 20 years of experience in the environmental industry, including completing numerous NEPA/NHPA EA/EIS and/or MEPA filings for my clients and completing USACE CWA Section 401 and 404 permits for project development. As part of these efforts, I have worked with developers with their application process, including conducting wetlands delineations. I completed wetlands delineation training courses at UMass Amherst under Dr. Peter Venemen in 1998. For the purposes of this review, I have reviewed the documents provided by the citizens group members relative to the Gloucester Crossing development project in Gloucester, MA. These documents include:

- ENSR|AECOM Letter Report, dated February 22, 2006, entitled "Wetland Jurisdictional Determination and Assessment, Undeveloped parcel located east of the Fuller School (Map 262, Lot 13).
- Electronic correspondence between Ms. Nancy Ryder of the City of Gloucester Conservation Commission and Ms. Amy Green, Principal of Amy Green Environmental Consulting, LLC concerning issues surrounding the delineation of potential wetlands and vernal ponds on the subject property (November 17 to November 28, 2005).
- Electronic correspondence between Ms. Nancy Ryder of the City of Gloucester Conservation Commission and Mr. Timothy Sullivan, Environmental Scientist, ENSR relative to third-party review of submittals and third-party analysis of the status of the subject property relative to wetlands and vernal ponds under MADEP and City of Gloucester Wetlands Ordinance (May 3 to August 15, 2006).
- "Abbreviated Notice of Resource Area Delineation, Side Street Highway (off Route 128), Gloucester, MA" prepared for the Gloucester Conservation Commission by Amy Green Environmental Consulting, LLC on behalf of Sam Park & Company, dated October 31, 2005.
- "Final Environmental Impact Report, EOEA #13779, Volume I", submitted to MEPA by Amy

- Green Environmental Consulting, LLC on behalf of Sam Park & Company, dated April 30, 2007
- CDM Letter Report, dated April 2, 2007, entitled “Gloucester Crossing—Gloucester, Massachusetts; Drainage Design and Calculations and Notice of Intent Reviews”.
  - Letter Response to CDM Comments in April 2, 2007 letter by Amy Green Environmental, dated April 3, 2007.
  - Subsequent CDM review correspondence dated April 25 and May 2, 2007 responding to comments and addition information from Amy Green Environmental.
  - Maps, Figures and Subcontract reports supporting the above documents.

It is noted that there are undoubtedly additional documents, plans, and analyses of public record that have been generated relative to this project. It would be necessary to perform a detailed review of all data submitted relative to the project to reach dispositive conclusions relative to the issues under review. As with the third-party reviews by CDM and ENSR, the Citizens Task Force is left to review data generated by the applicant to discern the status of the property. We are comparing their data and conclusions to applicable regulations, ordinances and laws that pertain to the property. Given the time available and the lack of access to the site, this “review at a distance” is all that is available to us at this time. It should be noted that this type of review, while based on the author’s professional experience and expertise, is wholly based on alternative interpretations of the data presented by the applicant rather than empirical, independent investigation to gather appropriate data.

#### EXECUTIVE SUMMARY

Per the request of the Citizens Task Force, I have reviewed the readily available documents surrounding this development project in the limited time available. There is a great amount of data in dispute, at least one MEPA Waiver for Phase I of the project, prior determinations associated with that waiver and the new filings for the expanded project (Phase II). However, a review of even some of these documents is enough to indicate that some basic assumptions were reached at the beginning of the process, potentially in error, by the applicant’s consultant.

Generally, examination of the documents shows that the applicant apparently decided early on, prior to evaluation, that apparent wetlands and vernal ponds on the property should be classified as Isolated Lands Subject to Flooding (ILSF). This affords the Resource Areas on the property much less protection than designated wetlands protected under MAWPA or GWO. This also allows for much greater alteration of the resource areas under consideration and surrounding land contributing flow to these Resource Areas by the developer. Beyond the various filings, reports, discussions and investigative procedures used by the consultant based on the predicate determination of ILSF status, this is best illustrated by the ANRAD of October 2005. On page 2 of MEPA WPA Form 4A, Part B, Items 1-3, the applicant lists no methods used to delineate the BVW boundary, including the usual methods of evaluating soils, vegetative species, and hydric conditions. These methods would be used to determine that the Resource Areas are NOT BVW, as well. Instead, the filing simply indicates a determination in Item 3 that the Resource Areas are ILSF.

As shown in the attached figures (see Figures 3.0, 3.1), there is credible evidence that the wetland areas on the property have been in existence since at least 1949 (Fig. 3.0, 3.1) and were part of an interconnected wetland area extending across the area of the current Blackburn Industrial Park and onto the subject site. Subsequent development of the 128 Extension isolated these wetlands and disconnected them from their historic flow patterns. However, they have survived through all of the changes to the topography and flow from development. It is surmised that this could be due to hydrolic connectivity to the groundwater. If this is the case, these wetlands are recharging the aquifers underlying the soil units—and these wetlands may still be connected to the ACEC and other wetlands that are part of the historic wetlands east of the site in addition to the USACE Jurisdictional wetlands immediately west of the site. As shown on the U.S. Fish and Wildlife Wetlands Map (Figure 2.0), Area 6 has been designated as a PSS1F wetland (Palustrine, Shrub-Scrub, Deciduous Trees, at least Semipermanently flooded). As indicated by the applicant in their ANRAD, Area 6 is underlain by Whitman (Wh) series soils with the remaining areas between Area 6 and 7, to include Area 7, shown as being underlain by the Ridgebury (RiB) series. Both of these soil series are identified as hydric soils in the Natural Resource Conservation Service (NRCS) Hydric Soils List for Essex County, South Part, Massachusetts, per August 2002 data.

In addition, it appears from the ENSR review, observations of GCC personnel as documented in various e-mails and other documents, and historical evidence that these resource areas may serve as vernal pools with surrounding uplands supporting a population of obligate and facultative species. These species may include the protected spotted salamander that is known to inhabit the Gloucester area. None of this appears to have been taken into account, and some may not have even been researched, in the applicant's filings. Applicant's consultant has continually filed all documents designating these areas as isolated lands subject to flooding—in essence, a puddle to be filled.

In summary, it is apparent that there is a fundamental difference in the basic evaluation of the natural ecosystems on and off the site, their regulatory status, and the mitigation design necessary to protect these resources and the conceptual design of the site by the developer. There is credible evidence of historic BVW systems prior to disturbance by the construction of the 128 Extension and the Blackburn Industrial Park and on-site land alterations. In addition, surveys of the site have identified the Resource Areas as Potential Vernal Ponds, with supporting upland habitat, and Isolated Vegetative Wetlands (IVW) as supported by US Fish & Wildlife GeoDatabase information (Figure 2.0).

## **DOCUMENT REVIEW**

The following sections provide reviews of the documents previously cited with independent comments on each followed by a summary analysis of facts at issue that require further investigation. Please note that several consultants, including those working for the City and the applicant, have named these areas differently in plans and reports making it difficult to concisely and clearly discuss

the areas. The Areas, throughout this discussion, are known alternately as Areas 6 and 7, Areas C and D, and Wetland Series "A" and "B" depending on which report is under discussion. I have attempted to clarify this in my discussion.

**1. CDM Letter Report, dated April 2, 2007, entitled "Gloucester Crossing—Gloucester, Massachusetts; Drainage Design and Calculations and Notice of Intent Reviews".**

Stormwater

Mr. Anthony M. Omobono, PE of Camp Dresser & McKee, Inc. (CDM) reviewed the drainage calculations and design, and Notices of Intent, plus supporting materials for the proposed Gloucester Crossing Development Project in Gloucester, Massachusetts. This is a third-party review of data submitted by the developer, Sam Park & Company, for the City of Gloucester Planning Department. While, in the professional opinion of Mr. Omobono, the drainage design and calculations generally satisfies the requirements set form in the MADEP Stormwater Management Policy (the Policy), there are a number of design elements that were deficient or incorrect as noted in his review. Mr. Omobono noted that there were design deficiencies relative to Policy Standards 3 and 5 in addition to a number of questions and comments on the design, analytical methodology and data associated with the project.

Following is a list of issues from Mr. Omobono's review, compiled and edited for brevity and understanding:

- Peak runoff from the site after development, with large areas of newly impervious surfaces, is calculated to be lower than current conditions.
- Discharge Points—channeling on-site overland flows from current drainage channels and discharge points to design points:
  - ◆ West Side—discharges to Gloucester Combined Sewer Overflow (CSO) Area 002 which does not have enough capacity to handle the increased flows. This would be, without mitigation, a violation of the Gloucester CSO Administrative Consent Order (ACO) signed by the City.
  - ◆ Route 128 Drainage—Overland flow currently discharges to this concrete drainage swale. In the design plan, 19.5 acres of the property will discharge to this outlet and no documentation of MassHighway consent to receive this flow has been presented in the public record.
- In addition, the plan did not include the total flow volumes for current and expected conditions.
- Rainfall Data utilized for flow calculations (National Weather Service) does not conform to standards of the industry (Cornell Study) and results in lower flow calculations than accepted standards.
- The decreased stormwater flows calculated for the site are not accounted for by volumes associated with retention, infiltration and stormwater control measures on the site.

- Due to design variances relative to Standard No. 5, the design will have to be altered to take into account stormwater treatment due to pollution from spills and deposits on the parking and driving areas planned for the property. Primary among these would be petroleum products and sediments, especially relative to overland flow to USACE Jurisdictional bordering vegetative wetlands (BVW) and Gloucester Harbor through off-site stormwater receptors (MassHighway).
- Calculations associated with Total Suspended Solids (TSS) were incomplete and will have a direct affect on design standards for treatment, as discussed above, as well as sedimentation calculations for underground storage facilities.
- Underground Storage Facilities may be compromised by the pH and conductivity of soils due to operational parameters established by the manufacturer for specified materials listed in the design plans. CDM requested additional information.

#### Wetlands

- On the NOI re: Wetlands, Mr. Omobono traveled to the site to review elements of the NOI with the applicant's consultants. While CDM concurred with the field wetlands determination made at that time, it is noted that Mr. Omobono recognized at least three previously unnoted vernal ponds on the subject property. Mr. Omobono indicates that the development should be OK based on his review of *data submitted by the applicant's consultant*, he notes that mitigation and proper monitoring programs would be necessary relative to these areas. It should be noted that, despite the designation of Areas C and D as ILSF areas by the applicants consultant throughout the application process, subsequent determinations on the site show that the applicant has redesignated ILSF areas of the property associated with Areas C as Isolated Vegetative Wetlands.
2. **Electronic correspondence between Ms. Nancy Ryder of the City of Gloucester Conservation Commission and Ms. Amy Green, Principal of Amy Green Environmental Consulting, LLC concerning issues surrounding the delineation of potential wetlands and vernal ponds on the subject property (November 17 to November 28, 2005).**

The examination of the electronic communications between Ms. Ryder, Ms. Green and Mr. Tim Sullivan of ENSR are necessary to place subsequent documents, such as ENSR's review of the site, in appropriate context. The first e-mails were written on November 17-21, 2005 from Ms. Green to Mr. Tim Sullivan of ENSR, as follows:

*"Tim—the Commission confirmed by vote last night to have ENSR do a third party review of the delineation/jurisdictional determination. Nancy will not be available next week, but I was hoping we could schedule a day to finish the field review for the week following. I am available for most of that week; my main conflict is in the morning of Wed Nov 30.*

*Could you let me know your schedule, and I'll see if that works for Nancy?*

*I owe you both a larger scale, probably color version, of the plan and the data forms. I will have those out to you by early next week."*

Ms. Ryder responded to this e-mail in another e-mail (from Ms. Ryder to Ms. Green), dated November 27, 2005:

*"Please note that the Commission has strict instructions in terms of how they interpret the local ordinance. That was not covered in detail prior to the RDA review, but is expected to be discussed prior to any work being started for this review. While I understand that Mr. Parks is in a hurry, the third party review project description is to come from the Commission office with details regarding what is expected to be reviewed and to what level. I will get a request out to ENSR as quickly as I can so they can submit an estimate for the work which I can then send on to Michele and the applicant. When the applicant and the commission both approve the scope of work and projected cost, the work may then start."*

Ms. Ryder is responding to Ms. Green's contact with ENSR and Ms. Green's insertion of herself into the independent review process through interactions with ENSR and her pressuring ENSR to begin work before the City has issued a Scope of Work and budget to ENSR.

Subsequent to these communications, the Conservation Commission retained Mr. Sullivan and ENSR as a third-party consultant to review the application. In a subsequent e-mail, Ms. Green comments to Ms. Ryder on her prior premature contact, outside of the process, with the City's independent third-party consultant (November 28, 2005):

*"Nancy—I had told Tim that you wanted to be there for the field work and that there was more direction to be coming; I did say that if they could start reviewing the ILSF under the Wetlands Protection Act, it might be a good place to start as we'll need that in any case. I won't talk to ENSR about doing any work until the contract is lined up. Sorry if I was getting ahead of myself on this."*

The substance of the final e-mail examined, dated November 28, 2005 and sent from Ms. Ryder to Ms. Green, is of particular note:

*"Amy, I understand, but we rushed last time in order to try to accommodate the applicant and ended up not protecting areas that should have been, we need to make sure it is written correctly this time so we don't repeat the same mistakes."*

*I think part of the issue is that based on vegetation on site and some soils, I question whether or not the area is ILSF only, even under WPA. There are areas that clearly appear to take intermittent flow, if these show signs of channelization, that would make the area BVW. To phrase the request as a review of ILSF under the WPA, to the third party, implies the end re-*

*sult is already pre-determined. I want to make sure that is not the case and that the nature of the resource is reviewed in addition to the extent of wetland.*

*This applicant could have filed earlier or allowed greater time frame. While I understand that the applicant may be working under time constraints also, submitting a request for delineation confirmation, in November, at some level, creates a self-imposed hardship. We will work to accommodate the applicant to the greatest extent possible without compromising the review process."*

This correspondence is notable for a number of reasons. Obviously, Ms. Ryder has observed the site and noted the presence of intermittent flow, soils and vegetative species associated with wetland systems. She is also concerned that the applicant is trying to "set the table" and pre-designate the areas in question as ILSF, thus prejudicing any review and, potentially, limiting such review in its scope. Ms. Ryder wants to avoid this, but as will be commented on in later sections of this report, the review by ENSR is based on the starting assumption that Areas C and D (6 & 7 in ENSR's report) on the subject site are ILSF areas. Exactly what Ms. Ryder was trying to avoid.

In addition, the e-mail communicates the apparent attempt at trying to limit exposure on review (both by agencies and the public) by submitting documents at inappropriate times of the year (wetland/vernal ponds in the winter), rushing them through the review process, and otherwise appearing to "game the system".

This problem is further defined in e-mails between Ms. Ryder and Mr. Sullivan relative to the review process.

**3. Electronic correspondence between Ms. Nancy Ryder of the City of Gloucester Conservation Commission and Mr. Timothy Sullivan, Environmental Scientist, ENSR relative to third-party review of submittals and third-party analysis of the status of the subject property relative to wetlands and vernal ponds under MADEP and City of Gloucester Wetlands Ordinance (May 3 to August 15, 2006).**

On May 3, 2006, Mr. Sullivan of ENSR e-mailed the following to Ms. Ryder:

*"Hi Nancy,*

*I was just checking to see if the Commission is still planning on having ENSR involved in the vernal pool study portion of the project as we discussed at the hearing. The season is quickly dwindling on that front."*

It is important to note at this point that the request was made in November 2005 and authorized by the Conservation Commission at that time. It is difficult, at best, to fully observe and document vernal (spring) ponds in the winter. However, it appears that the scope of ENSR's review and analysis is not well defined in Mr. Sullivan's mind as he is not sure it is part of his project scope and is wor-

ried that the spring is passing.

Ms. Ryder responded to Mr. Sullivan later on May 03, 2006 as follows:

*"Tim, Yes, the agreement was that you just go out when you felt it was most appropriate. That was already done. Please go out as soon as you can. Thanks!"*

It is an open question on this date (May 3, 2006) whether an examination of vernal pools and/or vernal pool species has occurred on the property—though ENSR et al opines in their February 22, 2006 (winter) report on the vernal pool status of each resource area. Subsequent billing inquiries contained in e-mails (August 2006) indicate invoicing on 6/6/06 "for a site visit to look for vernal pool species as requested during the hearing". Certainly this effort, billed in June 2006, occurred in May 2006—subsequent to and in accordance with Ms. Ryder's e-mail instruction of May 3. However, this is well after the February 22, 2006 report by ENSR and no subsequent addendum to the report containing a description of VP analysis was available for review. This may be due to the absence of such report or simply a gap in the public record available for this review.

A subsequent e-mail from Mr. Sullivan to Ms. Ryder, dated June 1, 2006, indicates that a Superseding Order of Resource Area Delineation (ORAD) request had been requested from the MADEP by a concerned citizens group (later withdrawn), as follows:

*"On another note, Amy Green left me a voicemail about an [sic] visit for a superseding ORAD on Tuesday? She said she thought you were going to ask us to attend. If so, we can attend. We are close to our budget limit, but we could attend as long as additional authorization is in progress."*

Ms. Ryder's response to Mr. Sullivan on June 1, 2006 leads us into new territory:

*"Hi Tim, I am sending this to Michele Harrison as well so she can confirm and respond to the question. As I understand it, Michele and/or Sam Parks [sic] was going to request that you attend to make sure DEP has all the questions answered at the initial site visit. This is not a direct request from the GCC but your attendance would be appreciated. If we need to have funding continue through the city rather than the applicant to avoid a conflict of interest, I'm sure that be arranged fairly quickly. Nancy"*

A subsequent e-mail was received by Ms. Ryder and Mr. Sullivan from Ms. Michele Harrison, attorney for Mr. Park:

*"Hello, Nancy and Tim: Sam Park has authorized Tim's participation in the DEP site walk on behalf of the Conservation Commission. If an additional check is necessary to augment Sam's account, please let me know and I will facilitate getting it funded."*

It is acknowledged that Mr. Park, as the developer, would normally pay for the third-party review by ENSR through reimbursements to the Conservation Commission. However, there should be little or no interaction directly between the applicant and the third-party review consultant for the City to preserve the objectivity of the evaluation and to avoid a conflict of interest. It would appear that this process was breached and while it is commendable to wish to avoid the appearance of a conflict of interest, the actual fact of such conflict is not necessarily mitigated by passing money through the City. In addition, it is unclear what review was conducted by ENSR and when since the e-mail record and billing seems to indicate activity occurred after the February 22, 2006 report was issued by ENSR.

Two final e-mails are pertinent to this discussion. First, on August 15, 2006, Mr. Sullivan writes to Ms. Ryder as follows:

*“OK,  
The vernal pool visit was initiated at the hearing an(d) [sic] agreed to by the applicant and the appeal work was at the applicant’s request, so those would be above the original scope.”*

Again, this would seem to indicate the vernal pond study was not included in the original scope—at least in the mind of Mr. Sullivan. It appears that subsequent work was conducted in the summer of 2006 and that further work was conducted by ENSR directly for Mr. Park. Ms. Ryder responds on August 15, 2006 to Mr. Sullivan:

*“Tim, That helps make things clear. I had understood that the VP review was part of the original scope!? We did not receive an estimate for that work from ENSR and never requested funding from Sam Parks [sic]. Is that something you can send now so we can resolve the situation? Thanks, Nancy.”*

In summary, in the beginning of the process, Ms. Ryder and the GCC wished to obtain a third-party consultant to completely review the status of wetlands/vernal pools on the property—without influence from the applicant on that consultant as to the basic assumption from the applicant that the areas should be characterized as ILSF. It appears that what the GCC got was a report reviewing the ILSF status of the site from ENSR with major questions as to whether a vernal pool study was conducted during the prime breeding periods for obligate and facultative vernal pool species—or at all.

- 4. ENSR|AECOM Letter Report, dated February 22, 2006, entitled “Wetland Jurisdictional Determination and Assessment, Undeveloped parcel located east of the Fuller School (Map 262, Lot 13).**

As third-party consultant to the Gloucester Conservation Commission (GCC), ENSR conducted a review of the Abbreviated Notice of Resource Area Determination (ANRAD), dated February 22, 2006. ENSR reviewed submittals from the applicant and met with Ms. Ryder of the GCC and representatives of Amy Green Environmental Consulting, LLC on the site in November 2005. The review comprised six tasks:

1. Verify the boundaries of the resource areas. The first sentence states, "ENSR was asked to review the Isolated Land Subject to Flooding Calculations...", which indicates that ENSR has already limited the scope of the review to an interpretation desired by the applicant and contrary to the wishes of Ms. Ryder and the GCC as expressed in correspondence and the scope. It should be noted that ENSR indicates the scope for the review was not received until after the site visit, on December 21, 2005, from Nancy Ryder. Thus the direction necessary to evaluate the property on site was lacking until a month after the site visit. A more detailed site review was conducted by ENSR on February 7, 2006—but still in the winter.
2. Assess the functions and values associated with each resource area. "ENSR was asked to assess the function and values associated with each of the resource areas on the site as well as any surrounding buffer areas, any significant offsite features, etc." As stated in the ENSR report, there are eight areas of MAWPA statutory interests: Protection of Public Water Supply, Protection of Groundwater Water Supply, Flood Control, Storm Damage Prevention, Pollution Prevention, Protection of Wildlife Habitat, Protection of Fisheries, and Protection of Shellfish. The same eight are protected under the GWO plus two others, Prevention of Erosion and Sedimentation and Protection of Erosion and Sedimentation. Of these ten, ENSR determined the most significant interests with regards to the resource areas on the site are Protection of Public Water Supply, Protection of Groundwater Supply, Flood Control, Storm Damage Prevention, Prevention of Pollution, and Protection of Wildlife Habitat. These areas were examined and it appears that the units do provide prevention of pollution and removal of sediment in addition to recharge of subsurface groundwater units. In addition, overland flow from the subject site appears to flow and supply recharge to Jurisdictional Wetlands adjacent to the western portion of the subject site. In addition, Areas 6 & 7 may be hydrologically connected to the downgradient wetlands—with possible connection to the Babson Reservoir.
3. Clarify state and/or local jurisdiction of any resource area.
4. Investigate whether or not a stream channel exists on the site. "ENSR was asked to evaluate the interior portions of the wetlands for evidence of stream channel development as it relates to the extent of MAWPA jurisdiction on the site."
5. Evaluate the connectivity of resource areas and hydrology. This request is relative to the connection between Areas C and D (A and B, 6 and 7, alternately through the reports). As noted in the ENSR report of February 22, 2006, "An area of loose boulders is located between the flagged boundary between series "A" and "B". This area is approximately 40 to 50' wide and is located between flags WFA-1 and WFA-153 of the Series "A" and WFB-1 and WFB-2 of Series "B". ENSR was asked to investigate the possibility that this area constitutes a hydrologic connection between the two flagged wetland areas." As noted in the report, there are boulders in

this area and little exposed vegetation or soils present for examination, which makes a determination of the presence of a wetland difficult. The report states two conclusions from the site visit which, in the opinion of the authors, support the finding that there is no connection at this location. "First, there is an open stretch of ground between Series B and the boulder pile. No water was seen flowing through this area, and the soils and vegetation in this area are not consistent with wetland hydrology. Second, water was observed flowing from under the boulders to the Series A. The source of this water appears to be a seep/spring located at flags WFA-150 and WFA-151." However, a report by John G. Crowe Associates, Inc. in support of applicant's filing, dated October 28, 2005 and titled "Hydrological Calculations for Areas 6 & 7, Gloucester Commons", indicates that Area 7 is at an elevation of 133.01 while Area 6 is at an approximate elevation of 117.0. The report includes a Site Plan and Drainage Diagram for Gloucester Site—Existing Areas 6 & 7, both of which indicate that surface drainage flow is from Area 7 to Area 6 through the area described above in the ENSR report. In addition, test pits completed by The Geotechnical Group (TGG) for John G. Crowe Associates, as described in a memo from March 7, 2006, shows that 4 test pits on the property encountered groundwater. While none were completed in the resource areas, the intent of the memo was to convey TGG's opinion regarding groundwater conditions encountered on the subject property in November 2005. In this memo, TGG notes that there are many surface boulders in the resource areas that are likely underlain by relatively shallow natural glacial till and bedrock. In general the groundwater encountered on the site appears to be perched along the top surface or within the natural glacial till soils or possibly over the surface of the bedrock. Thus, the seep/spring might be explained by the hydrolic connectivity of the higher Area 7 water seeping topographically downgradient (toward Area 6) and surfacing within the boulder field between Series A and Series B. This is supported by observations, noted in several reports, of water flowing between A and B at normal flow conditions (November being relatively wet with high water table levels) and as shown on various aerial photographs of the site. This is also supported by a historic review of property conditions as shown in the attached figures. As indicated by the applicant in their ANRAD, Area 6 is underlain by Whitman (Wh) series soils with the remaining areas between Area 6 and 7, to include Area 7, shown as being underlain by the Ridgebury (RiB) series. Both of these soil series are identified as hydric soils in the Natural Resource Conservation Service (NRCS) Hydric Soils List for Essex County, South Part, Massachusetts, per August 2002 data.

6. Verify the vernal pool status of each resource area. "ENSR was asked to evaluate the low lying area within wetlands Series "A" and "B" (alternately Areas 6 and 7, C and D, respectively) for possible breeding sites for vernal pool species." The ENSR site visits were conducted in winter, outside the season for breeding (spring) and emergent young (end of summer). However, the report concludes if the obligate or facultative species are there, they may well be utilizing these pools—which have all the characteristics of vernal pools—for breeding.

An examination of this report appears to indicate that Areas 6 & 7 (A and B, C and D, alternately) are at the least vernal ponds with supporting wetlands and perhaps an interconnected Isolated Vege-

tative Wetland (IVW) system. This would also indicate that the upland areas of the site and surrounding area for up to 1/2 mile would be within the range of potential obligate and facultative breeding species utilizing these vernal ponds and wetlands.

### **Summary of Document Review**

In general, the problems with the development are many fold and interrelated. To develop this property, the developer must fill some of the IVW/ILSF areas for roadways and buildings, change topography and drainage on the site, and alter the stormwater drainage characteristics of the site. The drainage design must control the increased stormwater flows, treat them, and channel them to new discharge areas. There is a possibility that, by not fully accounting for on-site and off-site wetlands and vernal ponds currently receiving flow from the site, sustaining flow will be directed away from these sensitive areas causing irreparable harm. In addition, the current design and buffer zones on the site will interrupt the connection between the upland forest habitats of protected species, such as the spotted salamander, from their breeding areas in the vernal ponds. Taking into account the status of the design, the variances relative to on-site and off-site wetlands, vernal ponds, and total flows, and potentially impacted species, it would seem that the design of the project needs to be substantively rethought to deal with these issues.

Subsequent to the CDM evaluation letter the applicant submitted additional data to the City and CDM to supplement and correct design deficiencies noted by CDM and respond to comments on the issues forwarded by CDM to the Planning Department. In the Final EIR, for instance, the applicant indicates an agreement for mitigation with the City to deal with the CSO 002 issues by contributing to enlarging the capacity of certain areas of Gloucester's CSO to accommodate flows from the site. In subsequent correspondence, flow design models were altered to comply with CDM comments and data was reworked to conform to industry standards.

The fact that this process of correcting data, design and regulatory conclusions had to occur, consistently resulting in corrections from a status more beneficial to the applicant to one less beneficial, is problematic. This is more troubling when you consider the stature and reputation of the applicant as a developer, his daily familiarity with the process on other sites throughout the Commonwealth, and the professional reputation and capabilities of his consultants. While it is recognized that random errors do occur in reporting, planning and design projects, the presence of seeming systematic errors biased toward beneficial conclusions is problematic. Combining this with the short time frames presented by the applicant's filings—for instance publishing public notice of Planning Board meetings relative to the project on May 29 for a June 6 meeting—and their rushing of City of Gloucester staff through the review processes leaves citizens with little time or recourse to respond to these filings.

As shown in the attached figures, the wetland areas on the property have been in existence since at least 1949 (Figure 3.0, 3.1) and were part of an interconnected wetland area extending across the area of the current Blackburn Industrial Park onto the subject site. Subsequent development of the

128 Extension isolated these wetlands and disconnected them from their historic flow patterns. However, they have survived through all of the changes to the topography and flow from development. It is surmised that this could be due to hydrolic connectivity to the groundwater. If this is the case, these wetlands are likely recharging the aquifers underlying the soil units—and these wetlands may still be connected to the ACEC and other wetlands that are part of the historic wetlands east of the site in addition to the USACE Jurisdictional wetlands immediately west of the site. As shown on the U.S. Fish and Wildlife Wetlands Map (Figure 2.0), Area 6 has been designated as a PSS1F wetland (Palustrine, Shrub-Scrub, Deciduous Trees, at least Semipermanently flooded). As indicated by the applicant in their ANRAD, Area 6 is underlain by Whitman (Wh) series soils with the remaining areas between Area 6 and 7, to include Area 7, shown as being underlain by the Ridgebury (RiB) series. Both of these soil series are identified as hydric soils in the Natural Resource Conservation Service (NRCS) Hydric Soils List for Essex County, South Part, Massachusetts, per August 2002 data.

In addition, it appears from the ENSR review, observations of GCC personnel as documented in various e-mails and other documents, and credible historical evidence that these resource areas may serve as vernal pools with upland areas of the subject site supporting a population of obligate and facultative species including the protected spotted salamander that is known to inhabit the Gloucester area. None of this appears to have been taken into account, and some may not have even been researched, in the applicant's filings. Applicant's consultant has continually filed all documents designating these areas as isolated lands subject to flooding. Site plans call for filling some of these areas for roadways, parking lots and buildings. This filling will be more difficult or impossible if these areas are determined to be protected wetlands or vernal ponds instead of ILSF.

In summary, it is apparent that there is a fundamental difference in the basic evaluation of the natural ecosystems on and off the site, their regulatory status, and the mitigation design necessary to protect these resources and the conceptual design of the site by the developer. There is credible evidence of historic BVW systems prior to disturbance by the construction of the 128 Extension and the Blackburn Industrial Park and on-site land alterations. In addition, surveys of the site have identified the Resource Areas as Potential Vernal Ponds, with supporting upland habitat, and Isolated Vegetative Wetlands (IVW) as supported by US Fish & Wildlife GeoDatabase information (Figure 2.0).

Based on a review of available data, it would seem that additional consideration is in order relative to Sam Park & Company's filings for this project, with a possible extension of the review process to allow for additional analysis and to review the status of the resource areas on the property. As Ms. Ryder indicated in one of her e-mails, "*...we rushed last time in order to try to accommodate the applicant and ended up not protecting areas that should have been, we need to make sure it is written correctly this time so we don't repeat the same mistakes.*"

Sincerely,

David A. McCarley  
7 Wall Street  
Gloucester, MA 01930

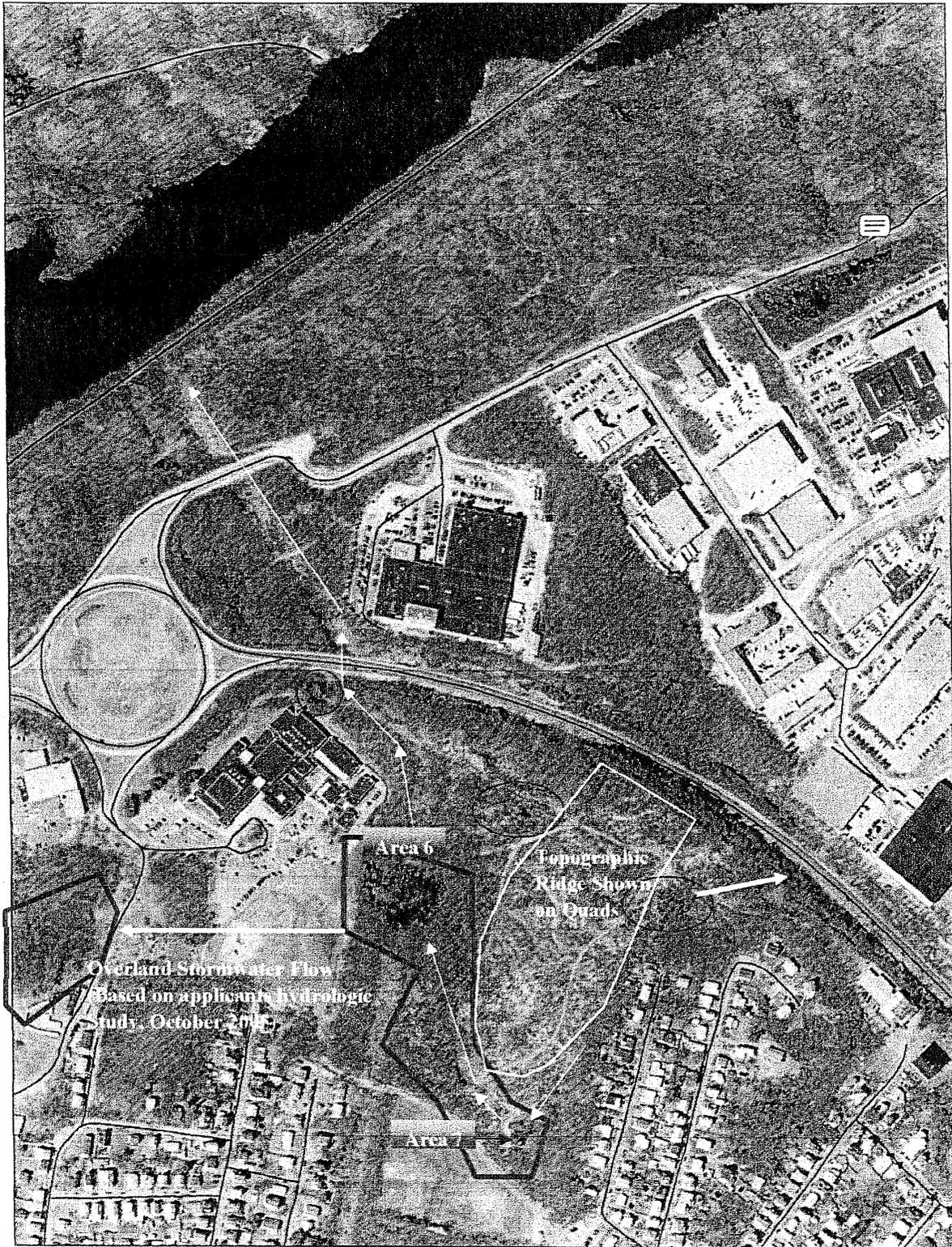


Figure 1.0—Area to the west of the site, delineated by red lines, is a USACE Jurisdictional Wetland. The area delineated immediately east of the Fuller School contains Area 6 and 7. In addition, there are two other areas where IR Photography indicates facultative vegetative species. The area at upper right (green dot) is an Area of Critical Environmental Concern (ACEC) with the same characteristics as the on-site areas, except for direct discharge to the Babson Reservoir. As shown in historic USGS Topo maps (Fig. 3.0, 3.1), it appears that wetlands have historically existed across this area.

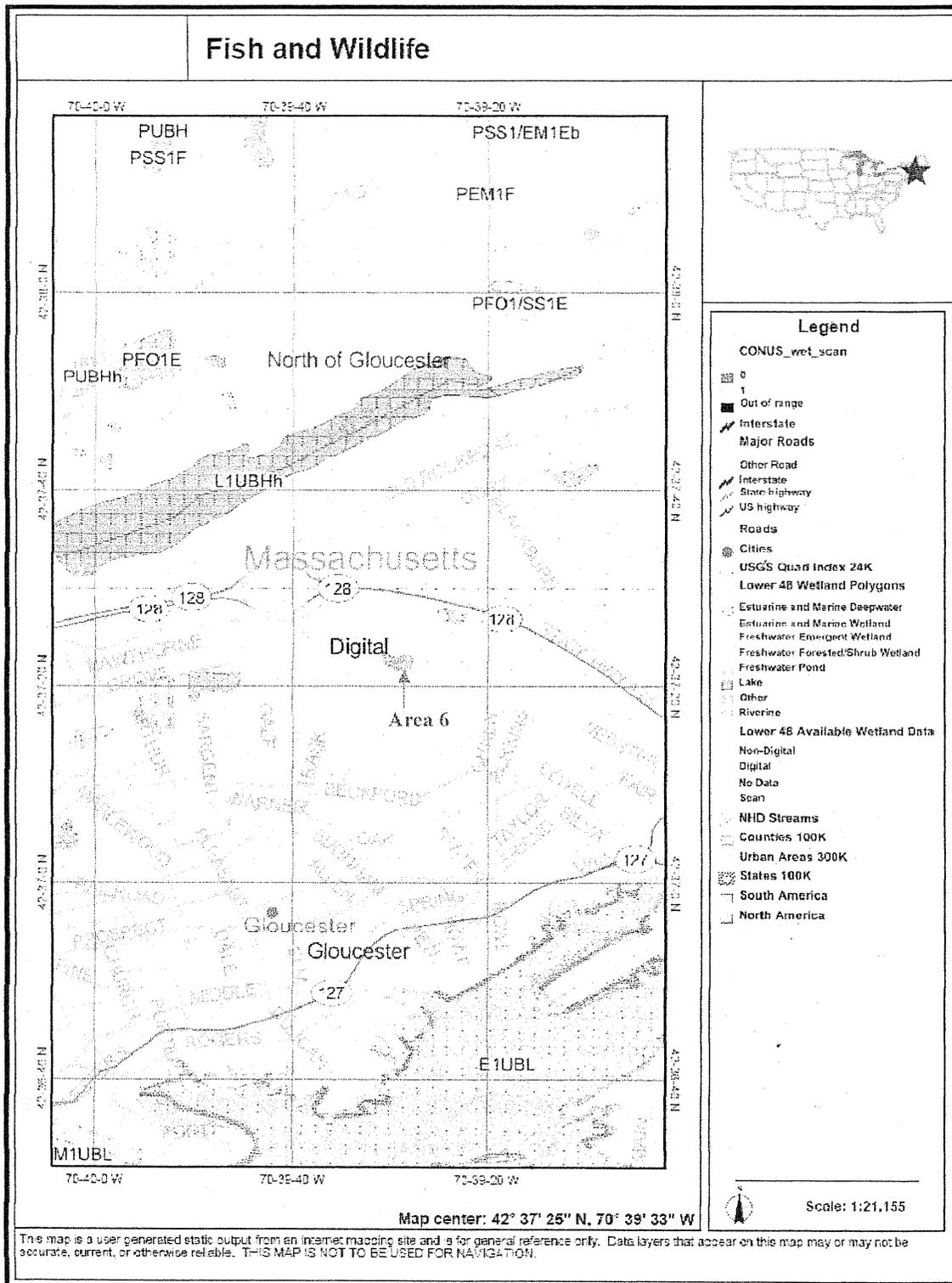


Figure 2.0—U.S. Fish & Wildlife Service, Division of Habitat and Resource Conservation, Wetlands GeoDatabase Map. Map shows delineated PSS1F wetland for Area 6 (Area C) and at least one other area of the property along 128 Extension, possibly NE corner of property. A PSS1F wetland is designated as a Palustrine shrub-scrub wetland with broad leaved deciduous trees, semi-permanently flooded. In addition, note the wetlands indicated in Blackburn Industrial Park, east of the site in area of historic wetlands (1949) and downgradient wetlands west of the site that may receive storm flow from the subject property or be hydrolicly connected.

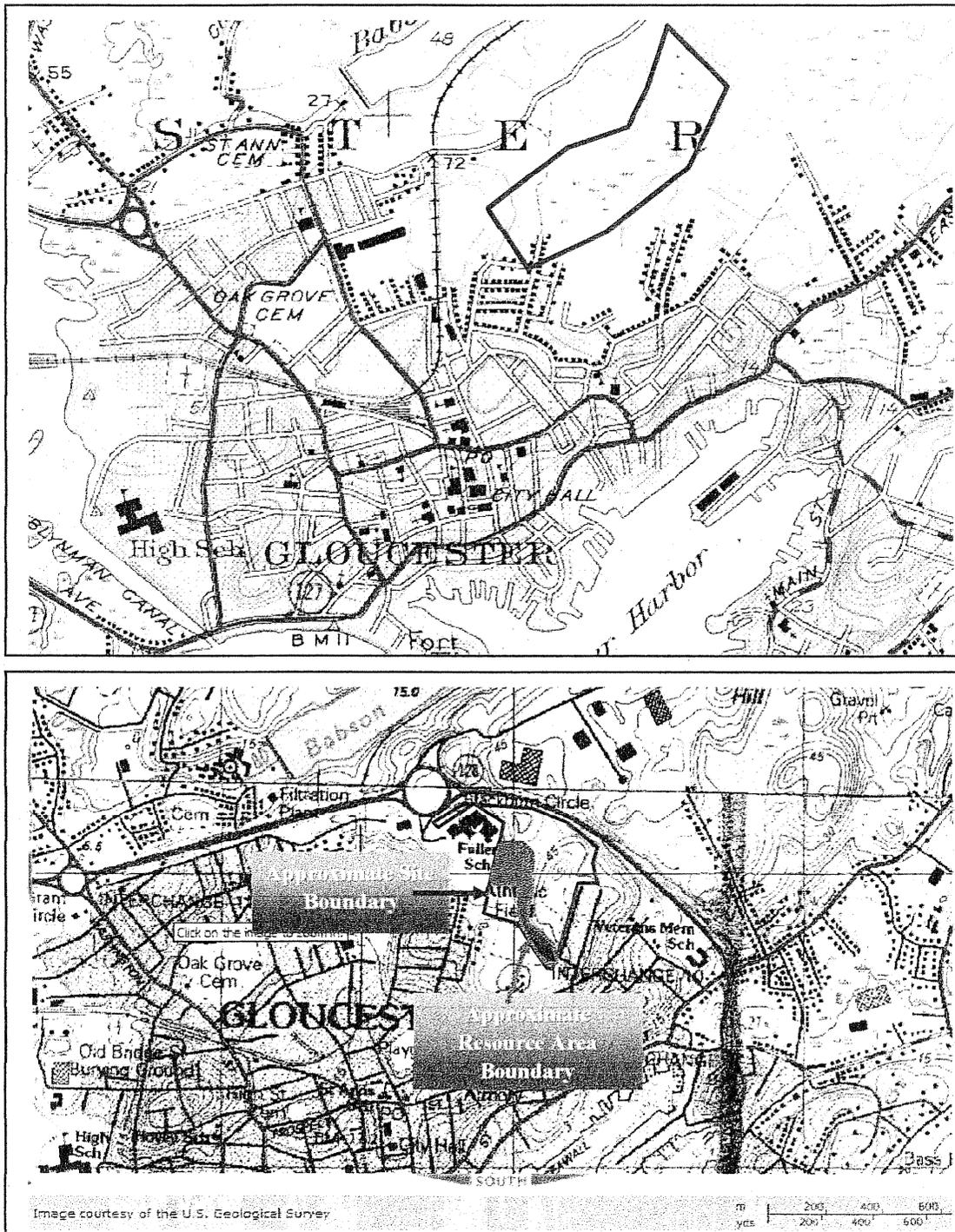


Figure 3.0—Credible evidence of conditions prior to disturbance.

Top: 1949 USGS Topographic quadrangle showing the subject site and surrounding area. Note wetlands indicated by red line on map.

Bottom: Current USGS Topographic quadrangle showing the subject site and surrounding area.

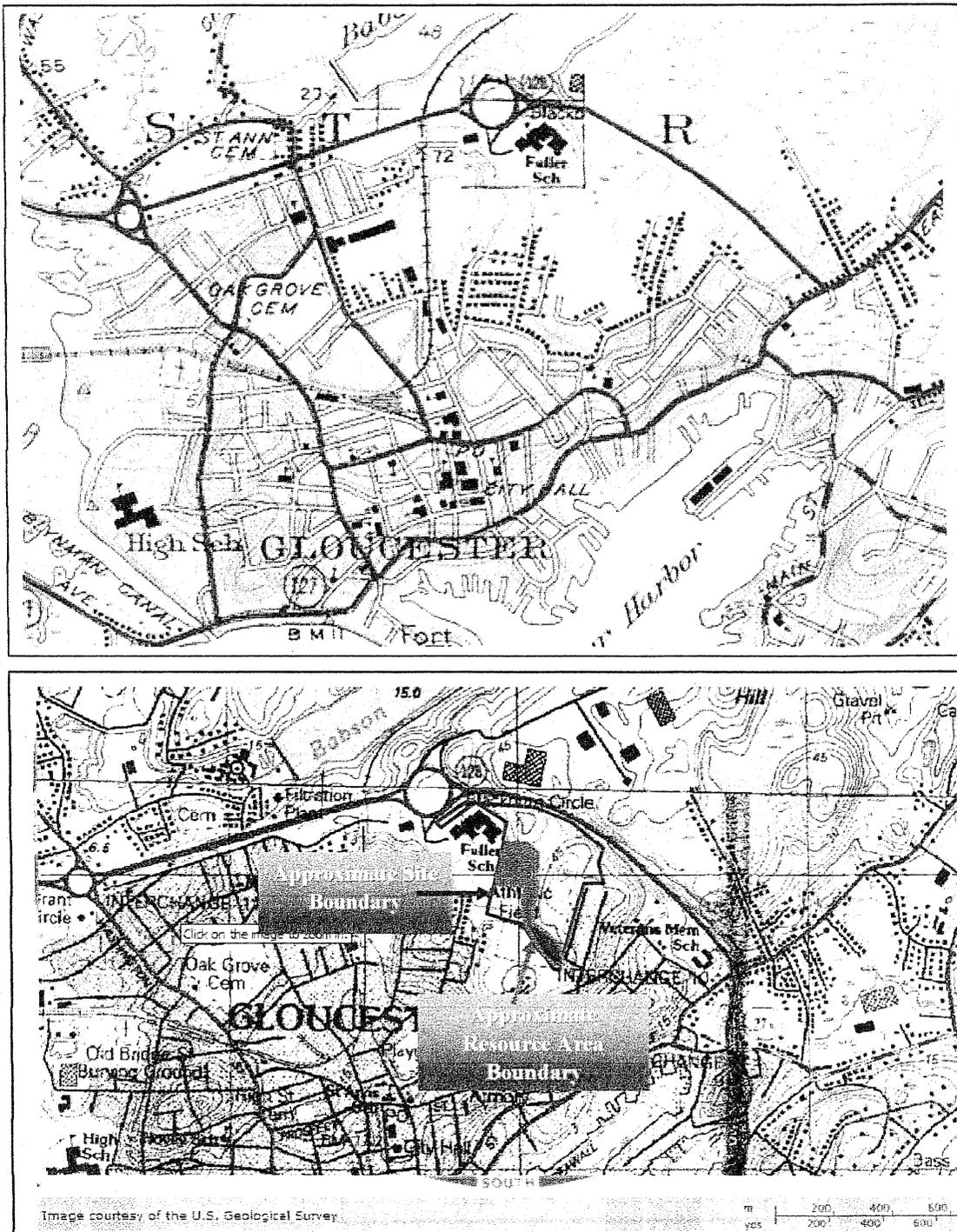
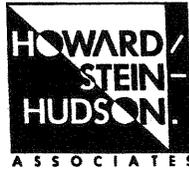


Figure 3.1—Credible evidence of conditions on the site prior to disturbance.

Top: 1949 USGS Topographic quadrangle showing the current Fuller School. Note wetlands shown in 1949 extending across current right of way of 128 Extension and onto the subject site in the exact area of current Area 6 (Area C). Subsequent site alterations and grading may have changed on site flow such that Area 7 was created after the 128 Extension was installed. Regardless, at least Area 7 (Area D) has demonstrated wetland characteristics extending back to 1949. Bottom: Current USGS Topographic quadrangle showing the subject site and surrounding area.



## MEMORANDUM

To:	<b>Mr. Gregg Cadamartori</b> <b>Planning Director, City of Gloucester</b>	Date: <b>June 12, 2007</b>
From:	<b>Keri Pyke, P.E., PTOE</b> <b>Joe SanClemente, E.I.T.</b> <i>JP</i>	HSH Project No. <b>2007032.00</b>
Subject:	<b>Gloucester Crossing Peer Review</b> <b>Transportation Safety</b>	

As requested, Howard/Stein-Hudson Associates (HSH) has reviewed the Gloucester Crossing development project with respect to transportation safety. HSH visited the study area on Tuesday, February 20, 2007, to evaluate existing transportation conditions and has reviewed the following documents related to the project:

- Mixed-Use Parking Analysis, September 20, 2006;
- *Traffic Impact and Access Study*, December 27, 2006;
- Special Permit, January 3, 2007;
- Site Plan, January 3, 2007, received February 15, 2007;
- Grant Circle Crash Analysis Memorandum, April 4, 2007; and
- Peer Review Response, March 23, 2007.

This memorandum summarizes HSH's review of these documents with respect to safety. Each area of review is discussed below.

### Project Description

The project site consists of approximately 34 acres of vacant land located adjacent to the Fuller Elementary School (K-5) and the Route 128 Extension. The proposed Gloucester Crossing project will consist of construction of approximately 200,000 square feet (sf) of retail, approximately 100 assisted living units, an approximately 100-room, limited-service hotel, and approximately 987 parking spaces.

### Site Access

The City of Gloucester has approved a "loop road" (Gloucester Crossing Road) to provide primary access/egress on Route 128 Extension to/from the site. Secondary access/egress will be provided via School House Road. The *Traffic Impact and Access Study* (TIAS) presents an extensive analysis and discussion of access alternatives for the project. Of seven alternatives identified, the analysis focuses on two:

- Alternative 1—unsignalized right-in/right-out; and
- Alternative 2 (preferred)—installation of a traffic signal, with left turns out allowed and left turns from the Route 128 Extension into the site prohibited.

HSH agrees that, *as presented in the TIAS*, either alternative will have minimal impact on vehicular operations along the Route 128 Extension. Likewise, Alternative 2 will help reduce, but not eliminate, vehicular flow along the Loop Road (Gloucester Crossing Road) past the school. Under Alternative 2, the addition of the proposed traffic signal at Gloucester Crossing Road (the primary means of access/egress) will allow vehicles oriented to/from the west to avoid School House Road, thus minimizing the impact on Fuller School and the Blackburn Circle Rotary. The following table compares the two alternatives.

**Table 1. Comparison of Alternatives**

Safety Benefit	Alternative 1 (unsignalized right-in/right-out)	Alternative 2 (new traffic signal, left out, no left in)
Provides orderly movement of traffic, predictable/safer egress from the site		X
Diffuses egress for traffic oriented <b>east</b> of the site	X	X
Diffuses egress for traffic oriented <b>west</b> of the site		X
Reduces vehicular volume on Blackburn Circle		X
Reduces site-related interaction with Fuller School traffic along School House Road		X
Could reduce excessive travel speeds on Route 128 Extension during off-peak hours		X
Could reduce frequency and severity of certain types of crashes, especially right-angle collisions		X

As shown in **Table 1**, the proposed traffic signal (Alternative 2) at the intersection of Gloucester Crossing Road and the Route 128 Extension provides a number of additional safety benefits when compared to the right-in/right-out configuration (Alternative 1).

## Stopping Sight Distance

The TIAS includes a comprehensive review of travel speeds along the Route 128 Extension and required/available Stopping Sight Distance (SSD) at the proposed Gloucester Crossing Road/Route 128 Extension intersection.

SSD is defined as the minimum visible length of roadway required for a motorist traveling at the design speed to react and stop before reaching a stationary object in the road. According to American Association of State Highway and Transportation Officials (AASHTO) criteria, the average height of a driver's eye is 3.5 feet above the road surface, and the stationary object in the road is 2 feet high. The available sight distance is determined in the field by measuring the farthest distance at which a driver on the main roadway—in this case, the Route 128 Extension—may visually identify an object 2 feet above the road surface.

Based on field measurements, HSH confirmed that ample stopping sight distance exists for both approaches (eastbound and westbound) of the Route 128 Extension, taking into consideration vehicles both at the back of the stop line and at the rear of the 95<sup>th</sup> percentile queue, for vehicle speeds at or above the 85<sup>th</sup> percentile travel speed.

The proposed driveway meets SSD requirements for both alternatives.

## Intersection Sight Distance

The TIAS did not include a review of required/available Intersection Sight Distance (ISD) for right-turning vehicles at the proposed Gloucester Crossing Road/Route 128 Extension intersection.

ISD is the minimum distance required for a driver of a stopped vehicle to view the intersecting roadway and decide when to enter it or cross it in order to anticipate and avoid collisions. ISD varies, depending on whether the driver is making a left or right turn from the intersection approach; a left turn requires a larger minimum ISD, since the driver needs to cross a minimum of two lanes of traffic. Measurement of ISD uses the same methodology as SSD but assumes that the driver's eye and the object to be seen in the roadway are both 3.5 feet above the surface of the intersecting road.

Left-turning movements will not be a concern for this intersection, since these will be controlled by the traffic signal (under Alternative 2); however, right turns will operate under yield control under either alternative; therefore, motorists exiting Gloucester Crossing Road will need to be able to detect vehicles traveling on Route 128 Extension eastbound in order to decide when to enter the traffic stream safely. It should be noted that under Alternative 2, with the traffic signal in place, motorists would be able to make a right out of Gloucester Crossing Road onto the Route 128 Extension both when there is an adequate gap in the traffic stream and/or during a protected phase of the traffic signal; the protected phase would provide a safer condition for vehicles exiting onto Gloucester Crossing Road.

Based on field measurements, HSH confirms that ample sight distance is provided for ISD at this location for either alternative.

## Site Design

The Applicant has undertaken a number of design measures to ensure safety both within and along the periphery of the project site. The site plan provides adequate pedestrian accommodations throughout the site and allows for pedestrian accessibility to/from adjacent residential neighborhoods.

To ensure safety along the periphery of School House Road and Fuller School, the site plan incorporates a number of design measures, including pedestrian refuge islands, crosswalks at the Gloucester Crossing Road intersection, textured wearing surfaces, traffic control signs, and provision of a "buffer" between the proposed development and Fuller School (i.e., installation of a guard rail and fencing). HSH believes that these safety measures are adequate and that the proposed design of the School House Road driveway will reduce vehicular volume oriented to/from the project site.

## Intersection Operations

### *Grant Circle*

The Applicant presented a comprehensive review of crash history at study area intersections using data obtained from MassHighway for the three most recent years available. According to the data, Grant Circle has a crash rate of 1.17 accidents per million entering vehicles (MEV)—or nearly twice the value for MassHighway District 4's unsignalized intersections (0.63 accidents/MEV). All other study area locations have acceptable crash rates and are not a concern.

As requested in the *Peer Review*, the Applicant prepared a supplemental analysis (memorandum dated April 4, 2007) that included further review of the crash history at Grant Circle. The Applicant determined that a majority of the accidents at this location were attributed to human error and not "...correctable measures, short of a major redesign and construction."

The Applicant proposes to provide pavement markings and minor curb modifications at the Washington Street northbound and southbound approaches that will increase approach capacity from one to two lanes. HSH field observations indicate that these approaches currently operate as two lanes during higher volume conditions. HSH agrees that curb modifications and improved signage would improve the operations and, potentially, the safety of this intersection.

### *Eastern Avenue/Route 128 Extension*

The TIAS proposes to provide a "permitted plus protected" phase for the Route 128 southbound left-turn lane to accommodate the high southbound left-turn volume. HSH agrees that this modification will improve operations at this intersection and reduce overall vehicle delay. Improved signal timing and phasing will also help reduce driver frustration during peak periods; this reduction can also contribute to safer operating conditions.

## Conclusion and Recommendations

The design measures proposed by the Applicant satisfy HSH's concerns with respect to pedestrian and vehicular safety both within and adjacent to the project site.

The proposed pedestrian safety measures along the periphery of School House Road and Fuller School will help "calm" traffic entering/exiting the project site via this "secondary" access point and provide a barrier between the roadway and Fuller School. Pedestrian safety measures, including pedestrian refuge islands, crosswalks at the Gloucester Crossing Road intersection, textured wearing surfaces, traffic control signs, and provision of a "buffer" between the proposed development and Fuller School (i.e., installation of a guard rail and fencing) should be incorporated under either alternative.

HSH believes that installation of the proposed limited-access traffic signal (Alternative 2) will provide a safer condition than the right-in/right-out alternative by enhancing motorist awareness at the proposed Gloucester Crossing Road intersection and minimizing circuitous and unnecessary vehicular travel through Blackburn Circle and along School House Road.



# CITY OF GLOUCESTER

## PLANNING DIVISION

3 Pond Road, Gloucester, MA 01930

Tel 978-281-9781

Fax 978-281-9779

### MEMORANDUM

**Date:** June 13, 2007  
**To:** Walter Peckham, Chairman, Planning and Development Standing Committee  
**From:** Gregg Cademartori, Planning Director *GC*  
**Subject:** Question and Answer Session with Independent Technical Consultants hired to review Gloucester Crossing – Howard/Stein-Hudson (Transportation Planners) and Camp, Dresser, & McKee (Civil/Environmental Engineers)

As indicated at the last Planning and Development (P&D) Standing Committee meeting, Howard/Stein-Hudson (HSH), the traffic engineering firm contract by the Planning Board, was asked to prepare and has submitted a final memorandum addressing safety aspects of the two access plans evaluated by the applicants of the Gloucester Crossing mixed-use project. In the memorandum the right-in/right out and signalized intersection alternatives are compared and contrasted with a specific focus on both vehicular and pedestrian safety. Also indicated at the last meeting HSH staff will be in attendance to answer any questions regarding their review.

Several questions were raised at the P&D site visit on June 12, 2007, with respect to the proposed stormwater drainage design and sanitary sewer design. The Planning Board also contracted a civil engineering firm to review many aspects of the project including the stormwater design. Staff from Camp, Dresser, & McKee (CDM) will also be in attendance this evening to clarify the conclusions of their review and answer any questions associated with the proposed design. During the Planning Board review there was some discussion of state and local requirements and how the drainage design should be approached. I have attached a memorandum from Michael Hale, of the City Engineering Department, which may help clarify the same. You have heard from the applicant, which can be confirmed by CDM and the City Engineering Department, that the drainage design is conservative and substantially revised from the initial submission.

Further questions regarding the sanitary sewer design may also be directed to the Engineering Department. Attached to the Planning Board's report, as Appendix C, was an analysis of the sewer design prepared by New England Civil Engineering Corp. (NECEC), which was NECEC also concluded that the sewer design, with proposed mitigation in the form of installation of a regulating pump station and pipe upgrades, would result in "adequate available capacity."



## MEMORANDUM

To:	Mr. Gregg Cadamartori Planning Director, City of Gloucester	Date: June 12, 2007
From:	Keri Pyke, P.E., PTOE Joe SanClemente, E.I.T. <i>JP</i>	HSH Project No. 2007032.00
Subject:	Gloucester Crossing Peer Review Transportation Safety	

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HOWARD/STEIN-HUDSON ASSOCIATES, INC.  
38 Chauncy Street, 9th Floor • Boston, Massachusetts 02111 • www.hshassoc.com  
Phone (617) 482-7080 • Fax (617) 482-7417 • info@hshassoc.com

- Alternative 1—unsignalized right-in/right-out; and
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HSH agrees that, *as presented in the TIAS*, either alternative will have minimal impact on vehicular operations along the Route 128 Extension. Likewise, Alternative 2 will help reduce, but not eliminate, vehicular flow along the Loop Road (Gloucester Crossing Road) past the school. Under Alternative 2, the addition of the proposed traffic signal at Gloucester Crossing Road (the primary means of access/egress) will allow vehicles oriented to/from the west to avoid School House Road, thus minimizing the impact on Fuller School and the Blackburn Circle Rotary. The following table compares the two alternatives.

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### Stopping Sight Distance

The TIAS includes a comprehensive review of travel speeds along the Route 128 Extension and required/available Stopping Sight Distance (SSD) at the proposed Gloucester Crossing Road/Route 128 Extension intersection.

SSD is defined as the minimum visible length of roadway required for a motorist traveling at the design speed to react and stop before reaching a stationary object in the road. According to American Association of State Highway and Transportation Officials (AASHTO) criteria, the average height of a driver's eye is 3.5 feet above the road surface, and the stationary object in the road is 2 feet high. The available sight distance is determined in the field by measuring the farthest distance at which a driver on the main roadway—in this case, the Route 128 Extension—may visually identify an object 2 feet above the road surface.

Based on field measurements, HSH confirmed that ample stopping sight distance exists for both approaches (eastbound and westbound) of the Route 128 Extension, taking into consideration vehicles both at the back of the stop line and at the rear of the 95<sup>th</sup> percentile queue, for vehicle speeds at or above the 85<sup>th</sup> percentile travel speed.

The proposed driveway meets SSD requirements for both alternatives.

## Intersection Sight Distance

The TIAS did not include a review of required/available Intersection Sight Distance (ISD) for right-turning vehicles at the proposed Gloucester Crossing Road/Route 128 Extension intersection.

ISD is the minimum distance required for a driver of a stopped vehicle to view the intersecting roadway and decide when to enter it or cross it in order to anticipate and avoid collisions. ISD varies, depending on whether the driver is making a left or right turn from the intersection approach; a left turn requires a larger minimum ISD, since the driver needs to cross a minimum of two lanes of traffic. Measurement of ISD uses the same methodology as SSD but assumes that the driver's eye and the object to be seen in the roadway are both 3.5 feet above the surface of the intersecting road.

Left-turning movements will not be a concern for this intersection, since these will be controlled by the traffic signal (under Alternative 2); however, right turns will operate under yield control under either alternative: therefore, motorists exiting Gloucester Crossing Road will need to be able to detect vehicles traveling on Route 128 Extension eastbound in order to decide when to enter the traffic stream safely. It should be noted that under Alternative 2, with the traffic signal in place, motorists would be able to make a right out of Gloucester Crossing Road onto the Route 128 Extension both when there is an adequate gap in the traffic stream and/or during a protected phase of the traffic signal; the protected phase would provide a safer condition for vehicles exiting onto Gloucester Crossing Road.

Based on field measurements, HSH confirms that ample sight distance is provided for ISD at this location for either alternative.

## Site Design

The Applicant has undertaken a number of design measures to ensure safety both within and along the periphery of the project site. The site plan provides adequate pedestrian accommodations throughout the site and allows for pedestrian accessibility to/from adjacent residential neighborhoods.

To ensure safety along the periphery of School House Road and Fuller School, the site plan incorporates a number of design measures, including pedestrian refuge islands, crosswalks at the Gloucester Crossing Road intersection, textured wearing surfaces, traffic control signs, and provision of a "buffer" between the proposed development and Fuller School (i.e., installation of a guard rail and fencing). HSH believes that these safety measures are adequate and that the proposed design of the School House Road driveway will reduce vehicular volume oriented to/from the project site.

## Intersection Operations

### *Grant Circle*

The Applicant presented a comprehensive review of crash history at study area intersections using data obtained from MassHighway for the three most recent years available. According to the data, Grant Circle has a crash rate of 1.17 accidents per million entering vehicles (MEV)—or nearly twice the value for MassHighway District 4's unsignalized intersections (0.63 accidents/MEV). All other study area locations have acceptable crash rates and are not a concern.

As requested in the *Peer Review*, the Applicant prepared a supplemental analysis (memorandum dated April 4, 2007) that included further review of the crash history at Grant Circle. The Applicant determined that a majority of the accidents at this location were attributed to human error and not "...correctable measures, short of a major redesign and construction."

The Applicant proposes to provide pavement markings and minor curb modifications at the Washington Street northbound and southbound approaches that will increase approach capacity from one to two lanes. HSH field observations indicate that these approaches currently operate as two lanes during higher volume conditions. HSH agrees that curb modifications and improved signage would improve the operations and, potentially, the safety of this intersection.

### *Eastern Avenue/Route 128 Extension*

The TIAS proposes to provide a "permitted plus protected" phase for the Route 128 southbound left-turn lane to accommodate the high southbound left-turn volume. HSH agrees that this modification will improve operations at this intersection and reduce overall vehicle delay. Improved signal timing and phasing will also help reduce driver frustration during peak periods; this reduction can also contribute to safer operating conditions.

## Conclusion and Recommendations

The design measures proposed by the Applicant satisfy HSH's concerns with respect to pedestrian and vehicular safety both within and adjacent to the project site.

The proposed pedestrian safety measures along the periphery of School House Road and Fuller School will help "calm" traffic entering/exiting the project site via this "secondary" access point and provide a barrier between the roadway and Fuller School. Pedestrian safety measures, including pedestrian refuge islands, crosswalks at the Gloucester Crossing Road intersection, textured wearing surfaces, traffic control signs, and provision of a "buffer" between the proposed development and Fuller School (i.e., installation of a guard rail and fencing) should be incorporated under either alternative.

HSH believes that installation of the proposed limited-access traffic signal (Alternative 2) will provide a safer condition than the right-in/right-out alternative by enhancing motorist awareness at the proposed Gloucester Crossing Road intersection and minimizing circuitous and unnecessary vehicular travel through Blackburn Circle and along School House Road.



# CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS 01930  
ENGINEERING DEPARTMENT  
3 POND ROAD - 2<sup>ND</sup> FLOOR  
PHONE: 978 • 281 • 9773 FAX: 978 • 281 • 9725

## MEMORANDUM

Date: 11 June 2007

To: Gregg Cademartori  
Planning Director

From: Michael Hale, AICP MBH  
Engineer

Re: Rainfall data

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The Rainfall Frequency Atlas of the United States, Technical Paper 40 (TP-40), was developed by the US Weather Bureau of the Commerce Department and published in 1961. The rainfall amounts in TP-40 are based on storm events from a 1-year 30-minute rainfall to a 100-year 24 hour rain event. Technical Paper 40 essentially uses historic storm events and rainfall data to forecast future rainfall amounts relative to certain storm events.

In 1986, the Natural Resource Conservation Service, Soil Conservation Service, developed Technical Release 55 (TR-55), sometimes referred to as Urban Hydrology for Small Watersheds. Essentially, TR-55 is an automated computer program which requires data input that greatly simplified the procedures to calculate storm runoff volume, peak rate of discharge, hydrographs, and storage volumes for small watersheds, especially urbanizing watersheds. TR-55 utilizes the rainfall data from TP-40 in its calculations.

Under the current Massachusetts Department of Environmental Protection (Mass DEP) Stormwater Policy, TR-55 is used to calculate peak discharge rates and volume of stormwater. The City of Gloucester Rules and Regulations Governing Subdivision of Land, Appendix A-1, *Stormwater Management*, also require the use of TR-55 Rational Method.

There is a fair amount of discussion in the engineering world to the current validity of the TP-40 rainfall data. As climate change becomes more apparent, and accepted, the use of the 45-year old historical rainfall data may be less accurate. The Northeast Regional Climate Center at Cornell University published the Cornell Atlas of Precipitation in 1993. The Cornell data indicates an increase in rainfall quantities from similar storms events and durations compared to that of TP-40 data.

When determining which data is more appropriate to use, an applicant and their design professionals are limited by regulatory laws, local bylaws and industry standards. Cornell's data may reflect an accurate shift in climate change with respect to rainfall data, but until the federal, state and local governments adopt a different data set for rainfall, Technical Paper 40 will remain the standard.

## City of Gloucester, MA 01930

**TO:** The City Council Planning and  
Development Subcommittee

**DATE:** June 12, 2007

**FROM:** Barry McKay, Fire Chief

**COPIES TO:** Mayor John Bell

Community Development Planning Dept.  
DPW Water Dept.

**SUBJECT:** Review of Gloucester Crossing special permit plans

**REFERENCE:** Loose leaf Special Permit for Gloucester Crossing submitted to City of Gloucester, City Council 3 January 2007; Site plans dated 1/3/07 especially SP-7.0, Site Utilities Plan; site visit and walk with P & D 6/12/07

I reviewed the printed documents and plans referenced above as well as attending at least one Technical Advisory Group meeting on this development in its earliest stages in order to comment on the development from a fire, emergency medical services and life safety perspective.

The development is accessed from the north bound lane of Route 128 extension between Blackburn Circle and the Eastern Avenue lights. A secondary access road will be provided from the Fuller School access off Blackburn Circle. The development is comprised on eight structures including:

1. Building A, the anchor store, approximately 60,000 sq. ft., single story retail space with access on 2.25 sides.
2. Building B, two junior anchor retail stores, approximately 50,400 sq. ft., single story retail space with access on 2.5 sides
3. Building C, specialty stores on the sites northwest corner, approximately 43,200 sq. ft. of attached retail space (resembling strip mall type construction) with access on all four sides.
4. Building D, a restaurant on the northwest side of Building C, approximately 4,400 sq. ft., one story structure accessible on three sides.
5. Building E, a four story hotel with meeting rooms, breakfast restaurant and retail space on the first floor level and below grade parking under the building accessed from the rear, and approximately 19,600 square ft. We have full access on two sides and reduced access on the rear side for aerial ladder operations (rescue and water application) due to garden style lawn, shrubs and trees.
6. Building F, a restaurant adjacent to the hotel via a breezeway, approximately 3,300 sq. ft., one story structure with full access on two sides and limited access on the other two sides due to garden style lawn, shrubs and trees.
7. Building G, a full service bank, approximately 2,800 sq. ft. one story structure with full access on 2 sides and limited access on 2 other sides due to garden style lawn, shrubs and trees on the back and drive through area on the right side (facing the building front).
8. Building H, an assisted living facility, approximately 19,800 sq. ft., 4.5 story "L" shaped building, with 80 to 100 living units, and having access to windows for aerial ladder operations (rescue and water application on 1.5 sides.

The water supply for fire fighting purposes will be supplied from a 16 inch main close to Fuller School through an 8 inch looped water pipe system that encircles buildings B, C, D, E, F and G. This loop is connected to by an 8 inch water main from the south side, possibly Beckford Street or Green Street, providing fire service to Building A, The assisted living facility, building H, is connected to separate water main, possibly from Trask Street or Beckford Street. I normally defer to the DPW Water Department to comment on the main sizes and fire flow capacity of this proposed water main system. In this case I contacted Keith Keating at the DPW and Keith's opinion is the proposed 8 inch water main loop for domestic consumption and fire flows is adequate. After speaking with the developer's representatives and Keith Keating, I understand the water main taps on the south side. The source of the existing water main on the south side of the project, which is being tapped for two connections, is a relative new 8 inch line that receives its water from the Fuller School pumping station and currently feeds Green Street, Perkins Street to Mount Vernon Street to Ledgemont Avenue. During the site visit, Keith clearly noted the importance of the pumping station at Fuller School to this development. As this new development will add a burden to the Fuller School pumps. The City accepts the responsibility for the pumps, their maintenance and repair. To support the developmetn, especially the hotel and assiste4d living facility the developer should be required to provide an emergency generator for the pumping station to assure no loss of water pressure and volume during power failures.

The "Planning Boards Recommendation for Major Project Special Permits - Gloucester Crossing: Shopping Center, Assisted Living Residence, Hotel, and Drive - Thru Facility", dated 5/14/07 (immediately after Exhibit E), page 21, Item 21, defaults the certification of fire flows to the Fire Department. This is wrong. The Fire Department does not have the staff, engineering support nor the permission of the DPW Water Dept. to test the fire flows once the water main system is installed. This responsibility should be made a requirement for the developer, especially his engineers, to arrange flow tests with the DPW Water Dept., provide the detailed flow reports, including a projection of flow at the residual flow rate and down to 20 pounds per square inch (psi) on "N" hydraulic paper. These reports should be sent to the Fire and Water Departments, and certify under a professional engineer's stamp that the fire flows are adequate for manual fire fighting and sprinkler system operations.

Focusing on general requirements for all buildings, the Fire Department is seeking the following requirements:

1. A security key box, for access to entry keys by the Fire Department only, be placed on buildings A, two on building B (one each for each occupancy or store), one each for each occupancy (store) in building C, and 1 security key box on buildings D, E, F, G, and H. Locations will be determined once buildings are at the framed stage.
2. Each buildings shall have an exterior door marked sprinkler and fire control room which will access the sprinkler system valves, fire alarm system control panel, have a 6 foot (minimum) table and the as built plans for each building.
3. Sprinkler and/or standpipe Fire Department connections, as mandated by the Building Code, shall be placed in locations as directed by the Fire Department. The connections shall be 4 inch storz connectors and exterior audible water motor alarm bells shall be installed on all buildings.
4. Radio master fire alarm boxes, compatible with the City's system, shall be installed in each building, and be connected to the interior fire alarm system to relay to the fire dept. at least the zone (ex. floor) where the fire alarm originates. An addressable system by device activated and location of the device is preferred. A

specific zone or indication shall be provided for a water flow from the sprinkler system via the master box alarm. For the multi-tenant buildings B and C, the fire alarms and water flow detectors shall be set up to report the specific tenant for fire alarm and/or water flow alarms.

Specific building requirements include:

1. The hotel and assisted living facility shall have automatic start emergency generators with weekly full load self testing capable. The generators must be capable of providing emergency power for essential electrical needs including, but not limited to, lights, elevators, cooking facilities, food storage coolers/freezers, HVAC, and alarm systems.
2. The parking garage below the hotel must have an adequate sprinkler system, ventilation system for smoke and carbon monoxide detector system installed. The CO alarm shall be connected as a specific zone reported through the fire alarm system and master box to fire headquarters
3. Buildings A, B, E, and H, at least, shall provide an emergency action plan, developed by the tenants and building management, providing for all hazards. As an example, the fire alarm system activation is the primary means of directing evacuation of the building. A secondary means of evacuation signaling shall be detailed.

The garden style surroundings (i.e., lawns, shrubs and trees) for many of the buildings will hinder access to fire department aerial ladders and ground ladders. I am requesting the trees planned be spaced away from the buildings and be preferably dwarf type trees to prevent blocking window access by our aerial ladders. Where garden style lawn, shrub and trees surround sides of buildings, the developer shall work with the Fire Department to provide access points to windows and the roof by aerial and ground ladders.

Provide a drive able access road for 40 ton trucks (does not have to be pavement) around all buildings. The turf block systems to create drive able surfaces are acceptable. Aerial ladder placement requires space so that our ladder will be at a 70 degree angle when placed to the upper most windows and roof. These drive able surfaces must be plowed in the winter for emergency vehicle access. This access road is especially important for the assisted living facility Building H.

Provide exterior, exposure protection sprinklers on Building A on the east side and on the north and northeast side of building B. These exposure sprinklers would be the modern equivalent of the exterior sprinklers on Brown's Mall in Gloucester which are designed to limit fire exposure effects to nearby homes.

All elevators must meet the current elevator code. The hotel elevator must be large enough to accommodate an ambulance stretcher in each elevator compartment with sufficient space for at least 2 medics to be on opposite sides of the stretcher to provide adequate patient monitoring and care. The elevator cabs in the assisted living facility shall meet all requirements for this health care type facility. Unless otherwise not required by applicable codes (Building Code) or permitting authorities (ex. Department of Public Health) the elevator cabs shall be capable of holding a flat hospital/room style wheeled bed for horizontal evacuation of bed ridden patients.

The access road closest to the rear of the Fuller School should be widened to accommodate delivers from tractor trailer trucks as well as allow parked cars to be able to back out and exit or enter while a trailer truck is parked close to the school. The hammer head turnaround at the west end of this driveway should be

wider and deeper. An off site improvement, by providing a drive able access around the northwest side of the school from the rear driveway to the front parking lot, for emergency vehicles only, is requested. This can be paved, gravel or turf paving blocks capable of holding 40 ton vehicles and spaced away from the school to allow a 70 degree aerial ladder placement to the roof. A hydrant should be placed at the rear access road to the Fuller School. A barrier gate to allow emergency vehicles to be able to drive from the Gloucester Crossing Road to the main parking lot of Fuller School is requested between the parking lot at the administration wing of the Fuller School and the main parking lot.

The hydrant requested at the rear of the Fuller School is but one of 6 hydrants I am requesting be added or relocated. Additional or relocated hydrants are needed at:

1. Add a hydrant at the point where the new main off an existing main reaches the new street southwest of the main anchor store, Building A. This hydrant will be the second closest to the assisted living facility Building H in case the hydrant at the assisted living facility fails.
2. Relocate the hydrants at the north and south front corners of building B, the junior anchor stores. The north most hydrant at this store appears to be 40 feet or less from the building and thus is to close to this building. Alternative locations along the pipeline route can be provided. As an example, moving the north most hydrant at Building B to the opposite parking lot corner to the north will place the hydrant in a safer (for fire fighting exposure to radiant heat) location.
3. Relocate the hydrant next to the bank to the opposite parking lot corner.
4. Add a hydrant at the end of the water main in the front main parking lot of Building C. The hydrant should be placed in the parking lot barrier island south of the water main end point. This will provide a hydrant for buildings C, D and the front of E.
5. Relocate the hydrant at the rear of building D, to the opposite side of the roadway as it is to close to the restaurant. This hydrant should be tapped of the new 16 inch main going to the industrial park not the new 8 inch water main loop main.
6. Add a hydrant at the northern most point on Gloucester Crossing Road where the 16 inch main moves east to the parking lot to service the rear of buildings C and D. This will give us a hydrant close to Rte. 128 for refilling our water tanks for brush fires in the area or for any major vehicular accident at the Rte. 128 entrance/exit to this complex.

I am aware that an emergency vehicle traffic light controller and the transmitters for all emergency vehicles (i.e., commonly referred to by a brand name Opticom System), is proposed. This will be the first light in the City to have this controller. The State DPW promised to add such a controller at the lights at Western Avenue and Centennial Avenue if I purchase a vehicle controller (\$1,500 per vehicle). I did purchase the vehicle controller but the State reneged on installing the light controller. The State has not lived up to its promise in this case. Based on budget pressures the State may not install more controllers for traffic lights. While I have been an advocate for these systems, unfortunately, the vehicle mounted transmitters are one more device we will be responsible to maintain with our ever shrinking budgets. Instead of this system for one light

**SUBJECT:** Review of Gloucester Crossings plans

Page 5

that may not even be installed, I am requesting the City Council add a provision that the developer and/or tenants provide at least \$30,000 to the Fire Department for radio alarm box system receivers. I am also exploring the impact of the assisted living facility on our ambulance operations and have discussed with the Police Chief impacts of the development on police responses and security issues for cost assumptions by the developer of direct project related costs.

The fire department will have a lot of work when this development moves forward. The fire department issues the blasting permits for the extensive blasting that will be needed and will need to coordinate with the State for safety on Route 128 during blasting in proximity to Rte. 128. The Fire Department will issue permits to install sprinkler systems, fire alarm systems,, have to review the plans for each permit program, handle blasting complaints, observe fire detection and sprinkler system testing and work with the tenants of each facility, especially the assisted living facility and hotel, to assure safety plans are well written and known by the staff of each facility. My point is that when this complex is permitted our work really is just beginning at a time when budgets are shrinking. Our limited staff can only focus for minutes or an hour on what requires hours and days of plans review, construction inspections/site visits, systems testing and final occupancy permit sign off in a properly funded fire prevention program. We are not adequately staffed to effectively handle this workload. Even with this initial review written, I need to contact the developer's attorney, building inspector, DPW water department, State DPW and City Legal Counsel for additional information to assure my requests are appropriate and as "real" as possible. By conditioning the special permits required, I believe all the requests I made can be required.

Handling this development will be a challenge. Please consider the requests here the basic minimums to build fire and life safety into this complex. Should additional issues arise, I look forward to working with P & D, the developer, all agencies/companies and tenants to make this complex a safe valuable addition to our City.

**PUBLIC HEARING #4 06/26/2007**  
**Sam Park "Shopping Center"**

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**Legal Notice**

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**NOTICE OF A PUBLIC HEARING**

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing **February 20, 2007 at 7PM** in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

**APPLICANT:** Sam Park and Company, LLC. Sam Park, Manager

**LOCATION:** Side Street Highway, Gloucester Crossing Road, Map #262 Lot #13

**TYPE OF PERMIT:** Special Council permit under Section 1.4.2.2 for a major project for a Shopping Center (Section 2.3.4(49) and Section 5.7; Special Council Permit for greater building height (Section 3.2.2, footnote 3)

**PRESENTLY ZONED:** EB (Extensive Business)

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Robert D. Whynott, City Clerk

GT - 2/5, 2/12/07

**PUBLIC HEARING #5 06/26/2007**

**Sam Park "Drive Through"**

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**Legal Notice**

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**NOTICE OF A PUBLIC HEARING**

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing on February 20, 2007 at 7 PM in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

APPLICANT: Sam Park and Company, LLC, Sam Park, Manager

LOCATION: Side Street Highway, Gloucester Crossing Road, Map #262 Lot #13

TYPE OF PERMIT: Special Council permit under Section 1.4.2.2 for a Drive Through Facility (Section 5.17)

PRESENTLY ZONED: EB (Extensive Business)

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Robert D. Whycott, City Clerk

GT - 2/5, 2/12/07

**PUBLIC HEARING #6 06/26/2007  
Sam Park "Hotel"**

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**Legal Notice**

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**NOTICE OF A PUBLIC HEARING**

In accordance with the provisions of MGL Chapter 40A, section 11, The Gloucester City Council will hold a public hearing **February 20, 2007 at 7PM** in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

**APPLICANT:** Sam Park and Company, LLC. Sam Park, Manager

**LOCATION:** Side Street Highway, Gloucester Crossing Road, Map #262 Lot #13

**TYPE OF PERMIT:** Special Council permit under Section 1.4.2.2 for a major project for a Hotel (Section 2.3.1(7) footnote 3 and Section 5.7.1; Special Council Permit for a special exception under Section 3.2.1 for distance between buildings and Section 3.2.1 (footnote 4) for building height.

**PRESENTLY ZONED:** EB (Extensive Business)

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Robert D. Whyntott, City Clerk

GT - 2/5, 2/12/07