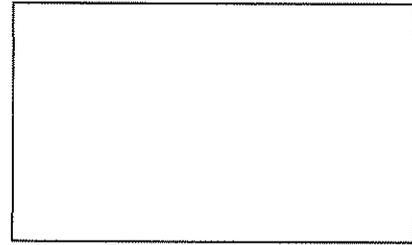


**GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS**  
**TUESDAY, OCTOBER 12, 2010**  
**7:00 P.M.**  
**KYROUZ AUDITORIUM, CITY HALL**  
**COUNCIL MEETING #2010-022**



**FLAG SALUTE & MOMENT OF SILENCE**  
**ORAL COMMUNICATIONS**  
**COUNCILLOR'S REQUESTS TO THE MAYOR**  
**CONFIRMATION OF APPOINTMENTS**

Open Space Committee - (TTE 02/14/2012) – Patty Amaral  
 Zoning Board of Appeals - (TTE 02/14/2011) – Michael Nimon

**CONSENT AGENDA**

- |   | <b><u>ACTION</u></b>       |
|---|----------------------------|
| <b>• MAYOR'S REPORT</b>   |                            |
| 1. Memorandum from DPW Director re: Supplemental Appropriation Request (#2011-SA-1) in the amount of \$50,000   | (Refer B&F)                |
| 2. Memorandum from Police Chief re: acceptance of a "Secure Our Schools" Grant in the amount of \$38,888  | (Refer B&F)                |
| 3. Memorandum from CAO re: permission to pay expenses incurred in FY10 by former Commission Volunteer Coordinator with FY11 funds   | (Refer B&F)                |
| 4. Memorandum from DPW Director re: acceptance of a donation of 100 toilet seats for Gloucester Public School buildings From The Carroll K. Steele Insurance Agency                 | (Refer B&F)                |
| 5. Memorandum from DPW Director re: Mass. Dept. of Environmental Capital Improvement Grant for Medium and Large Public Water Systems  | (Refer B&F)                |
| 6. Memorandum from Com. Dev. Director re: Community Preservation Committee's recommendations on the first round of project applications for the Community Preservation Act funding. | (Refer B&F)                |
| 7. Appointments: Historical Commission (TTE 02/14/2012) Jeff Crawford<br>Clean Energy Commission (TTE 02/14/2012) Candace Wheeler   | (Refer O&A)<br>(Refer O&A) |
| <b>• APPLICATIONS/PETITIONS</b>   |                            |
| 1. SCP2010-015: Kirk Road #9, GZO Sec. 5.5.4 Lowlands   | (Refer P&D)                |
| <b>• APPROVAL OF MINUTES</b>  |                            |
| 1. City Council Meeting 09/28/10  | (Approve/File)             |
| 2. Standing Committee Meetings: O&A 10/04/10, P&D 10/06/10, B&F 10/07/10 (under separate cover)   | (Approve/File)             |
| <b>• COMMUNICATIONS</b>   |                            |
| 1. Petition of 64 signatures submitted by Gail B. Misk re: removal of outdoor cameras from City of Gloucester   | (Refer ADMIN & B&F)        |
| 2. Letter to Council President Hardy re: Music in City Hall   | (Refer DPW)                |
| <b>• INVITATION</b>   |                            |
| 1. Amvets Department of MA "Pilgrim's Award" for Community Service and Legislative Achievement to John A. "Gus" Foote   | (Info Only)                |
| <b>• ORDERS</b>   |                            |
| 1. CC2010-070(McGeary) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: East Main Street #267  | (Refer TC & O&A)           |
| 2. CC2010-071(Mulcahey) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" by deleting: Addison Street (opposite #28), designated as one (1) handicapped parking space   | (No Referral Required)     |
| 3. CC2010-072(McGeary) Amend GCO Sec. 22-269 "Stop intersections" re: Bass Rocks Rd at its intersection with Atlantic Rd  | (Refer TC & O&A)           |
| 4. CC2010-073(Tobey) Enact ordinance amending GCO Ch. 8, Article II, §8-16 and §8-17 re: process of selection of Fire Chief   | (Refer O&A)                |
| 5. CC2010-074(Verga) Permitting process for use of City Property  | (Refer P&D)                |
| 6. CC2010-075(Ciolino) Amend GCO Chapter 11, Hawkers And Peddlers, And Transient Vendors  | (Refer O&A)                |

**FOR COUNCIL VOTE:**

1. Warrant for State Election – November 2, 2010

**ACTION**  
Approve

**SCHEDULED PUBLIC HEARING**

1. PH2010-068: Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of the City Charter and proposed amendment to GCO Chapter 4, Animals, Article II Dogs by adding new section 4-16(d) (cont'd from 8/31/10)
2. PH2010-075: GCO Article IV, Repair of Private Ways, Sec. 21-83 and Sec. 21-84 re: Petition for road repairs St. Anthony's Lane
3. PH2010-069: SCP2010-011 – Hesperus Avenue #82, GZO Sec. 3.1.6(b) Building Height in excess of 35' (cont'd from 9/28/10)
4. PH2010-076: Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Andrews Street
5. PH2010-077: Amend GCO Sec. 22-288 "Off Street Parking Areas" re: Andrews Street
6. PH2010-078: Amend GCO Sec. 22-292 "Fire lanes" re: Andrews Street
7. PH2010-079: Amend GCO Sec. 22-291 "Tow Away Zone" re: Andrews Street
8. PH2010-080: Amend GCO Sec. 22-267 "One Way Streets" re: Washington Street
9. PH2010-081: Amend GCO Sec. 22-270 "Parking prohibited at all Times" re: Washington Street
10. PH2010-082: Amend GCO Sec. 22-271 "Parking Prohibited from May 1 – September 15<sup>th</sup>" re: Washington Street
11. PH2010-083: Amend GCO Sec. 22-270 "Parking prohibited at all Times" re: Holly Street
12. PH2010-084: Amend GCO Sec. 22-291 "Tow Away Zone" re: Holly Street
13. PH2010-085: Amend GCO Sec. 22-271 "Parking prohibited from May 1 to September 15-Generally" re: Lexington Avenue
14. PH2010-086: Amend GCO Sec. 22-291 "Tow Away Zone" re: Lexington Avenue
15. PH2010-087: Amend GCO Sec. 22-284 "Service or Loading Zones" re: Elm Street
16. PH2010-088: Amend GCO Sec. 22-265 "Turning Movements" re: Old County Road

17. PH2010-089: Amend GCO Sec. 22.270.1 "Resident Sticker Parking Only" re: **Haskell Street**
18. PH2010-090: Amend GCO Sec. 22-271 "Parking prohibited between May 1 – September 15" re: **Haskell Street**
19. PH2010-091: Amend GCO Sec. 22-273f "Parking prohibited between certain hours on certain days re: **Haskell Street**
20. PH2010-092: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: **Haskell Street**
21. PH2010-093: Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking) re: **Ciaramitaro/Gemellaro Playground at Fort Square**

**COMMITTEE REPORTS**

O&A 01/04/10, P&D 10/06/10, B&F 10/07/10

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

**ROLL CALL** – Councillor Ann Mulcahey



Linda T. Lowe, City Clerk

**SPECIAL JOINT CITY COUNCIL AND SCHOOL COMMITTEE MEETING:  
October 19th, 6:30 pm at O'Maley School Library**

**NEXT REGULAR CITY COUNCIL MEETING  
October 26, 2010, 7 pm at City Hall, Kyrouz Auditorium**

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

TO: City Council  
FROM: Carolyn A. Kirk, Mayor  
DATE: September 30, 2010  
RE: Mayor's Report for the October 12, 2010 City Council Meeting

CITY CLERK  
GLOUCESTER, MA  
10 OCT -5 PM 4:00

Matters requiring your attention and action are as follows:

**Enclosure 1** is a memorandum from Michael Hale, Director of Public Works, regarding a Supplemental Appropriation Request (**#2011-SA-1**) in the amount of \$50,000. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Mike Hale will be available to answer questions and provide further information as required.

**Enclosure 2** is a memorandum from Gloucester Police Chief Michael Lane requesting City Council acceptance of a "Secure Our Schools" Grant in the amount of \$38,888. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Chief Lane, or his designee, will be available to answer questions and provide further information as required.

**Enclosure 3** is a memorandum from Chief Administrative Officer Jim Duggan requesting permission to pay expenses incurred in FY2010 by the former Tourism Commission Volunteer Coordinator with FY2011 funds. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Jim Duggan will be available to answer questions and provide further information as required.

**Enclosure 4** is a memorandum from Michael Hale, Director of Public Works, requesting City Council acceptance of a donation of 100 toilet seats for the Gloucester Public School buildings from The Carroll K. Steele Insurance Agency. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Mike Hale will be available to answer questions and provide further information as required.

**Enclosure 5** is a memorandum from Michael Hale, Director of Public Works, regarding a Mass. Department of Environmental Protection Capital Improvement Grant for Medium and Large Public Water Systems. This grant provides improvement programming for water infrastructure. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Mike Hale 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  
ckirk@gloucester-ma.gov

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

**Enclosure 6** is a memorandum from Sarah Garcia, Community Development Director, regarding the Community Preservation Committee's recommendations on the first round of project applications for the Community Preservation Act funding. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Sarah Garcia and Matt Lustig, Community Preservation Committee Project Manager, will be available to answer questions and provide further information as required.

**Boards, Committees & Commissions:**

I am requesting that the City Council approve the following new appointments:

**Jeff Crawford ~ Historical Commission – term to expire 2/14/2012**

*Mr. Crawford is being appointed to fill the vacancy created by the resignation of Robert Wolfe.*

**Candace Wheeler ~ Clean Energy Commission – term to expire 2/14/2012**

*Ms. Wheeler is being appointed to fill the vacancy created by the resignation of Michelle Dyer.*

Included as **Enclosure 7** are copies of Mr. Crawford's and Ms. Wheeler's letters of interest and other pertinent information. *Please refer these matters to the Ordinance and Administration subcommittee for review and approval.*

# **ENCLOSURE 1**

Public Works  
28 Poplar Street  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS

TO: Jim Duggan, Chief Administrative Officer  
FROM: Mike Hale, DPW Director  
RE: Supplemental Appropriation  
DATE: September 10, 2010

I am submitting a supplemental appropriation request of \$50,000.00 from the Reserve for Appropriation Account, #294015, Highway Force Account to the Personal Services Small Paving Contract Account, #101000104705841500000000000058, be sent to the City Council for appropriate action.

I will be available for any questions that may arise from the City Council. Thank you.

Budget: SUPLHF

**City of Gloucester**  
**SUPPLEMENTAL APPROPRIATION - BUDGETARY REQUEST**  
**Fiscal Year 2011**

\*\*\*\*CITY COUNCIL APPROVAL- 6 VOTES NEEDED\*\*\*\*

APPROPRIATION # 2011-SA- 1 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: Dept. of Public Works

APPROPRIATION AMOUNT: \$ 50,000.00

Account to appropriate from: *Unfund Account #* 294015310.991.59600.0000.00.000.00.059  
*Account Description* R/A Highway Force-OFS-Transfer Out

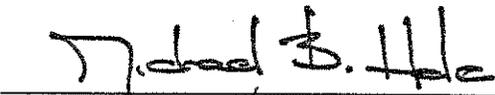
Balance Before Appropriation	\$	<u>60,064.00</u>
Balance After Appropriation	\$	<u>10,064.00</u>

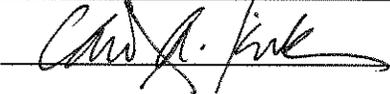
Account Receiving Appropriation: *Unfund Account #* 101000.10.470.58415.0000.00.000.00.058  
*Account Description* Public Services Paving

Balance Before Appropriation	\$	<u>-</u>
Balance After Appropriation	\$	<u>50,000.00</u>

DETAILED ANALYSIS OF NEED(S): Funds needed to fund autumn paving contract.  
\_\_\_\_\_  
\_\_\_\_\_

**APPROVALS:**

DEPT. HEAD:  DATE: 9/30/10

ADMINISTRATION:  DATE: 10/5/10

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

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

# **ENCLOSURE 2**

Chief Michael W. Lane

**Gloucester Police  
Department**

# MEMO

RECEIVED

SEP 30 2010

Mayor's Office

**To:** Jim Duggan, Chief Administrative Officer  
**From:** Chief Michael W. Lane  
**CC:**  
**Date:** September 30, 2010  
**Re:** "Secure Our Schools" Grant Award

---

Jim,

This past summer, the Gloucester Police Department applied for a federal grant named "Secure Our Schools" through the U.S. Dept of Justice. The purpose of the grant was to improve security at Gloucester Public Schools through the enhancement of school security equipment, such as security cameras and improved communication hardware.

On September 29, 2010, the U. S. Dept. of Justice notified the Gloucester Police that they have awarded us grant funding in the amount of \$ 38,888.00. The grant period will be from September 1, 2010 through August 31, 2012. There is a required 50% required cash match of \$ 19,444.00, which will be supplied by the School Dept.

I am requesting that this memo be submitted into the Mayors Report for submission to the Budget and Finance Sub Committee for their review. It is our hope that they will recommend acceptance of this Grant to the full City Council. Please see attached award letter.

Thank you for your consideration in this matter.

*Chief Mike Lane*

**Mike Lane**

From: Cops\_Info [Cops\_Info@usdoj.gov]  
Sent: Wednesday, September 29, 2010 11:25 AM  
To: Michael Lane - Police  
Subject: Secure Our Schools Award Notification



**U.S. Department of Justice**  
*Office of Community Oriented Policing Services*

*Office of the Director*  
1100 Vermont Ave., NW  
Washington, DC 20530

September 29, 2010

Chief of Police Michael Lane  
Gloucester Police Department  
197 Main Street  
Gloucester, MA 01930

Re: Secure Our Schools Grant Program – Grant #2010CKWX0707  
ORI#: MA00508

Dear Chief of Police Lane:

Congratulations! On behalf of Attorney General Eric Holder, I am pleased to inform you that the COPS Office has approved your agency's request for \$38888 under the COPS Secure Our Schools (SOS) grant program. This award will provide your agency with the opportunity to enhance a variety of school safety equipment and/or programs to encourage the continuation and enhancement of school safety efforts to prevent school violence within your community. The grant period for your SOS award is September 1, 2010 through August 31, 2012. It is our hope that this SOS grant will help place agencies at the forefront of innovative school safety developments.

Within the next few weeks, we will send your agency an award package containing your official award document, a Financial Clearance Memorandum, and a Final Funding Memorandum. To accept the grant when the award package arrives, you must sign the award document and any applicable special conditions, and return them to the COPS Office within 90 days of the date on the letter accompanying the award package.

The SOS grant award start date is September 1, 2010. Therefore, your agency can be reimbursed for approved costs after this date. Please be advised that some of your requested items may not have been approved by the COPS Office during the budget review process. When you receive your award package, please carefully review your Financial Clearance Memorandum and Final Funding Memorandum to determine your approved budget, as grant funds may only be used for approved items. The Financial Clearance Memorandum will specify the final award amount and your 50% local match, and will also identify any disallowed costs. Also, a supplemental online award package for 2010 Secure Our Schools grantees can be found at <http://www.cops.usdoj.gov/Default.asp?Item=2368>. We strongly encourage you to visit this site immediately to access a variety of important and helpful documents associated with your award, including the SOS Grant Owner's Manual, which specifies the programmatic and financial terms, conditions, and requirements of your grant. A Frequently Asked Questions (FAQ) document can also be found at this website, which will assist you with many questions you may have about your new SOS award.

We look forward to working with your agency under this grant program to address growing school safety and security concerns. If you have any questions about your grant, please do not hesitate to call your Grant Program Specialist through the COPS Office Response Center at 1.800.421.6770.

Sincerely,

Handwritten signature of Bernard K. Melkian in black ink.

Bernard K. Melkian  
Director

9/29/2010

# ENCLOSURE 3

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

## MEMORANDUM

**TO:** City Council

**FROM:** Jim Duggan, Chief Administrative Officer 

**RE:** Reimbursement of expenses to Carolin Catalano

**DATE:** September 28, 2010

---

We are respectfully requesting permission to reimburse expenses in the amount of \$161.93 incurred in FY2010 by Carolin Catalano, former Volunteer Coordinator for the Gloucester Tourism Commission. Ms. Catalano purchased supplies for the Visitors' Welcome Center, and City Council permission to use FY2011 funds for payment is required.

Please refer this request to the Budget and Finance subcommittee for review. I will be available to answer questions and provide further information as required.

Thank you.

Attachments

**STAPLES**

that was easy.

Low prices. Every item. Every day.  
230 Independence Way  
Danvers, MA 01923  
(978) 762-0152

SALE 1503980 4 004 54166  
QTY SKU 0495 06/30/10 04:10 PRICE

1	HP 920XL BLACK INK 884420736769	31.99
1	HP 920XL YELLOW IN 884420736790	14.99
1	HP OFFICEJET 6500 884420425496	119.98
Instant Savings #23038 <-30.00>		
1	HP 920XL CYAN INK 884420736776	14.99
1	HP 920XL MAGENTA I 884420736783	14.99
SUBTOTAL		196.94
Standard Tax 6.25%		12.31
TOTAL		\$209.25

MasterCard  
Card No.: XXXXXXXXXXXX4541 [S]  
Auth No.: 01509Z  
209.25

TOTAL ITEMS 5

670.96

Compare and Save  
with Staples-brand products.

THANK YOU FOR SHOPPING AT STAPLES !

**STAPLES**

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65 Dodge St. N. Beverly Plaza  
BEVERLY, MA 01915  
(978) 922-3339

SALE 1452266 11 001 79938  
QTY SKU 1258 06/01/10 09:42 PRICE

1	HP 901 COLOR INK 883585702619	28.99
1	HP 901 XL BLACK IN 883585702602	31.99
1	SPLS HD CLR TAPE 4 718103050838	9.99
1	SPLS HD CLR TAPE 4 718103050838	9.99
1	SPLS PREM TAPE W/D 718103001922	9.99
SUBTOTAL		90.95
Standard Tax 6.25%		5.68
TOTAL		\$96.63

Visa 70.00  
Card No.: XXXXXXXXXXXX4708 [S]  
Auth No.: 001602  
Card Balance: Unavailable  
MasterCard 26.63  
Card No.: XXXXXXXXXXXX4541 [S]  
Auth No.: 04515Z

TOTAL ITEMS 5

60.98

OK  
Jen Gram  
9-25-10

\$161.93  
TOTAL



DANVERS #301

11 NEWBURY STREET  
DANVERS, MA 01923  
MEMBER #111786768662 I6

E	475023 *MULTI-FOLD*	23.99 A
	83345 LEMONS	5.89
	SUBTOTAL	29.88
A	6.25% TAX	1.50
	TOTAL	31.38
VF	American Express	31.38

~~23.99 A~~ + TAX

NO TAX  
(JAD)

XXXXXXXXXXXX2003 SWIPED  
 05/21/10 18:29  
 Seq#: 000308 App#: 541798  
 American Express Resp: AA  
 Tran ID#: 014123033000  
 Merchant ID 99030111

APPROVED - PURCHASE  
AMOUNT: \$31.38

0301 006 0000000021 0169

CHANGE .00

TOTAL NUMBER OF ITEMS SOLD = 2  
 CASHIER: SUE S REG# 6  
 05/21/2010 18:29 0301 06 0169 21

THANK YOU!  
PLEASE COME AGAIN

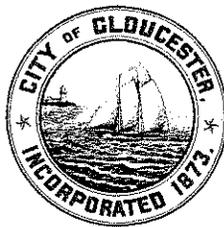
OK  
JAD  
9-26-10

# **ENCLOSURE 4**

RECEIVED

SEP 23 2010

Mayor's Office



Public Works  
28 Poplar Street  
Gloucester, MA 01930

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

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS

TO: Jim Duggan, Chief Administrative Officer  
FROM: Michael B. Hale, Director of Public Works *Michael B. Hale*  
RE: Donation from Carroll K. Steele Insurance Agency  
DATE: September 21, 2010

The Carroll K. Steele Insurance Agency has donated 100 toilet seats for the Gloucester Public School buildings. I am requesting that the Mayor's Office submit to the City Council this request to accept the donation.

The City of Gloucester is fortunate to have such civic minded and generous businesses in our City.

c: Mayor Kirk

Council: GRNTRQ

# ENCLOSURE 5

RECEIVED

SEP 23 2010

Mayor's Office



Public Works  
28 Poplar Street  
Gloucester, MA 01930

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

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS

TO: Jim Duggan, Chief Administrative Officer  
FROM: Michael B. Hale, Director of Public Works  
RE: MADEP Capital Improvement Plan Grant Program  
DATE: September 21, 2010

A handwritten signature in black ink, appearing to read "Michael B. Hale".

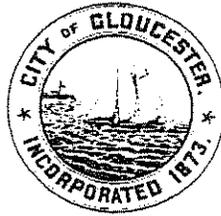
I am requesting that the Mayor's Office include in the next Mayor's report this request to file for the Mass Department of Environmental Protection Capital Improvement Plan Grant Program for Medium and Large Public Water Systems. This grant provides capital improvement programming for water infrastructure.

Due to the time constraints of the application, I am requesting after the fact submission approval from the City Council. I am providing the grant application for the City Council to review. I will be available for any questions that may arise. Thank you.

c: Mayor Kirk

Council: GRNTRQ

Public Works  
28 Poplar Street  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS

September 23, 2010

Mr. Patrick E. Rogers  
Massachusetts Department of Environmental Protection  
Division of Municipal Services, 6<sup>th</sup> Floor  
One Winter Street  
Boston, MA 02108

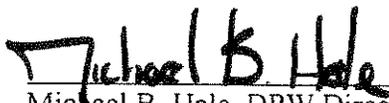
Subject: MADEP Capital Improvement Plan Grant Program  
for Medium and Large Public Water Systems

Dear Mr. Rogers:

The City of Gloucester agrees to discuss the following items in public session:

- Consideration of a budget line item, policy, or plan to replace water mains annually,
- Consideration of enacting an annual bond spending cap for the funding of needed capital projects,
- Review the completed components of the CIP and agree to determine if the plan will be accepted as a dynamic spending plan.

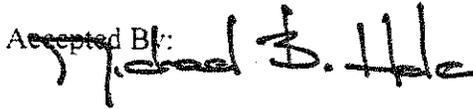
Sincerely,

  
Michael B. Hale, DPW Director  
City of Gloucester

**AUTHORITY TO FILE**

The City of Gloucester hereby certifies that Fay, Spofford & Thorndike, LLC is authorized to file the Massachusetts Department of Environmental Protection Capital Improvement Plan Grant Program for Medium and Large Public Water Systems on behalf of the City of Gloucester Massachusetts.

Accepted By:

A handwritten signature in black ink, appearing to read "Michael B. Hale". The signature is written in a cursive style with a large initial "M".

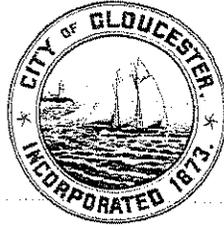
---

Michael Hale, DPW Director

City of Gloucester

# ENCLOSURE 6

City Hall Annex  
Three Pond Road  
Gloucester, MA 01930



TEL 978-281-9781  
FAX 978-281-9779  
sgarcia@gloucester-ma.gov

**CITY OF GLOUCESTER**  
COMMUNITY DEVELOPMENT DEPARTMENT

**MEMORANDUM**

TO: Mayor Carolyn Kirk  
FROM: Sarah Garcia, Community Development Director  
CC: Matt Lustig, CPC Project Manager  
RE: Recommendations from the Community Preservation Committee  
DATE: October 4, 2010

---

*Sarah Garcia*

The Community Preservation Committee has received, reviewed and made recommendations on the first ever round of project applications for the Community Preservation Act funding.

Please find attached the Committee's submission of recommended projects for your review, and for forwarding to the City Council for their review and appropriation.

Thank you.

## **GLOUCESTER COMMUNITY PRESERVATION COMMITTEE RECOMMENDATIONS FOR FY10 & FY11 ROUND 1 APPROPRIATION**

The Gloucester Community Preservation Committee recommends that City Council appropriate \$502,600 from the Community Preservation Fund for the projects hereinafter described.

The Community Preservation Committee recommends \$307,600 in funding for one-time projects. In addition the Committee recommends that the City Council authorize the issuance of a general obligation bond, in anticipation of future revenues raised through the CPA surcharge, to pay for a substantial portion of the remaining exterior restoration of Gloucester City Hall. The Community Preservation Committee recommends issuance of a 20 year level-debt service general obligation bond for the lesser of \$2,600,000 (plus associated transaction costs) or the amount of debt supported by an annual debt service of \$185,000 (plus \$10,000 in associated transaction costs).

All recommended projects are subject to the terms and conditions imposed by the Community Preservation Committee. The following conditions are common to all recommended projects:

1. Projects financed with Community Preservation Act funds must comply with all applicable State and municipal requirements. Funds are administered and disbursed by the City of Gloucester.
2. Project oversight, monitoring, and financial control are the responsibility of the Community Preservation Committee or its designee.
3. The Community Preservation Committee will require quarterly project status updates from Community Preservation Act Fund recipients. Additionally, recipients shall also provide an interim report at the 50% Completion Stage along with budget documentation.
4. All projects will be required to state *"This project received funding assistance from the citizens of Gloucester through the Community Preservation Act"* in their promotional material and, where appropriate, on exterior signage.

Attached are:

1. Summary of Community Preservation Committee Recommendations
2. Project Summaries for each Recommendation
3. Criteria for Project Evaluation adopted and published by the Community Preservation Committee

Estimated Community Preservation Fund Revenue available for appropriation or reservation is \$960,000. This includes receipts for the local surcharge during FY 2010 and accumulated interest, and estimated receipts for FY 2011, plus the anticipated 28% state match.

Applications for all projects are available for review in the Office of Planning and Development.

Submitted by: Community Preservation Committee

J.J. Bell, Co-Chair and At-Large  
Bill Dugan, Housing Authority  
Karen Gallagher, Planning Board  
Dan Morris, Open Space and Recreation  
Scott Smith, At-large

Sandy Dahl-Ronan, Co-Chair and At-Large  
John Feener, Conservation Commission  
Ian Lane, Historic Commission  
Stacy Randell, At-large

**Summary of 2010 Community Preservation Committee Recommendations**

<b>Project No.</b>	<b>Applicant</b>	<b>Project Title</b>	<b>Category</b>	<b>Recommended Amount</b>
1	Community Development Department	Dogtown/ North Gloucester Woods Preservation Planning	Open Space	\$30,000
2	Gloucester High School, Jim Schoel	Wostrel Environmental-Adventure Center	Open Space/Recreation	\$10,100
3	Gloucester Development Team	Central Grammar Apartments	Community Housing	\$50,000
4	The Gloucester Adventure	Schooner Adventure Restoration: Windlass and Anchor Chain	Historic Preservation	\$25,000
5	City Hall Restoration Commission	City Hall Restoration-Completion of the Exterior Restoration	Historic Preservation	\$195,000* (\$2,600,000)
6	Gloucester Unitarian Universalist Church	Universalist Meetinghouse Restoration Phase II	Historic Preservation	\$30,000
7	Gloucester Historical Commission	Gloucester Street Survey Update	Historic Preservation	\$7,500
8	Historic New England	Beauport Window Conservation	Historic Preservation	\$25,000
9	Gloucester Housing Authority	Cape Ann Homeownership Center	Community Housing	\$20,000
10	Gardner Company	10 Taylor St. Condominiums	Community Housing	\$110,000
* 20 Year Bond @ 3.75% approximately \$185,000/ year + one-time transaction costs of \$10,000-\$15,000			<b>TOTAL</b>	<b>\$502,600</b>

## PROJECT NO. 1

### DOG TOWN/ NORTH GLOUCESTER WOODS PRESERVATION PLANNING

Project Sponsor: Gloucester Community Development Department

The Community Preservation Committee recommends the appropriation of \$30,000 to the Gloucester Community Development Department to create an existing conditions inventory to be used to develop a preservation plan for the Dogtown/ North Gloucester Woods area.

The Community Preservation Act spending purpose is to plan for the ultimate acquisition of open space.

#### **Project Summary**

The project will (1) inventory the ownership and existing level of protection of 105 parcels north of the publicly-owned land in Dogtown and the Babson Watershed including land title research to obtain current deeds and property boundary plans, (2) map out existing access points, trails and ways through those parcels and (3) use the deeds, plans and interviews of current residents to determine the current legal status of public access to the historic paths and roads through the area.

The existing conditions inventory will then be used to develop (1) a preservation plan for the area designed with input from landowners and residents, (2) widely supported strategies to preserve open space and public access to and across these lands.

Community Preservation Act funding will be used to engage the services of a title abstractor and land surveyor to gather the necessary information to complete the inventory and to obtain legal advice as need to determine the legal status of public access through the area.

**PROJECT NO. 2**  
**WORSTREL ENVIRONMENTAL-ADVENTURE CENTER**  
**Project Sponsor: Gloucester High School (Jim Schoel)**

The Community Preservation Committee recommends the appropriation of \$10,100 to Gloucester High School (Jim Schoel) for the removal of invasive tree species and the replanting of native species at the Worstrel Environmental-Adventure Center.

The Community Preservation Act spending purpose for this appropriation is to create recreation and open space.

**Project Summary**

The Worstrel Environmental-Adventure Center will be an education center adjacent to the Annisquam River and Gloucester High School that will utilize this unique environmental area to enhance outdoor educational and vocational opportunities for Gloucester High School students. The project will include construction of a Challenge Course, an addition to the existing Aquaculture Lab, and a Community Garden.

Community Preservation Act funds will be used to remove and replace invasive Norway maples with species beneficial to wildlife.

**PROJECT NO. 3**  
**CENTRAL GRAMMAR APARTMENTS**  
**Project Sponsor: Gloucester Development Team**

The Community Preservation Committee recommends the appropriation of \$50,000 to the Gloucester Development Team for the restoration of the Central Grammar Apartments, located at 10 Dale Avenue.

The Community Preservation Act spending purpose for this appropriation is to support community housing.

**Project Summary**

Central Grammar Apartments is an 80-unit affordable elderly housing development across the street from Gloucester City Hall. It is a brick school building built in 1889 and the 1920's that was converted to residential use by Gloucester Development Team in 1975. Legal affordability restrictions on the apartment rentals are expiring, and after 35 years the building badly needs renovation. The Gloucester Development Team is proposing to recapitalize the property with tax exempt bond financing, private equity, 4% federal low income housing tax credits, federal and state historic preservation tax credits, and other state funding. The rehabilitation includes fire suppression sprinkler system, roofing, pointing and masonry repairs, new historically accurate and more energy efficient windows, handicap accessibility, new kitchens and baths, interior cosmetic upgrades, boiler and control replacement, insulation and other energy-conserving improvements.

Community Preservation Act funding will leverage public funding for the project by contributing toward the local match for \$2,695,000 in the Commonwealth's Capital Improvement and Preservation Funds and Affordable Housing Trust Funds.

## PROJECT NO. 4

### SCHOONER ADVENTURE RESTORATION: WINDLASS & ANCHOR CHAIN

**Project Sponsor: The Gloucester Adventure**

The Community Preservation Committee recommends the appropriation of \$25,000 to The Gloucester Adventure to contribute toward the rebuilding of the windlass and attach the anchor chain to the National Historic Landmark, Schooner Adventure.

The Community Preservation Act spending purpose for this appropriation is to restore historic resources.

#### **Project Summary**

This Gloucester Adventure, Inc. has been undertaking the restoration of the Schooner Adventure, the last of the Gloucester dory fishing schooners, to the original 1926 fishing configuration. Once completed, the Adventure will serve as a floating and sailing museum and educational facility dedicated to the preservation and retelling of the New England fishing industry centered in Gloucester. Rebuilding the windlass and replacing the anchor chain are the next critical steps toward completing the vessel's \$3.5 million restoration. The windlass is a large wooden and iron hand actuated winch that enables the Adventure's 1000 pound anchor to be raised and lowered, allowing the vessel to be anchored in open water. This piece of equipment is essential for the safe operation of the schooner.

Community Preservation Act funding will be used to help rebuild the windlass.

**PROJECT NO. 5**  
**GLOUCESTER CITY HALL EXTERIOR RESTORATION**  
**Project Sponsor: City Hall Restoration Commission**

The Community Preservation Committee recommends the appropriation of a 20 year level-debt service general obligation bond for the lesser of \$2,600,000 (plus associated transaction costs) or the amount of debt supported by an annual debt service of \$185,000\* (plus associated transaction costs), for the exterior restoration of Gloucester City Hall. Bonding this important work now can take advantage of competitive construction costs and historically low interest rates.

\* The annual debt service is based on information provided by First Southwest (9/15/10), and assumes an interest rate of 3.75%.

The Community Preservation Act spending purpose for this appropriation is to restore historic resources.

**Project Summary**

Completed in 1871, Gloucester City Hall is the most historically and architecturally significant municipally owned building in Gloucester, and is listed on the National Register of Historic Places. Designed by the acclaimed architectural firm of Gridley J.F. Bryant and Louis Rogers, Gloucester City Hall defines the City's skyline, contributes to the architectural fabric of Gloucester, adds vibrancy to downtown, houses municipal treasures, serves as an important venue for community events and has been the seat of municipal government departments for almost 140 years.

As part of the ongoing exterior restoration of Gloucester City Hall, Community Preservation Act funding will be used to fund architectural and engineering plans and to restore and rehabilitate the rapidly deteriorating elements of the building's exterior envelope, including the balance of the tower, the ventilators, the decorative cornice, the windows, and the entrance porticos.

## PROJECT NO. 6

### UNIVERSALIST MEETINGHOUSE RESTORATION PHASE II

Project Sponsor: Gloucester Unitarian Universalist Church

The Community Preservation Committee recommends the appropriation of \$30,000 to the Gloucester Unitarian Universalist Church to fund improved accessibility for persons with disabilities, including a platform lift, as well as to construct Americans with Disabilities Act compliant lavatories.

The Community Preservation Act spending purpose for this appropriation is to restore historic resources.

#### **Project Summary**

Built in 1805-06 the Meetinghouse is listed on the National Register of Historic Places and is the oldest standing church in Gloucester. It is an often-cited example of a design popularized by an early American architect, Asher Benjamin. The 155-foot lantern tower lighted at night is an iconic symbol of the City and has guided mariners into Gloucester Harbor for more than 200 years. The Meetinghouse hosts dozens of public events each year including theatrical and musical performances, lectures, benefit events and group meetings. The Sanctuary and other areas where these events are held are now inaccessible to persons unable to navigate stairs.

Community Preservation Act funding will help make this historically important building accessible to persons with disabilities, through the installation of a platform lift elevator to serve both a downstairs Vestry and the 300-seat main Sanctuary above. Lavatories for use by persons with physical disabilities will also be constructed.

**PROJECT NO. 7**  
**GLOUCESTER STREET SURVEY INDEX UPDATE**  
**Project Sponsor: Gloucester Historical Commission**

The Community Preservation Committee recommends the appropriation of \$7,500 to the Gloucester Historical Commission to update the Street Survey Index of historic properties.

The Community Preservation Act spending purpose for this appropriation is to plan for the ultimate restoration and preservation of historic resources.

**Project Summary**

The Survey Update will provide (1) a detailed assessment of Gloucester's inventory historic properties and (2) comprehensive recommendations for priorities for updating and expanding the inventory. While the city's existing historic resources inventory is relatively comprehensive, gaps and omissions are recognized, given the size of the City and the age of many of the existing inventory forms. The earliest inventory forms for Gloucester were prepared in the 1970s. It is important to evaluate the completeness and accuracy of the city's existing collection of forms, in the light of new information that may be available, the passage of time that makes additional properties meet the threshold for historic designations, and new perspectives on the cultural significance of property types and styles that may previously have been underappreciated and under documented.

The Survey Update will identify areas where additional work is necessary, and provide a solid basis for the City to move forward with its outstanding historic properties survey needs.

The Survey Update will result in a written Survey Plan, which will include an assessment of the existing inventory of approximately 1400 properties and National Register documentation for historic properties; a prioritized list of properties recommended for updated or new inventory forms; and a prioritized survey action plan for how best to undertake future documentation and protection of important properties.

Community Preservation Act funding will be used to support the work of a Preservation Consultant to complete the Survey Update.

## PROJECT NO. 8

### BEAUPORT WINDOW CONSERVATION (PHASE IV)

Project Sponsor: Historic New England

The Community Preservation Committee recommends the appropriation of \$25,000 to Historic New England to provide professional conservation care for approximately 30 historic wood windows at Beauport, Sleeper-McCann House, a National Landmark.

The Community Preservation Act spending purpose for this appropriation is to restore historic resources.

#### **Project Summary**

Beauport, Historic New England's most-visited house museum, is a premiere travel destination in the City Gloucester, a nationally important historic property and a unique educational and cultural resource.

The building's location on a natural rock ledge directly above the Atlantic Ocean places it directly in the path of surface water runoff. Current restoration efforts, including the window conservation project, will prevent future moisture penetration, remove potential threats to the building, and mitigate further damage to the historic fabric and collections.

In 2008, Historic New England secured a \$500,000 matching grant for the planned \$1,135,475 preservation project from *Save America's Treasures* program through the Department of the Interior to address some of the most significant issues threatening the building and collections within. The scope of work includes window repairs and repainting, masonry repairs, and a wood shingle roof replacement. A partial match to the *Save America's Treasures* grant was secured through the Massachusetts Preservation Project Fund in 2008 that allowed Historic New England to begin window conservation work on other sides of the house.

Historic New England is now working towards the challenging restoration of severely deteriorated windows on the harbor side of the property, located over the rocky ledge and the sea.

Community Preservation Act funding will support Phase IV of the \$50,000 window restoration project, with matching funds through the *Save America's Treasures* grant already approved.

**PROJECT NO. 9**  
**CAPE ANN HOMEOWNERSHIP CENTER**  
**Project Sponsor: Gloucester Housing Authority**

The Community Preservation Committee recommends the appropriation of \$20,000 to the Gloucester Housing Authority to expand their pre-purchase, post-purchase, and foreclosure prevention counseling programs through the Cape Ann Homeownership Center.

The Community Preservation Act spending purpose for this appropriation is to support community housing for low and moderate-income individuals and families.

**Project Summary**

Established in 1948, the Gloucester Housing Authority currently assists over 1400 low and moderate-income households on Cape Ann annually through public housing, rental assistance, and homeownership programs.

Housing prices and tight credit markets pose obstacles for credit worthy families to purchase their own home. The waiting lists for Gloucester Housing Authority pre-purchase certificate courses have doubled in the past year. The goal of the Cape Ann Homeownership Center is to prepare the potential buyer to be in the best possible position armed with the highest level of knowledge prior to seeking financing. The Homeownership Center also provides training on household budgeting, repair and maintenance, and wise refinancing decisions to enable homeowners to stay in their homes and enjoy being part of the Gloucester Community. There is an urgent need to educate prospective homeowners about safe and stable decisions to ensure the success of their pending homeownership. Guidance and tools to sustain ownership and avoid foreclosure are provided to existing homeowners.

Community Preservation Act funding will help expand the existing counseling program offsetting program expenses and the salary of the Homeownership Specialist.

**PROJECT NO. 10**  
**10 TAYLOR STREET AFFORDABLE CONDOMINIUMS**  
Project Sponsor: Gardner Company

The Community Preservation Committee recommends the appropriation of \$110,000 to the Gardner Company to help fund the construction of three affordable condominium units at 10 Taylor Street.

The Community Preservation Act spending purpose for this appropriation is to create community housing for low and moderate-income individuals and families.

**Project Summary**

The Gardner Company proposes to acquire, at a bargain price, a vacant 4,318 s.f. lot, currently owned by the Gloucester Housing Authority, and construct three new condominiums, in accordance with plans approved by the Zoning Board of Appeals. All of the units will be sold to pre-qualified, income eligible, first-time buyers at prices no greater than \$130,000 for 2, two-plus bedroom townhouses and 1, one-bedroom handicap accessible unit. These prices will allow households earning approximately 60-70% of the area median income to qualify for purchase. All units will be deed restricted as permanently affordable, meet the requirements of the Local Initiative Program of the Department of Housing and Community Development, and count towards the City's subsidized housing inventory. Multiple funding sources will combine to achieve the balance of the required \$140,000- \$150,000 project subsidy. Construction financing will be provided by Bank Gloucester.

The 10 Taylor Street Condominium project will revitalize an existing vacant lot in central Gloucester, and provide affordable housing in an established neighborhood. The site is within walking distance of Main St., the waterfront and CATA bus service.

Community Preservation Act funding will be used to offset all project expenses, including land acquisition, site improvements, building construction and project management.

# ENCLOSURE 7

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

October 1, 2010

Mr. Jeff Crawford  
646 Washington Street  
Gloucester, MA 01930

Dear Mr. Crawford:

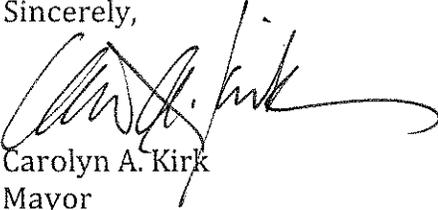
Thank you for your interest in serving on the City of Gloucester's **Historical Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their October 12, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Historical Commission. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,



Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
David Rhinelander, Chair-Historical Commission  
Enclosure  
CAK/c

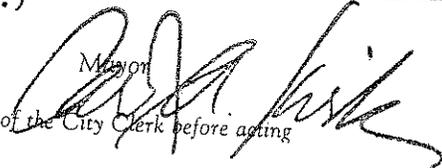
EFFECTIVE OCTOBER 1, 2010

**The City of Gloucester, Massachusetts**

Dear Jeff Crawford, 646 Washington Street, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you  
to the HISTORICAL COMMISSION \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2012. (Filling vacancy created  
by resignation of Robert Wolfe.)  
Respectfully,

Mayor  


N.B. You are required to be sworn in at the office of the City Clerk before acting  
under this appointment.

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

**RECEIVED**

SEP 30 2010

**Mayor's Office**

September 28, 2010  
Mayor Kirk  
City Hall  
Gloucester, MA 01930

Dear Mayor Kirk,

I am writing to you regarding my interest and request to join the Gloucester Historical Commission.

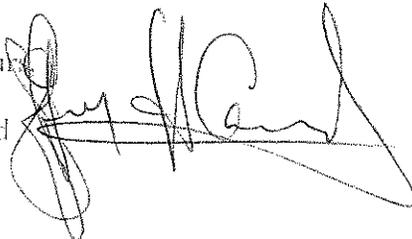
At the invitation of Ian Lane and David Rhineland, I have been attending meetings since last spring, and I am now requesting to become a voting member of this commission. I was first introduced to the work of this commission by my friend Pru Fish, and I believe that I am a good candidate to assist this group.

In my work, I have spent the past twenty five years preserving, restoring, and rebuilding old buildings in the Cape Ann area. I believe that my understanding of the mechanics of historic buildings and my years of reading and studying local history will be of value to this Commission. My work reflects my belief in preserving the past while establishing the future.

I have been committed to the Gloucester community for many years. For the past five years I have been teaching Cape Ann children Outward Bound skills with the Gloucester Museum School during the summer months. My primary focus in teaching is to utilize Cape Ann as a living classroom and to instill in our children a love and sense of wonder for the area in which they live. My intention is to share my vast knowledge and love of local history with the kids. I am also the Boy Scout Troop Master for Gloucester Troop 56, a member of the Building Committee for the Annisquam Village Church, and I was one of the founders of the New Fish Festival.

Sincerely yours,

Jeff Crawford



[BILLS & LAWS](#) | [PEOPLE](#) | [COMMITTEES](#) | [EVENTS](#) | [EDUCATE & ENGAGE](#) | [MASS. BUDGET](#)

## Bills &amp; Laws

[Bills Underway](#)  
[Existing Laws](#)  
[Senate Calendar](#)  
[House Calendar](#)  
[Joint Rules](#)  
[Senate Rules](#)  
[House Rules](#)  
[Journals](#)

## General Laws

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

**TITLE VII CITIES, TOWNS AND DISTRICTS**
**CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS**
**Section 8D Historical commission; establishment; powers and duties**

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

October 1, 2010

Ms. Candace Wheeler  
8 Rockholm Road  
Gloucester, MA 01930

Dear Ms. Wheeler:

Thank you for your interest in serving on the City of Gloucester's **Clean Energy Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their October 12, 2010 meeting and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Clean Energy Commission. I truly appreciate the hard work and dedication you and your colleagues on this important committee offer on behalf of the City of Gloucester.

Sincerely,



Carolyn A. Kirk  
Mayor

cc: Mayor's Report to City Council  
Sarah Garcia, Community Development Director

Enclosure  
CAK/c

EFFECTIVE OCTOBER 1, 2010

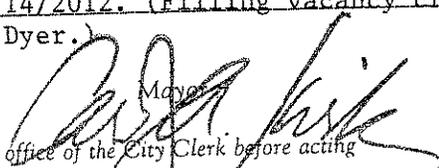
**The City of Gloucester, Massachusetts**

Dear Candace Wheeler, 8 Rockholm Road, Gloucester, MA 01930

It is my pleasure to inform you that I have this day appointed you  
to the CLEAN ENERGY COMMISSION \_\_\_\_\_ of the City of  
Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2012. (Filling vacancy created  
by resignation of Michelle Dyer.)

Respectfully,

  
Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting  
under this appointment.

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

## Christine Pantano

---

**From:** Carolyn Kirk [ckirk@gloucester-ma.gov]  
**Sent:** Thursday, September 23, 2010 2:50 PM  
**To:** cpantano@ci.gloucester.ma.us; 'Sarah Garcia'  
**Subject:** FW: Application for Clean Energy Commission Vacancy

---

**From:** Candace Wheeler [mailto:candacepwheeler@gmail.com]  
**Sent:** Thursday, September 23, 2010 2:38 PM  
**To:** Carolyn Kirk - Mayor  
**Cc:** Jim Duggan; Cleaves, Sam  
**Subject:** Application for Clean Energy Commission Vacancy

Dear Mayor Kirk,

While attending a meeting of the MAPC North shore Task Force, I learned from Sam Cleaves that there is an opening on the Gloucester Clean Energy Commission. I would be very interested in joining the Clean Energy Commission, and would like to submit my name for that vacancy. I talked with Sam about the work of the Commission, and I feel that it could play an important role not only in meeting environmental goals, but also in saving municipal funds, and fueling economic development in Gloucester. I would like to be part of that!

I think that my background could be useful to the dialogue of the Commission. I spent 30 years working for the Town of Hamilton, with 12 years as the Town Planner, and 18 years as the Town Administrator. I worked on the wind energy by law adopted by Hamilton in the 1980's, and more recently worked on the new alternative energy siting by-law as part of the Green Communities Program. Hamilton and Wenham filed a joint application for the Green Communities Program, and were designated as Green Communities this past spring. I also worked on a proposed wind turbine project to be developed jointly with the U.S. Air Force at their Hamilton solar telescope site, and on setting up and administering a joint Hamilton-Wenham Energy Services Contracting project for retrofitting municipal buildings with energy-saving capital improvements, funded through the stream of energy savings resulting from the improvements.

So, I bring some relevant experience and much enthusiasm for the City's work on clean energy options and conservation. Please let me know if I need to do anything other than submit this e-mail to apply for the opening on the Clean Energy Commission, and please feel free to contact me at the phone/e-mail listed below.

Thank you for your consideration.

Candace Wheeler  
8 Rockholm Road, Gloucester, MA 01930

Home: 978-281-3566  
Cell: 978-835-6110  
E-mail: [candacepwheeler@gmail.com](mailto:candacepwheeler@gmail.com)

10/1/2010

## DIVISION 11

### SECTION 2-514 CLEAN ENERGY COMMISSION

Be it enacted by the City Council assembled and by the authority of the same as follows:

**Sec. 2-514** The Gloucester Clean Energy Commission is created to promote clean energy options in Gloucester, including energy efficiency, conservation and the development of clean and renewable energy.

**Sec. 2-515** The Commission shall pursue the following tasks:

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

Sec. 2-516

a) The Commission shall consist of seven (7) members. Members shall be appointed by the Mayor and approved by the City Council, subject to the provisions of the City Charter. Appointees shall serve staggered terms of two years beginning at the date of appointment and ending on February 14 as required by the city charter. Commission members shall be Gloucester residents and may include representation by appropriate city employees as determined by the Mayor. Members will be selected based on relevant experience and knowledge in energy management strategies, renewable and alternate energies, energy efficiency and/or community sustainability. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

b) The terms of the members shall be staggered, as such, the initial members shall be for the following terms:

- i. Three members for one year;
- ii. Four members for two years.

c) The Commission shall:

- i. Meet on a monthly basis and retain meeting minutes;
- ii. Report to the Mayor on a quarterly basis; and
- iii. Beginning six months after its initial formation, the Commission shall submit to the Council on a semi-annual basis a report of its activities and its progress in achieving its mission.

GLoucester City Council Meeting

Tuesday, September 28, 2010

7:00 p.m.

Kyrouz Auditorium – City Hall

Council Meeting 2010-21

**Present:** Council President, Jacqueline Hardy; Vice President, Sefatia Theken; Councilor Joseph Ciolino; Councilor Paul McGeary; Councilor Steven Curcuru; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whyntott

**Absent:** None.

**Also Present:** Linda T. Lowe; Jim Duggan; Kenny Costa; Jeff Towne; Jack Vondras; Max Schenk; Rufus Collinson; Janet Rice; Kersten Lanes; Maggie Rosa; Charles Olsen; Nicole Bogin; Attorney Robert J. Coakley; Thomas Hauck; Larry Ingersoll; Peter Jenner; Henry Ferrini

**The meeting was called to order at 7:02p.m.**

**Flag Salute and Moment of Silence.**

**Oral Communications:**

**Maggie Rosa**, 26 Fort Hill Avenue announced a significant improvement in the City Hall building: a newly restored bell cradle and clock. Time was now “right” on all four sides of the building thanks to a generous donation from the Dusky Foundation and individual donors as well.

**Sherry Gallagher**, 8 Columbia Street presented a petition signed by 41 neighbors to the City Council and stated they have an abandoned, condemned building in their neighborhood (submitted and on file) and have sought the attention of City departments to alleviate the matter and asked for help in expediting a solution. Eight other people from the neighborhood were present at the meeting. She stated she has also provided this petition to the Mayor. Councilor Hardy advised her that she will receive a reply from the Mayor’s office in two weeks.

**Councilors’ Requests to the Mayor:** All Councilor requests have been received in writing and forwarded to the office of the Mayor.

**Confirmation of Appointments:**

**Councilor Theken** stated questions were asked of all appointees regarding Open Meeting Laws, the State Ethics Commission test., and were interviewed as to their background and how it relates to their particular Council or Board to the O&A Committee’s satisfaction which could recommend the four appointees below to the Council.

Thomas Hauck

Gloucester Cultural Council

TTE 02/14/2013

**MOTION:** On motion by Councilor Verga, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Thomas Hauck to the Gloucester Cultural Council, TTE 02/14/2013.

**Discussion:**

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Thomas Hauck to the Gloucester Cultural Council, TTE 02/14/2013.

Martin Ray

Gloucester Cultural Council

TTE 02/14/2013

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Martin Ray to the Gloucester Cultural Council, TTE 02/14/2013.

**Discussion:**

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Martin Ray to the Gloucester Cultural Council, TTE 02/14/2013.**

Kersten Lanes Capital Improvement Advisory Board (CIAB) TTE 02/14/2013

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Kersten Lanes to the Capital Improvement Advisory Board (CIAB), TTE 02/14/2013.

**Discussion:**

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Kersten Lanes to the Capital Improvement Advisory Board (CIAB), TTE 02/14/2013**

Janet Rice

Capital Improvement Advisory Board (CIAB)

TTE 02/14/2013

MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Janet Rice to the Capital Improvement Advisory Board (CIAB), TTE 02/14/2013.

**Discussion:**

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to appoint Janet Rice to the Capital Improvement Advisory Board (CIAB), TTE 02/14/2013.**

**By the Council's unanimous consent the Administration made the following introduction:**

**Jim Duggan, CAO** introduced Paul Keane, new City Engineer, to the City Council who began his employment with the City the previous week.

**Mr. Keane** introduced himself as a 15 year public sector employee and an experienced engineer of 30 years, who had also worked as a DPW director in two other Massachusetts communities, his last public appointment having been with the City of Dedham.

**Councilor Theken** asked Mr. Keane how he has been around the City

**Mr. Keane** stated he is working on the large projects already ongoing within the City. He's seen quite a bit of the City and is involved in all the infrastructure work. He understood there were many challenges and great opportunities ahead for him in this new position.

**Presentations:**

**1 of 1: Max Schenk – Board of Health – Title V Septic System Regulations**

**Max Schenk**, Health Department Manager of Environmental Health stated they are aware of the Columbia Street issues referenced to in Oral Communications, and that the Building Inspector has been in communication with them; and that folks in the audience may see some action soon. He reviewed for the Council the Title V regulations, how they have changed over time, as well statistics on Gloucester septic systems: Out of the approximately 11,000 properties in Gloucester, 2,934 have septic systems. Out of those, 2,114 have advanced pre-treatment systems and 61 have a “tight tank”. He went into the background on Title V and the Gloucester Board of Health’s septic system regulations for them. Lastly, he described resources for residents who need to replace their failed septic system (copy of Mr. Schenk’s documentation on file and further information available at the Gloucester Health Department and at the City’s website: gloucester-ma.gov).

**Councilor Tobey** stated he had asked for this presentation. He wanted more detail regarding the DEP requirement that the Board issue letters to homeowners who had failed septic systems with two years to upgrade those systems; and that for certain areas in West Gloucester those two years were nearly up. He asked how many of those letters the department issued.

**Mr. Schenk** stated 80-plus which included 91 failed systems in the City.

**Councilor Tobey** asked how he foresaw this evolving over time.

**Mr. Schenk** explained all folks are asked to do, is for them to do what was to be done when their system failed. Everyone gets two years to remedy the situation, stating economy drives much of this. The number of Title V inspections done are driven by time of transfer of real estate. They expect around 20 to 30 septic systems per year now in the waning real estate market as opposed to much more during the real estate boom years. It is also based on new home construction; it, too, has fallen off in the last year. This problem will not go away; there are a lot of old systems in the community.

**Councilor Tobey** asked if there was a limit a household could borrow under the septic loan program.

**Mr. Schenk** stated there is no limit; but there is a household income limit (\$150,000) to apply.

**Councilor Tobey** asked when they think they’ll cease to be so responsive with this financial program.

**Mr. Schenk** stated that has to do with the DEP and their funding. It is a long-standing program with a zero interest loan and didn’t see it going away anytime soon.

**Councilor Tobey** asked about 61 homes on “tight tanks” and asked if they can sell their homes, will the DEP allow for this going forward.

**Mr. Schenk** stated this is based on DEP criteria. They are approving them as they go through. Even they see that there’s no other option for these folks regarding waste water. He explained that tight tanks are strictly holding tanks for household wastewater. Where most septic systems have a pipe coming from the house into a settling tank, and then another pipe goes out to either a leaching field or leach pit, when a tight tank is used, there is no treatment of the effluent; only a pipe that goes from a house into a tank. Then that tank must be pumped out by a septic hauling company on a regular basis.

**Councilor Tobey** asked so the Council can understand which of their neighbors have these kinds of problems.

**Mr. Schenk** replied it was the peripheral areas of the City, like West Gloucester. Those folks on Essex Avenue are pretty much sewer. For instance you have a septic system functioning just fine but there is a sewer system near you, there’s no requirement you hook up to the system if your system is approved as functioning. He noted other areas like Wingsheek Beach area where folks are upgrading.

**Councilor Tobey** stated there was good news; that the community is so well served by the Board of Health and are handling the regulatory burden so well; the DEP is exercising a little forbearance with regards to this matter in Gloucester.

**Councilor Mulcahey** stated when the sewer went through Rt. 133 there were a lot of roads that were bypassed. However, after that, new houses went up and were able to hook up to the sewer. Why were the other houses not connected?

**Mr. Schenk** stated those decisions were made by the Engineering Department and is also a function of whether the homeowner is willing to pay for building a connection to the Essex Avenue sewers. There is

the capability to do private sewer extensions; but that this a process that goes through the Engineering Department based on their regulations. They encourage neighbors to band together to do this, but it is not an easy process; and there are out-of-pocket expenses that can be a burden to some homeowners.

**Councilor Ciolino** noted 91 septic failures and wanted to know if the area of Page Street and Way Road was included in that number.

**Mr. Schenk** stated he didn't believe there were many properties included from that area the Councilor mentioned. They are in communication with the Building Department so that they can check who is or is not on sewer.

**Councilor Ciolino** asked when a tank is pumped out, the company that did the pumping writes a report and submit it; did that still occur.

**Mr. Schenk** stated they are supposed to and should. The property owner, the Health Department and the pumping company are supposed to have a copy of the report.

**Councilor Ciolino** asked how the step systems were doing.

**Mr. Schenk** stated he couldn't answer that question, that it would be managed by the DPW and the Engineering Department and the outside contractor, Woodward & Curran.

**Councilor Ciolino** then asked if they don't hear from a property that their tank has been emptied, how long does it take for the Health Department to get notification to the homeowner

**Mr. Schenk** stated that under Board of Health regulations they're supposed to do it every three and one half years at the outside. When they were not so inundated, they would check monthly; but now with the workload and staff cutbacks they get to it only every six months to a year. The burden is on the homeowner. Generally they look through function check forms. If they see an issue they'll pull it out.

**Councilor Theken** thanked Mr. Schenk and the Health Department for their hard work. She spoke of some West Gloucester streets several years ago that were promised they would have City sewer who were experiencing problems during flooding conditions. Their septic systems were failed and were given a special dispensation.

**Mr. Schenk** stated those homes were notified or should have been, and that they have two years to upgrade. In terms of where does sewer go, in some regards it is a decision by the Council, the Administration, and the Engineering Department. Once those decisions are made, the Health Department then enforces the regulations.

**Councilor Theken** asked about West Parish School

**Mr. Schenk** stated that system is working fine. They are on City sewer and the septic system has been decommissioned.

**Councilor Theken** asked if the neighbors could hook in.

**Mr. Schenk** stated certain properties that people had stubs put out and can connect if they want to; but he wasn't sure how far back those properties were that could connect to it.

**Councilor Theken** asked if from the Fire Station down Concord Street toward Rt. 128 have they talked to the families there.

**Mr. Schenk** stated that would be the DPW.

**Councilor Theken** asked if they have been educated on the loan program.

**Mr. Schenk** stated many more households than one would think meet the financial requirement. When a septic system fails, they send them a packet for all the information they need.

**Councilor Curcuro** thanked Mr. Schenk and spoke of tight tanks. There is an added cost as it is pumped regularly.

**Mr. Schenk** stated they encourage those homeowners to use water saving devices and fixtures', agreeing it was an expensive but necessary solution.

**Councilor Curcuro** stated Mr. Schenk indicated there are some houses in the inner city that are on septic tanks. If there is no issue in a neighborhood they don't know about it at the Health Department.

**Mr. Schenk** stated there are other observable issues like ponding. Staff can go out and note the odor and the state of the ground in the yard to find the failure. If they go out on a complaint, they do a thorough look. If they can't see anything obvious, they can't require a property owner to spend the money to hire a backhoe operator to dig a 10 ft. hole for testing.

**Councilor Curcuru** stated then in a possible failing system the Health Department can't do anything about it?

**Mr. Schenk** stated if it is not obvious then they can something about it. They can go forward legally to require the property owner to do a Title V inspection with a deep hole inspection also.

**Councilor Curcuru** asked about the cost of a new system versus tying into the sewer system.

**Mr. Schenk** stated it depends on where the home is. If there is ledge, and much of Cape Ann has that issue, and blasting is required to put a line through, the costs are much higher (\$30,000 to \$50,000).

**Councilor Curcuru** asked if the system is failing do they still get two years.

**Mr. Schenk** stated there are exceptions but generally two years.

**Councilor Verga** also thanked Mr. Schenk for this presentation and for coming to his ward meeting in March. If a homeowner has a system that meets Title V, they don't have to tie in to the sewer system. The loan program helped him to decommission his cesspool. A neighbor wasn't so lucky, but the program helped people with these costs. He hoped for some kind of program for people who get "zapped" with huge septic bills and are near wetlands. He wondered what happens if people say they won't do anything.

**Mr. Schenk** stated that hasn't happened yet during his tenure with the City, although he knew it had happened in the past. They can pull them into court if it gets to that point. This ties to a person's home value and affects the sale of a home. They explain it is in the homeowner's short- and long-term interest [to correct the situation].

**Councilor Verga** agreed it can help with values. But in Lanesville with the sewer betterment bills they received, and with septic systems that cost up to \$90,000 it can be daunting.

**Mr. Schenk** stated that's why they try to approach each situation individually; but they are required by DEP and local regulations that public health and safety is maintained.

**Councilor Verga** didn't think anyone didn't want to protect the environment. He appreciated the work Mr. Schenk and the Health Department has done and continues to do.

**Councilor Whynott** noted in the 1970's at the DPW there was a valve that could be opened up to pump out there. He wondered if this was still done and if any businesses were allowed to have tight tanks.

**Mr. Schenk** stated no, this was not done. There are other issues that would dictate why.

**Councilor McGeary** also thanked Mr. Schenk. He asked out of the 2,934 septic systems in the City, how many are on streets with sewer lines.

**Mr. Schenk** stated he believed only a very few. They are now reviewing that statistic in the City.

**Councilor McGeary** asked if there is a list of priorities if the ARRA federal funding program comes along to have a shovel ready list of streets they would like to see sewer on.

**Mr. Schenk** stated that would come down to priority drainage areas where watersheds drain into shellfish beds, the Walker Creek area, Bay View beaches as an example as was established by the Daylor Report.

**Councilor Hardy** asked regarding folks who are on septic and hire private companies to inspect and pump their systems. Some of those people get notices every six months from private inspection companies that it's time to pump. But legally how frequently does the City require them to pump.

**Mr. Schenk** stated by local regulations the B.O.H requires inspections every 3-1/2 years; this is not a Title V inspection. This is a basic inspection which takes place at the time of the pumping, making sure there's no ponding, that the tank is in good condition, etc.; once every three and one half years which is a bare minimum, recognizing that a family of five's needs would vary from those from, say, an elderly couple.

### **Consent Agenda:**

- **MAYOR'S REPORT**

1. Proclamation designating the late poets, Vincent Ferrini & Charles Olsen as Honorary Poets Laureate of the City of Gloucester (Presentation)
2. Memorandum from CFO relative to Loan authorization for Capital Item for FY11 (Refer B&F)
3. Memorandum from Community Development Director requesting acceptance of remaining \$250,000 Seaport Bond Funds (Refer B&F)

4. Memorandum from Fire Chief re: addition of new fees & increasing current fees (Refer B&F)
5. Memorandum from Fire Chief re: acceptance of a donation in the amount of \$500.00 (Refer B&F)
6. Memorandum from Harbormaster re: permission to pay FY10 invoices with FY11 funds (Refer B&F)
7. Memorandum from Health Director re: acceptance of a grant amendment award in the amount of \$20,000 (Opiate Prevention) (Refer B&F)
8. Appointments: Open Space and Recreation Committee TTE 02/14/2012 Patty Amaral  
Zoning Board of Appeals TTE 02/14/2011 Michel Nimon (Refer O&A)
9. Response to Oral Communication of August 17, 2010 City Council Meeting to Ms. Marina Evans (Info Only)
10. Memorandum from Community Development Director re: APA National Conference (Info Only)
11. Memorandum from Community Development Director re: submitted Green Communities Designation Applicat. (Info Only)
  - **APPLICATIONS/PETITIONS**
    1. PP2010-005: Installation of J.O. Guy Stub Pole #3-84 and Anchor and Guy re: Tufts Lane (Refer P&D)
    2. PP2010-006: Installation of approximately 17 feet of Underground Conduit re: School Street (Refer P&D)
    3. PP2010-007: Installation of approximately 16 feet of Underground Conduit re: Middle Street (Refer P&D)
    4. SCP2010-012: Kondelin Road #16, GZO Sec. 5.13 PWSF (Refer P&D)
    5. SCP2010-013: Rogers Street #127, GZO Sec. 5.13 PWSF (Refer P&D)
    6. SCP2010-014: Cherry Street #32 (O'Maley Middle School), GZO Sec. 5.22 Wind Turbine (Refer P&D)
  - **APPROVAL OF MINUTES**
    1. City Council Meeting: 08/31/10 (Approve/File)
    2. Special City Council Meeting: 09/21/10 (Approve/File)
    3. Standing Committee Meetings: O&A 09/07/10, P&D 09/08/10, B&F 09/09/10, O&A 09/20/10, Special B&F 09/21/10, P&D 09/22/10, B&F 09/23/10 (under separate cover) (Approve/File)
  - **COMMUNICATIONS**
    1. Thank you for Hearing our Presentation Letter re: Dog Park (File)
    2. Letter from Senator Tarr & State Representative Ferrante to Governor Patrick re: Gloucester Community Arts Charter (File)
    3. Letter from Senator Brown to City Clerk re: American Jobs and Closing Tax Loopholes Act of 2010 (File)
    4. Letter from Lt. Governor Murray re: MassWorks Infrastructure Program (Info Only)
    5. Letter from Patricia Pierce re: Radiation Monitoring of Air and Water in City of Gloucester (Refer P&D)
    6. Letter from National Grid re: Cherry Street and Reservoir Road (Refer P&D)
    7. Correspondence from Shirley Lake re: Green Street Playground (Refer O&A)
  - **ORDERS**
    1. CC2010-066 (Curcuru) Amend GCO Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow Away Zones re: Centennial Avenue #20 TO Leslie O. Johnson Road (Refer TC & O&A)
    2. CC2010-067 (Curcuru) Amend GCO Sec. 22-270 "Parking prohibited at all times" re: intersection of Summer Street and Granite Street from in front of Summer Street #21 (Refer TC & O&A)
    3. CC2010-068 (Hardy) Review parking situation and traffic flow from its intersection with Washington St. to its intersection with Norwood Heights (Refer TC & O&A)

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

**Councilor Tobey** asked to remove Item #2 under the Mayor's Report: Memorandum from CFO relative to a Loan Authorizations for Capital Items for FY11. He asked that this be with B&F and meeting jointly with the CIAB to learn how this would line up with the overall policy of capital improvements.

**By unanimous consent the matter was referred to the B&F Committee.**

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

**Councilor McGeary** invited Henry Ferrini, nephew of the poet Vincent Ferrini and Charles Olsen, son of the poet, Charles Olsen, to come forward and noted the history of great writers nurtured in Gloucester. He also acknowledged the presence of Gloucester's current poet laureate, Rufus Collinson. He recounted to those present the contribution of the poet Charles Olsen on his centenary anniversary as well as those of Vincent Ferrini. He then read the Proclamation designating the late poets, Vincent Ferrini and Charles Olson, as Honorary Poets Laureate of the City of Gloucester.

**Henry Ferrini**, by unanimous consent read to the Council a poem by his uncle, Vincent entitled Prologue.

**Charles Olsen** thanked the Council and felt his father would have appreciated this honor.

**Councilor Hardy** added that the proclamation that was read and done by the Administration was at the behest of Councilor McGeary.

**Councilor Hardy** noted the Olsen Centenary celebration events through October 10<sup>th</sup>.

**Rufus Collinson**, Poet Laureate recalled the friendship between the now honorary Poets Laureate, Olsen and Ferrini, exceptional men who extolled the beauty of Gloucester and honored the two "poets of life".

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

**MOTION: On motion by Councilor McGeary, seconded by Councilor Theken, the City Council voted 9 in favor, 0 opposed to adopt Council Order #CC2010-065 (Hardy) to send a letter to State Representative Ann-Margaret Ferrante and State Senator Bruce Tarr requesting they secure state money to study the feasibility of a bypass road either linking Nugent Stretch in Rockport to Blackburn Circle in Gloucester or exploring the possibility of another route to establish the link. Further that the Gloucester City Council invite the Rockport Selectpersons and other interested stakeholders including but not limited to the EDIC and representatives of environmental interests and Gloucester's state delegation to a joint meeting to engage in a comprehensive discussion about a possible joint venture related to the issues involved with the proposed linkage. This order is put forth with the condition that protection to Gloucester's natural resources, including, but not limited to, its watershed and reservoirs are of the highest priority and with the understanding that there will be no compromise related to the protection of same.**

#### **Public Hearings:**

1. PH2010-008: SCP 2010-001: 79-99 Essex Avenue, Sec. 2.3.1(12), Sec. 5.7.3 Major Project, Sec. 3.1.6(b) height excess 35 ft., lowlands Sec. 5.50 lot area per two guest special permit 3.2.6 (Continued from 04/13/10)

**This public hearing is opened and continued to November 23, 2010 at the request of the applicants in a letter received by the Council from Attorney Ralph Pino (letter on file) and that a letter with the date certain of the continuation be sent to the attorney by the City Clerk.**

2. PH2010-061: Amend Gloucester Zoning Map and Zoning Ordinance re: 33 & 47 Commercial Street (Birdseye Mixed Use Overlay District) (Continued from 08/17/10)

**This public hearing is opened and continued to October 26, 2010 at the request of Lisa Mead, the attorney for the applicant (written request on file).**

3. PH2001-069: SCP2010-011 – Hesperus Avenue #82, GZO Sec. 3.1.6(b) Building Height in excess of 35'

**This public hearing is opened and continued to October 12, 2010 at the request of the applicants in a letter received from their attorney, J. Michael Faherty (letter on file).**

4. PH2010-070: Amend GCO Sec. 22-287 "Disabled Veteran, handicapped parking" re: Lexington Avenue

**This public hearing is opened.**

**Those speaking in favor:**

**Katherine Martel**, 89 Lexington Avenue spoke of her daughter with MS since she was four years old. Her daughter was in the ground floor apartment which was no longer suitable for her as her condition deteriorated. Her daughter swapped apartments with her mother and father. Because of that change, they have asked that the handicapped parking space be moved to the vicinity of her new apartment walkway so she can move directly from the vehicle to the sidewalk to the door of the home. There is a special ramp that she has to use. Any great distance is very difficult for her. The first parking sign was moved but it wasn't moved far enough. She provided pictures to the Council (received and on file).

**Larry Ingersoll**, Co-Chair of the Traffic Commission stated they approved this order at their August 26<sup>th</sup> meeting. Even though the DPW has moved the sign, the sign is not in the correct place.

**Councilor Hardy** noted there had been an emergency order and was done legally at a special City Council meeting. This is to clarify the positioning of the sign.

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor Mulcahey** stated this handicapped parking spot is open to anyone with a handicapped placard and wondered what would happen if Ms. Martell found the space occupied.

**Mrs. Martell** responded that it has never occurred. She was aware that it is a public space to anyone with a placard. She didn't know what they would do in that case.

**Councilor Hardy** believed the intent of the question was to be sure that the applicant understood the nature of a handicapped parking space.

**This public hearing is closed.**

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-287 (Disabled veteran, handicapped parking) by **DELETING** Lexington Avenue westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road for a distance of twenty-two (22) feet in a northerly direction and further by **ADDING** Lexington Avenue westerly side beginning at a point one hundred seventy (170) feet perpendicular to the wall at 89 Lexington Avenue from its intersection with Shore Road for a distance of approximately twenty-two (22) feet more or less, in a northerly direction.

**Discussion:**

**Councilor Verga** thanked for the Council support on the emergency order previously. When the site visit took place he believed the curb cut was probably interpreted as the driveway. He hoped for the Council support on this order.

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to amend the Gloucester Code of Ordinances Sec. 22-287 (Disabled veteran, handicapped parking) by **DELETING** Lexington Avenue westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road for a distance of twenty-two (22) feet in a northerly direction and further by **ADDING** Lexington Avenue westerly side beginning at a point one hundred seventy (170) feet perpendicular to the wall at 89 Lexington Avenue from its intersection with Shore Road for a distance of approximately twenty-two (22) feet more or less, in a northerly direction.

5. PH2010-071: Amend GCO Sec. 22-270 "No Parking at all Times" and Sec. 22-291 "Tow Away

Zones” re: Wells Street

**This public hearing is opened.  
Those speaking in favor:**

**Larry Ingersoll**, Co-Chair, Traffic Commission stated that at their July 29, 2010 meeting they approved the order and that there be no parking on both sides with of Wells Street with “NO PARKING EITHER SIDE” signs be used and placed where appropriate. This is for safety reasons to prohibit parking on both sides especially with trash trucks trying to get there. All the neighbors were in favor of the order as well.

**Those speaking in opposition: None.**

**Communications: None.**

**Questions: None.**

**This public hearing is closed.**

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING No parking on BOTH SIDES of Wells Street with “NO PARKING EITHER SIDE” signs, where appropriate, for both sides of the street.

**Discussion: None.**

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING No parking on BOTH SIDES of Wells Street with “NO PARKING EITHER SIDE” signs, where appropriate, for both sides of the street.

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING from #5 Wells Street to its intersection with Beacon Street on both sides.

**Discussion:**

**Councilor Theken** noted that Councilor Curcuru brought this forward for safety reasons and was in support of this order.

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING from #5 Wells Street to its intersection with Beacon Street on both sides.

6. PH2010-072: Amend GCO Sec. 22-288 “Off Street Parking Areas”, Sec. 22-289 “Parking Meter Zones on Streets” and Sec. 22-287 “Disabled veteran, handicapped parking” re: Manuel F. Lewis Street

**This public hearing is opened.**

**A) Code of Ordinances, Sec. 22-288 “Off Street Parking Areas”:**

**This public hearing is opened.**

**Linda T. Lowe** related that the new Gloucester City Engineer, Paul Keane, (see letter dated 9/28/2010 on file) who is working on O&A's request to update the 1991 official off-street parking lot for the Rose Baker Senior Center at Manuel F. Lewis Street. He will present a revised/surveyed plan which provides the correct/current number of spaces as required as per a vote by O&A on 9/20/2010.

**This public hearing is continued to November 9, 2010.**

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed, to AMEND all Code of Ordinance references to Manuel F. Lewis Road to Manuel F. Lewis Street when the Code of Ordinances is next updated by Muni-Code.**

**By unanimous consent the matter of PH2010-072: Amend GCO Sec. 22-288 "Off Street Parking Areas", was referred back to the O&A Committee awaiting the updated mapping by the City Engineer.**

**B) Code of Ordinances Sec. 22-289 "Parking Meter Zones on Streets – Manuel F. Lewis Street"**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Questions: None.**

**This public hearing is closed.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed 1 (Tobey) absent to recommend to the City Council to amend GCO Sec. 22-289 by adding: "Manuel F. Lewis Street meters, six (6) are free to vehicles with current City of Gloucester Senior Resident Beach Parking Stickers effective Monday through Friday on a first-come/first-served basis. No signs are required."**

**Discussion:**

**Councilor Theken** explained that the Committee felt it appropriate that the senior citizens of Gloucester be allowed to park on Manuel F. Lewis Street during the hours the Rose Baker Senior Center is open without having to feed the meters. They worked hard for their status as senior citizens, and it is the least the City can do for them. There will be no signage on the street; each vehicle owned by a senior citizen will have to have a current City of Gloucester Senior Resident Beach Parking Sticker affixed to their car in order to use the six spaces on Manuel F. Lewis Street on a first come/first served basis. It will be available Monday through Friday only. They don't need signs and that the Police Department and Parking Enforcement personnel will know not to ticket those seniors who have current Senior Resident Beach Parking Stickers.

**Councilor Ciolino**, who had originated the order, stated that seniors were parking in the Walgreen's parking lot and that had to be discontinued; that area is tight for parking. It can be expensive to feed the meters for the seniors and to have them worry about being ticketed. He felt they owe it to the City's senior citizens to assist them when their income is limited and to take care of them. He urged his fellow Councilors to vote for this order.

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 9 in favor, 0 opposed, to amend GCO Sec. 22-289 by adding: "Manuel F.**

**Lewis Street meters, six (6) are free to vehicles with current City of Gloucester Senior Resident Beach Parking Stickers effective Monday through Friday on a first-come/first-served basis. No signs are required.”**

**Councilor Theken**, the City Council liaison to the Senior Center, noted the presence of Peter Jenner, who works closely with the Senior Center who has worked hard to see the passage of these changes.

**C) Code of Ordinances, Sec. 22-287 “Disabled veteran, handicapped parking in Manuel F. Lewis Off-Street Parking Lot:**

**This public hearing is opened.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Questions: None.**

**This public hearing is closed.**

**MOTION:** On motion by Councilor Mulcahey, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed to amend GCO Sec. 22-287 “Disabled Veterans/Handicapped Parking” to create an additional handicapped parking space in the Manuel F. Lewis Off-Street Parking Lot to be created nearest a rear entrance to the Rose Baker Senior Center and to further amend Sec. 22-287 by adding five (5) total spaces currently signed/designated to Sec. 22-287 for a total of six (6) spaces located at the front and rear entrances.

**Discussion:**

**Councilor Theken** explained that this was to make sure there were enough handicapped parking spaces around the Rose Baker Senior Center to make it completely accessible to all of Gloucester’s seniors by adding a sixth designated handicapped parking space and by referencing the existing spaces in the Code of Ordinances.

**Councilor Ciolino** was in support of this motion and asked the Council to support it also.

**MOTION:** On motion by Councilor Theken, seconded by Councilor Ciolino, City Council voted **BY ROLL CALL 9** in favor, **0** opposed to amend GCO Sec. 22-287 “Disabled Veterans/Handicapped Parking” to create an additional handicapped parking space to be created nearest a rear entrance to the Rose Baker Senior Center and to add five (5) total spaces currently signed/designated to Sec. 22-287 for a total of six (6) spaces located at the front and rear entrances.

7. PH2010-073: Loan Order #10-07: Loan Authorization in the amount of \$36,000

**This public hearing is opened.**

**Those speaking in favor:**

**Jeff Towne, CFO** stated that the \$36, 000 loan order will repair the five doors on the bays at the Fire Department and the Plymovent system for the air quality in the station. This originally wasn’t going to be done but since they are going to be at Central Station a while; this is an energy savings issue, and health issue (loss of heat through the five bay doors and air quality through the Plymovent system in the building). This was going to use the last portion of fire station repair funds, which the Council had voted to epoxy the floors. The Chief would rather use the funds for this purpose and that there is a vote that

needs to be taken since a loan had not been taken out and then a vote will come before the Council to rescind the previous vote.

**Those speaking in opposition: None.**

**Communications: None.**

**Questions: None.**

**This public hearing is closed.**

**MOTION:** On motion by Councilor Hardy, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council that \$36,000.00 is appropriated for fire station repairs; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$36,000.00 under G.L. c.44, §7(3A) or any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

**Discussion:**

**Councilor Hardy** stated for the record in order to avoid any appearance of impropriety (M.G.L. 268A) her brother is a proud Gloucester firefighter; but since this matter does not have anything to do with salary issues; she did not have a conflict of interest and would be voting on the matter.

**MOTION:** On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed that \$36,000.00 is appropriated for fire station repairs; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$36,000.00 under G.L. c.44, §7(3A) or any other enabling legislation; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and that the Mayor is authorized to take any other action necessary to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

8. PH2010-074: SCP2010-010 – Middle Street #15, GZO Sec. 2.3.1.7 conversion to or new multi-family dwelling four to six units, Sec. 3.1.6 for a building height over 35' and Sec. 3.2.2a for decrease in minimum lot area per dwelling unit.

**This public hearing is opened.**

**Those speaking in favor:**

**Attorney Robert J. Coakley**, representing the applicant and owner of 15 Middle Street, Michael E. Lee explained that this property was purchased several years ago. The application is a request for a conversion of a three unit dwelling to a four unit dwelling which was intended to be owner occupied under 2.3.1(7). The building has a gabled roof existing at 34 feet and to expand to a mansard style roof, like that adjacent to his property. Further, they are asking for a height exception, to 39 feet under Sec. 3.1.6(b), as well as a decrease in the minimum lot area per dwelling unit from 10,000 feet to 7,890 feet, decreasing the area by 2,110 feet. There was no proof positive how it became a three family dwelling. There was a certificate of usage but that does not legally establish how it became a three family dwelling. Mr. Lee wished to improve the property physically since he bought the property and wishes to make the fourth dwelling on the top floor, owner occupied, which is essentially a slight height increase. They went before the Zoning Board. They granted all the necessary underlying dimensional relief. They have the

appropriate open space area, a 7,500 square foot area, over the 5,000 feet required. The plans are the same as were put before the Zoning Board. There is ample parking on site, without counting the spaces in the garage. Mr. Lee wishes to save the garage and fix it up. With the usage and ownership on site, he can control that. It can be blocked by allocating spaces and to any one of the four parties on site. They're asking for two forms of relief, one is the SCP authorizing the conversion as a multi-family of four units and for the ability to go up to 39 feet, counting a widow's walk, which is common to the neighborhood, measured to the top of the rail. The existing height is 34 feet. This would be five feet above the existing height. They went with a set of plans rendered by Mr. Lee's architect to the Zoning Board which were approved. Mr. Sanborn suggested that Mr. Lee go back to the Board and show the minor changes that are on the plans that the Council has and the Board approved the minor changes, windows from the driveway side changing to a Juliet balcony which allows the doors to open more for show and safety purposes; they are not wide enough for chairs. Another change was on the rear where the roof line was made into a flat roof with a small deck on it. The plans that were approved by the Board are the same submitted to the Council in the application. Visually instead of another gabled roof, it is a more simplistic design. The Zoning Board felt it was a minimal change and voted to authorize it and those plans have been filed with the Building Inspector. The other form of relief they're asking for is that for a multi-family they need 2,500 sq. ft. per unit. They're under it by about 500 ft. per unit. They're asking for a 'lot area' which was not a variance, but a special, special permit, like the height variance that the City Council is empowered to grant. He felt one of the advantages of this change was that the required means of egress for this property are all internal. There will not be a "hodgepodge of stairways" crisscrossing on the outside of the building. The design for the top floor is a mansard design. There is one of similar design next door to 15 Middle Street, also with a widow's walk, and also across the street. Mr. Lee has upgraded the electrical systems on the property. The house was kept within an extended family for 40 years. The house was tired. Mr. Lee has done a lot of physical upgrades, the electrical being the most conspicuous and most safety oriented. There is a staircase coming down the back of the building which is a required egress which is in deteriorated condition; that would come off and be replaced by internal staircases. There is a home of mansard design with a widow's walk to one side of the property and one across the street. The section of the Middle Street is replete with many multi-family dwellings. He pointed out Angle Street and that portion of Washington Street nearby as having dwellings that have mazes of external staircases, which would not be the case with Mr. Lee's property. Some are as tall as or taller than the proposal of Mr. Lee, as well as have more units. He felt the application to be straightforward; that will be a better looking building. They have more than the required parking plan. There is room for cars to turn around on site and drive out facing into Middle Street. Attorney Coakley is submitting photos from his presentation to the Council the following day which he described to them (all photos are on file in the SCP file). He noted the condition added to the permit that no canopy be put on the widow's walk. Mr. Coakley noted the six criteria of Sec. 1.8.3 that this structure was meeting the socio-economic needs, more than adequate parking; it is a sewerred property and the electrical has been upgraded; the proposed 4 family is consistent with the area; the design is characteristic with those in the area; it will be owner occupied upon completion. There is no blockage of view because the house is on a downhill slope. The fiscal impact will add another unit to the tax rolls and for Mr. Lee to continue to upgrade the property.

**Those speaking in opposition: None.**

**Communications: None.**

**Questions:**

**Councilor Theken** asked about the parking and who was the previous owner.

**Mr. Coakley** stated they have six spaces plus the garage, and he was unsure of the previous owners. The issue came up before P&D and he submitted 11 all-inclusive packages.

**Councilor Theken** wanted to know if the building was going from two units to four units.

**Attorney Coakley** stated it is a three unit domicile going to four units. The Building Inspector had records dating April 17, 2008 by the Assistant Building Inspector certifying it as a three family home in use for 20 years that way.

**Councilor Theken** was satisfied.

**This public hearing is closed.**

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed on 15 Middle Street, Assessors Map #2, Lot #39 (R-5), to grant the Special Council Permits (SCP2010-010) for conversion of an existing three (3) unit dwelling to a four(4) unit dwelling by adding one (1) unit under Zoning Ordinance Sec. 2.3.1(7); and for a height exception of nine (9) feet under Sec. 3.1.6(b) for a total height not to exceed thirty-nine (39) feet; and under Sec. 3.2.2.a for a decrease in the minimum lot area per dwelling unit (4 units) from a total of 10,000 feet to a total of 7,890 feet with a decrease of 2,110 feet; and further, the Committee finds that the proposed use in this application for these special permits meets the six (6) factors of Sec. 1.8.3 and under Sec. 1.10.2 the proposed conversion is in harmony with the purpose of the zoning ordinance and will not adversely affect the neighborhood with the following condition:

1. No canopy or permanent roof is to be built over the widow's walk.

**Discussion:**

**Councilor Ciolino** stated the applicant has met the six requirements of Sec. 1.8.3; that the social, economic or community needs are met with the upgrading of the existing building and the construction of an additional dwelling to the existing three family which is a use consistent with the surrounding neighborhood; traffic flow and safety by formalizing the existing parking on the site; there are adequate utilities to serve the site, that the additional fourth proposed unit doesn't place an additional strain on public services; the neighborhood character and social structure is maintained as the proposed four-family dwelling is consistent with the uses in the surrounding neighborhood; qualities of the natural environment will be maintained, as the applicant shows no impact with the conversion and finally, the potential fiscal impact by the addition of one unit, to be owner occupied will provide additional tax revenue to the City. He would vote in favor of this application as it is a wonderful addition to the street and is consistent with the neighborhood. It is a good plan and worth the expansion. There are a lot of existing three families not on the City records. When one of these buildings get sold that is when the issue comes up. He urged his fellow Councilors to vote for it.

**Councilor Whynott** went to see the property on his own; and two people who lived across the street were there and spoke to them. They thought it was fine. He would support it.

**Councilor Verga** would support it and thought this was an excellent plan. He had no problems making this a legal four family. They will be four safe units, unlike some others in the City.

**Councilor Theken** noted so many homes are three family unit homes that are not necessarily legal and safe; she liked the plan and appreciated the condition placed on the permit.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Verga, the City Council voted **BY ROLL CALL 9** in favor, **0** opposed on 15 Middle Street, Assessors Map #2, Lot #39 (R-5), to grant the Special Council Permit(s) (SCP2010-010) for conversion of an existing three (3) unit dwelling to a four(4) unit dwelling by adding one (1) unit under Zoning Ordinance Sec. 2.3.1(7); and for a height exception of nine (9) feet under Sec. 3.1.6(b) for a total height not to exceed thirty-nine (39) feet; and under Sec. 3.2.2.a for a decrease in the minimum lot area per dwelling unit (4 units) from a total of 10,000 feet to a total of 7,890 feet with a decrease of 2,110 feet; and further, the Committee finds that the proposed use in this application for these special permits meets the six (6) factors of Sec. 1.8.3 and under Sec. 1.10.2 the proposed conversion is in harmony with the purpose of the zoning ordinance and will not adversely affect the neighborhood with the following condition:

1. No canopy or permanent roof is to be built over the widow's walk.

**Councilor Hardy** noted the plans had been duly signed and entered into the record of this hearing.

9. PH2010-060: Amend Chapter 17 "Police" Article II re: the non-civil service process of selecting the Police Chief

**This public hearing is opened.**

**Those speaking in favor:**

**Jim Duggan, CAO** expressed the Administration's support in front of the Council and at the Special Meeting of the O&A Committee; and thanked them for their amendments and work on the ordinance.

**Those in opposition: None.**

**Communications: None.**

**Questions: None.**

**This public hearing is closed.**

**Councilor Theken asked to waive the reading of the motion and was agreed to by the Council by unanimous consent** and stated that at a special meeting of the O&A Committee on September 7, 2010, the language of the ordinance as of the August 31, 2010 City Council Meeting was reviewed by the Committee and amended by a vote taken at that meeting and is presented to the Council at this time (see below with amendments from the September 7, 2010 O&A special meeting in boldface type).

The Ordinances & Administration Committee voted unanimously to recommend to the City Council to AMEND the Gloucester Code of Ordinances Chapter 17 POLICE, Article II POLICE DEPARTMENT in its entirety as follows:

Chapter 17 POLICE  
ARTICLE II. POLICE DEPARTMENT

17-16 Police Chief

- a) The Mayor shall appoint the Police Chief who shall hold the office for a term of three years. The appointment of the Police Chief shall be subject to confirmation by the City Council; as provided in Section 2-10 of the Charter. The Police Chief is exempt from the Provisions of Chapter 31 of the General Laws.
- b) Within thirty days of the position of the Chief of Police being declared vacant, the Mayor shall appoint a temporary Police Chief who shall serve until a permanent chief is selected in accordance with the provision hereof.

17-17 Selection of Police Chief; qualifications.

The Chief of Police shall be selected by the Mayor and shall have the following minimum qualifications, in addition to those developed by the assessment process provided in Section 17-18(b):

- (a) The Chief of Police shall be a law enforcement professional with minimum of 15 years experience in federal, state, county, municipal or military policing, no less than five of which shall be in a progressively responsible law enforcement management position;
- (b) The Chief of Police shall have a master's degree **in Police Science or related fields;**
- (c) Preference shall be given to candidates who have experience with the following:

- i) possess a minimum rank of lieutenant or higher for a minimum of three years in a policing environment;
- ii) a nationally recognized police leadership program(s), such as the Senior Management Institute for Police, and the FBI National Academy;
- iii) financial management, innovations in police operations, and information technology as it pertains to law enforcement;
- iv) labor relations, community relations, mediation and facilitation skills; and including staff development, training, community policing and use of crime data for deployment and decision-making.

**(d) Preference may also be given to candidates who have experience with the following:**

- i) in a multi-lingual and multi-cultural urban law enforcement environment from municipalities with a population of 30,000 or more residents; possess managerial experience, as defined in paragraph (a), in the command structure of the Gloucester Police Department;**
- ii) bilingual, with the second language reflecting the linguistic diversity of the City of Gloucester.**

17-18 Selection of Police Chief; manner of appointment.

(a) The candidates for Chief of Police shall be reviewed by a Selection Committee consisting of the following individuals:

- (1) The Personnel Director, who shall serve as the Chair of the Selection Committee;
- (2) One member of the City Council to be appointed by the President of the City Council;
- (3) Two members of the general public to be appointed by the President of the City Council, with at least one of said members being a representative of the City's socio-economic and racial and ethnic segments; and,
- (4) Two members of the general public to be appointed by the Mayor, with at least one of said members being a representative of the City's socio-economic and racial and ethnic segments; and,
- (5) Two sworn officers of the Gloucester Police Department, one of whom shall be a member of the union representing patrol officers, elected by that body; and one of whom shall be a member of the union representing superior officers, elected by that body;
- (6) A public safety official appointed by the Mayor, who shall be the Emergency Management Director, if such position shall exist at that time.**

The Mayor may appoint appropriate support personnel to facilitate operations of the Selection Committee.

(b) In consultation with the Selection Committee and the Purchasing Agent, the Mayor **shall** select a qualified recruitment and assessment consultant to analyze candidates for Chief of Police. After

consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; **select the most qualified candidates which shall be no more than seven or less than three who shall be considered finalists** and administer the selection process **to these candidates**. The process shall consist of, without limitation, a written examination, a **professional** assessment center and a psychological evaluation.

(c) The Selection Committee shall hold public interviews of the finalists. The Committee shall vote a list of no more than five and no less than three unranked qualified candidates for Chief of Police and shall submit such list to the Mayor. All votes taken by the Selection Committee shall be by majority vote of those present. If the Selection Committee determines that there are fewer than three candidates for Chief of Police, the Selection Committee shall nonetheless send the names of the candidate(s) to the Mayor. The Mayor may choose to commence a new selection process if the Selection Committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The Mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the **Mayor**. The contract may not be subsequently amended without the approval of the City Council. **The term of the contract shall be three (3) years. The Mayor may reappoint said Chief for subsequent contractual terms of three (3) years subject to City Council confirmation.**

(e) Upon such time as the Mayor shall become aware of a vacancy in the office of Chief of Police, the Mayor shall within a reasonable period of time notify the City Council that a vacancy has occurred. The Mayor shall thereafter commence the process to fill the vacancy, in the manner prescribed herein.

#### 17-19 Powers and duties of Police Chief

The Police Chief shall manage the Police Department. He/she shall be responsible for the discipline and efficiency of the department. The Police Chief shall act as the City Marshal. He/she shall have control of the department, its officers and members, the care of the police station, the care and custody of all the property of the department and shall keep a record of its business.

#### 17-20 Appointment and removal of Officers

The Mayor shall have the power to appoint all police officers and patrolmen who shall hold their office at the discretion of the Mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. The Chief of Police is exempt from civil laws and the terms of the collective bargaining agreement. All police officers are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by Chapter 41, Section 99A of the General Laws.

#### 17-21 Composition

The Police Department shall consist of the Police Chief, and as many lieutenants, sergeants and patrolmen as may be deemed necessary. The department shall also include supporting administrative staff.

Consecutively renumber the remainder of Article II Police Department as follows:

- 17-22 Unlawful use of insignia, etc.
- 17-23 Firefighters appointed as police officers
- 17-24 Chief of Police to act as dog constable
- 17-25 Chief to receive complains and prosecute

- 17-26 Records of persons arrested and disposal of cases
- 17-27 Powers and duties of police officers
- 17-28 Acceptance of gifts, etc., by officers
- 17-29 Officers acting as bail or surety
- 17-30 Return of City property when member leaves office
- 17-31 Suspension of police officers
- 17-32 Mutual aid program

**Discussion:**

**Councilor Whynott** offered an amendment to Sec. 17-18(a). He felt that the Council was going down a “slippery slope” to the separation of the branches of government and that the Executive and Legislative branches of government needed clear separation. “The Mayor proposes; the Council disposes.” This is a hiring ordinance. The City will have a committee for the selection process but the Council should not be involved until the confirmation process. He would strike #2, and #3 would say: Four members of the general public to be appointed by the Mayor, with at least 2 of said members being representatives of the City’s socio-economic, and racial and ethnic segments; delete #4, renumber old #5 as new #4.

**Councilor Verga** would support Councilor Whynott’s amendment and believed also in the separation of the branches.

**Councilor Tobey** stated having worked for or been part of every mayoral administration under this charter and said that in the early 1980’s Mayor Alper included the Council on the selection committee as did all other Mayors since then. He believed the weight of history was in support of the ordinance as approved by O&A on 9/7/2010; and this would enhance transparency between the branches enhancing their operations. It has been quite successful. More is better than less.

**Councilor McGeary** opposed the proposed amendment by Councilor Whynott and believed that when the voters made this change they lost some protections and thought this was important to retain; that the Mayor makes the final selection to go to the Council. This change of ordinance accomplishes that.

**Councilor Ciolino** noted in the business world that when someone says we’ve always done it this way, doesn’t work. He believed they needed to be true to what the charter is and need a separation agreeing with Councilor Whynott. He urged the Council to think outside of the box and “think new and fresh” and that this new ordinance with the amendment is a fresh start and not be stymied by what happened in the past.

**Councilor Hardy** expressed she was not stymied at all. She believed a lot of work went into this ordinance as presented and needs some additional transparency and would support to keep the ordinance as it was as it came out of O&A on September 7, 2010.

**Councilor Tobey** stated he’s been in corporate America for 13 years and selection of senior management is open, transparency is dominant. For that reason, and the history of transparency it is important [to leave the language intact].

**Councilor Ciolino** posed that if it was such a success, why do what they’re doing tonight.

**Councilor Hardy** reminded that this was the will of the voters.

**Councilor Whynott** stated it hasn’t always been the purest situation [referring to the selection process for a Chief] in the past, and “this wasn’t corporate America”.

**MOTION: On motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted by ROLL CALL 3 (Whynott, Ciolino, Verga) in favor, 6 opposed to amend the language of the proposed GCO Chapter 17 POLICE, Article II POLICE DEPARTMENT (as resulted from the September 7, 2010 Ordinances & Administration Committee meeting).**

**MOTION FAILED.**

**MOTION: On motion by Councilor Theken, seconded by Councilor Ciolino, the City Council voted BY ROLL CALL 8 in favor, 1 (Whynott) opposed AMEND the Gloucester Code of Ordinances Chapter 17 POLICE, Article II POLICE DEPARTMENT in its entirety as follows:**

**Chapter 17 POLICE  
ARTICLE II. POLICE DEPARTMENT**

**17-16 Police Chief**

- a) **The Mayor shall appoint the Police Chief who shall hold the office for a term of three years. The appointment of the Police Chief shall be subject to confirmation by the City Council; as provided in Section 2-10 of the Charter. The Police Chief is exempt from the Provisions of Chapter 31 of the General Laws.**
- b) **Within thirty days of the position of the Chief of Police being declared vacant, the Mayor shall appoint a temporary Police Chief who shall serve until a permanent chief is selected in accordance with the provision hereof.**

**17-17 Selection of Police Chief; qualifications.**

**The Chief of Police shall be selected by the Mayor and shall have the following minimum qualifications, in addition to those developed by the assessment process provided in Section 17-18(b):**

- (a) **The Chief of Police shall be a law enforcement professional with minimum of 15 years experience in federal, state, county, municipal or military policing, no less than five of which shall be in a progressively responsible law enforcement management position;**
- (b) **The Chief of Police shall have a master's degree in Police Science or related fields;**
- (c) **Preference shall be given to candidates who have experience with the following:**
- i) **possess a minimum rank of lieutenant or higher for a minimum of three years in a policing environment;**
  - ii) **a nationally recognized police leadership program(s), such as the Senior Management Institute for Police, and the FBI National Academy;**
  - iii) **financial management, innovations in police operations, and information technology as it pertains to law enforcement;**
  - iv) **labor relations, community relations, mediation and facilitation skills; and including staff development, training, community policing and use of crime data for deployment and decision-making.**
- (d) **Preference may also be given to candidates who have experience with the following:**
- i) **in a multi-lingual and multi-cultural urban law enforcement environment from municipalities with a population of 30,000 or more residents; possess managerial experience, as defined in paragraph (a), in the command structure of the Gloucester**

**Police Department;**

- ii) **bilingual, with the second language reflecting the linguistic diversity of the City of Gloucester.**

**17-18 Selection of Police Chief; manner of appointment.**

**(a) The candidates for Chief of Police shall be reviewed by a Selection Committee consisting of the following individuals:**

- (1) The Personnel Director, who shall serve as the Chair of the Selection Committee;**
- (2) One member of the City Council to be appointed by the President of the City Council;**
- (3) Two members of the general public to be appointed by the President of the City Council, with at least one of said members being a representative of the City's socio-economic and racial and ethnic segments; and,**
- (4) Two members of the general public to be appointed by the Mayor, with at least one of said members being a representative of the City's socio-economic and racial and ethnic segments; and,**
- (5) Two sworn officers of the Gloucester Police Department, one of whom shall be a member of the union representing patrol officers, elected by that body; and one of whom shall be a member of the union representing superior officers, elected by that body;**
- (6) A public safety official appointed by the Mayor, who shall be the Emergency Management Director, if such position shall exist at that time.**

**The Mayor may appoint appropriate support personnel to facilitate operations of the Selection Committee.**

**(b) In consultation with the Selection Committee and the Purchasing Agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for Chief of Police. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; select the most qualified candidates which shall be no more than seven or less than three who shall be considered finalists and administer the selection process to these candidates. The process shall consist of, without limitation, a written examination, a professional assessment center and a psychological evaluation.**

**(c) The Selection Committee shall hold public interviews of the finalists. The Committee shall vote a list of no more than five and no less than three unranked qualified candidates for Chief of Police and shall submit such list to the Mayor. All votes taken by the Selection Committee shall be by majority vote of those present. If the Selection Committee determines that there are fewer than three candidates for Chief of Police, the Selection Committee shall nonetheless send the names of the candidate(s) to the Mayor. The Mayor may choose to commence a new selection process if the Selection Committee submits a list of fewer than three candidates or for any other reason designated in writing.**

**(d) The Mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the Mayor. The contract may not be subsequently amended without the approval of the City Council. The term of the contract shall be three (3) years. The Mayor may**

**reappoint said Chief for subsequent contractual terms of three (3) years subject to City Council confirmation.**

**(e) Upon such time as the Mayor shall become aware of a vacancy in the office of Chief of Police, the Mayor shall within a reasonable period of time notify the City Council that a vacancy has occurred. The Mayor shall thereafter commence the process to fill the vacancy, in the manner prescribed herein.**

#### **17-19 Powers and duties of Police Chief**

**The Police Chief shall manage the Police Department. He/she shall be responsible for the discipline and efficiency of the department. The Police Chief shall act as the City Marshal. He/she shall have control of the department, its officers and members, the care of the police station, the care and custody of all the property of the department and shall keep a record of its business.**

#### **17-20 Appointment and removal of Officers**

**The Mayor shall have the power to appoint all police officers and patrolmen who shall hold their office at the discretion of the Mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. The Chief of Police is exempt from civil laws and the terms of the collective bargaining agreement. All police officers are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by Chapter 41, Section 99A of the General Laws.**

#### **17-21 Composition**

**The Police Department shall consist of the Police Chief, and as many lieutenants, sergeants and patrolmen as may be deemed necessary. The department shall also include supporting administrative staff.**

**Consecutively renumber the remainder of Article II Police Department as follows:**

- 17-22 Unlawful use of insignia, etc.**
- 17-23 Firefighters appointed as police officers**
- 17-24 Chief of Police to act as dog constable**
- 17-25 Chief to receive complains and prosecute**
- 17-26 Records of persons arrested and disposal of cases**
- 17-27 Powers and duties of police officers**
- 17-28 Acceptance of gifts, etc., by officers**
- 17-29 Officers acting as bail or surety**
- 17-30 Return of City property when member leaves office**
- 17-31 Suspension of police officers**
- 17-32 Mutual aid program**

#### **Committee Reports:**

***Ordinances & Administration:* 09/07/2010**

All action items for this meeting were taken up under PH2010-060: Amend "Police" Article II re: the non-civil service process of selecting the Police Chief

***Ordinances & Administration: 09/20/2010***

There were no action items from this meeting to be taken up by the Council at this time.

***Planning & Development: 09/08/2010***

There were no action items from this meeting to be taken up by the Council at this time.

***Planning & Development: 09/22/2010***

There were no action items from this meeting to be taken up by the Council at this time.

***Budget & Finance: 09/09/10***

**MOTION:** On motion by Councilor Hardy, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council the acceptance of the Massachusetts E911 Salaries Grant for a total of \$61,795.00.

**Discussion:**

**Councilor Curcuru** stated the City has been awarded from the State the E911 Salaries grant of \$61,795.00 and the E911 Training Grant of \$10,987.00. The training grant which also has seen a slight increase this year is used to pay for training of officers who routinely dispatch and for training of new officers who must attend the E911 training for the first time. Last year six full-time dispatchers received a 40-hour course given by the State in handling all types of E911 calls with the assistance of this grant. There is no cash or in-kind match required for the E911 grants.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to accept the Massachusetts E911 Salaries Grant for a total of \$61,795.00.**

**MOTION:** On motion by Councilor Hardy, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council the acceptance of the Massachusetts E911 Training Grant for a total of \$10,987.00.

**Discussion: None.**

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to accept the Massachusetts E911 Training Grant for a total of \$10,987.00.**

**MOTION:** On motion by Councilor Hardy, seconded by Councilor Curcuru, the Budget & Finance Committee voted 2 in favor, 0 opposed to recommend to the City Council to allow Community Development to apply for a HUD Sustainable Communities Challenge Grant in the amount of \$1.5 million.

**Discussion:**

**Councilor Curcuru** explained Community Development submitted their application on August 23<sup>rd</sup> for the HUD Sustainable Communities Challenge Grant. This grant looked at the transportation aspects and green path networks. The planning money would integrate with the harbor plans for a harbor walk and

how to connect the neighborhoods to the waterfront. They are applying for \$1.5 million in funding. They've asked for this sum at the suggestion of their grant writer. This would be a matching grant which they would be able to provide through in-kind services and other grant sources so there would be no requested obligation from the General Fund.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed to allow Community Development to apply for a HUD Sustainable Communities Challenge Grant in the amount of \$1.5 million.**

*Budget & Finance: 09/21/2010*

There were no action items from this meeting to be taken up by the Council at this time.

*Budget & Finance: 09/23/2010*

There were no action items from this meeting to be taken up by the Council at this time.

**Councilors' Requests Other than to the Mayor:**

**Councilor Verga** stated October 21<sup>st</sup> 6:00 p.m. will be a Ward 5 meeting at the GHS lecture hall.

**Councilor Curcuru** stated the Cyclo-cross will be at Stage Fort Park this weekend for the 11<sup>th</sup> year.

**Councilor Tobey** highlighted the event Operation Commitment to our Troops by the United Veterans Council of Gloucester at the High School Field House, thanks to Attorney Mark Nestor. This will have a variety of information for our veterans. He encouraged all veterans who have needs to take full advantage of the event taking place Saturday October 2<sup>nd</sup>, 10 a.m. – 4:00 p.m.

**Councilor McGeary** noted a workshop the following evening by Lisa Press, Conservation Agent for those in beach areas and how to build and upgrade septic systems in the Wingaersheek and Long Beach areas.

**Councilor Mulcahey** thanked the Tourism Committee for welcoming the cruise ships into the City. 6,000 folks have visited in three trips.

**Councilor Theken** recognized all the Senior Center Volunteers showing the Council that the total of dollars, if a dollar amount was attached to each hour of volunteering for the center would be \$593,596 in one year which amounted to 42,381 in volunteer Hours from 243 volunteers which keeps the Senior Center going. She thanked all the volunteers and that there was no way to repay a senior or a volunteer for that matter; that it truly counts.

**Councilor Tobey** noted the glue at the Rose Baker Senior Center is a caring staff led by Lucy Sheehan and should be acknowledged.

**Councilor Theken** stated 20,000 seniors received letters saying that Harvard Pilgrim, a private insurer, is going to be leaving Massachusetts as an HMO. She has over 600 seniors that have to be changed. She asked that they not come now. She can't do anything until open enrollment from November 15<sup>th</sup> to the end of the year. Seniors will have no HMO's offered and need to get Medi-gap. Seniors on fixed income pay \$110 already; and now will have to add Medi-gap which is at an additional cost and much higher. "There is nothing out there." This is their universal healthcare. They went to the State with the City's legislative representatives to seek relief. November 2, 2010 at 10 a.m. the director of SHINE will be at the Rose Baker Senior Center to explain the process. She urged seniors to be enrolled in other programs before they take care of this issue. She explained she will need help to accomplish this in 45 days to switch these people. She urged all seniors to open up their mail. She will try to get to everyone. You can call 800-AGE-INFO. Push #2 for an application. #1 is for elder affairs for more help and explanations.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:53 p.m.

**Respectfully submitted,**

**Dana C. Jorgenson**  
**Clerk of Committees**

**DOCUMENTATION/ITEMS SUBMITTED DURING THE MEETING:**

- Petition from Neighbors at Columbia Street regarding 10-12 Columbia Street
- Two photographs submitted by Attorney Coakley re: 15 Middle Street (with others to follow 09/29/2010 as part of the Special Council Permit SCP2010-010 file)

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
**Monday, October 4, 2010 – 6:30 p.m.**  
**1<sup>st</sup> Fl. Council Conference Rm. – City Hall**

**Present:** Chair, Councilor Sefatia Theken; Vice Chair, Councilor Ann Mulcahey; Councilor Bruce Tobey

**Absent:** None

**Also Present:** Councilor Curcuru; Councilor Hardy; Councilor McGeary; Linda T. Lowe; Jim Duggan; Michael Hale; Nancy Papows; Mike Wells; David Bain; Patti Amaral; Michael Nimon; Christine Rasmusen; Suzanne Egan; Steven Malboeuf

**The meeting was called to order at 6:33 p.m. There was a quorum of the City Council (all members from Budget & Finance Committee were present).**

**1. Continued Business:**

- A) CC2010-036 (Tobey) (a) Rescinding for FY12 Budget Cycle the CSO debt shift enacted on May 25, 2010, and (b) instituting a stormwater fee system pursuant to the ordinance enacted September 2009 (Cont'd from 08/09/2010)

**Jim Duggan, CAO** noted the task force team was in attendance with the exception of Mr. Towne who was ill and unable to attend. He handed out a draft document entitled, Stormwater Management Fee (received at meeting and on file), an overview. He stated in the first year they anticipate a budget of \$800,000.00 and would explain how they came to that conclusion. The improved properties he believed to be self-explanatory; exempt properties would be City of Gloucester properties and those with no impervious areas at all. The fee applies to all other tax-exempt properties, including federal, state and non-profit organizations. They would identify residential versus commercial/industrial base on use. Split use calculation would be based on an "ERU" (Equivalent Residential Unit) formula. There is no credit for those properties that have a septic system or "green"/on-site stormwater treatment. He acknowledged that through Councilor Tobey's guidance, they were directed to a community in Florida that has simplified a way of applying the stormwater fee.

**Mr. Hale** stated the fee is based off the single family impervious square footage. They took an average of what a single family residence looks like in the community. Anything that was a non-residential parcel, they calculated the true impervious nature of those lots. Therefore, to use round numbers, if your average single family residence was 2,000 sq. ft. of impervious area, that equals one Equivalent Residential Unit, or 1 ERU. If someone had a small market downtown, say, and that building was a similar size to a residential single family, they could have the equivalent of one residential unit or if a bit bigger it could have a fraction, as 1.2 or 1.3 ERU's. With multi-families, they are given a fraction of one ERU. In a particular case they looked at .6 of a whole for each unit of a multi-family. So people that have a two-family, had 1.2 ERU; slightly larger than a single family; and in no case would it be less than a half because you wouldn't want a two-family charged less than one single residential [unit]. A three-family at a half rate would get 1.5 times the fee. Basically, you have a budget of X number of dollars, and a total number of ERU's, and you divide the budget by the number of ERU's, you come up with a dollar amount for each residential unit, and then assign that to the number of residential units. Each residential unit has a dollar figure attached to it; and it is multiplied by the number of residential units assigned to each parcel. A single family is assigned 1; a two family is assigned 1, or maybe it's 1.1 or 1.2, say. If you own a big box store, a very impervious building and parking area, you could pay ten times what a single family could pay. But if you own a small 'Mom & Pop' coffee shop, you may pay only the average for a single family unit.

**Councilor Curcuru** asked what they base the definition of units on; was it square footage.

**Mr. Hale** stated the imperviousness is a square footage number; and the unit is a one-family, a two-family, a three-family, and four-family. They propose to use condos in the multi-family rather than charge each condo a single fee. They are a single family unit as they are assessed. They wouldn't charge each condo one whole fee; they would get a proportionate share just as a multi-family would.

**Councilor Curcuru** gave the example of Harbor Heights – some are apartments; some are condos.

**Mr. Hale** stated they would be treated as multi-family buildings. You would forget about the fact that they are condos. Say there were 10 units in a building. It would be 10 multiplied by whatever fraction they choose to assign to a multi-family. If it's half, they'd get five ERU's. Whatever it is, it is the number of units multiplied by the assigned fraction.

**Councilor Tobey** reviewed that the primary building block is a residential unit. The Councilor understood that they have done some calculations so that there's an average of the properties that are single residential in the City that sets the size of the first building block based on GIS data that they have complied with the Assessor's office, working with IT. The single family residential unit is the standardized; "one-size fits all" is based on some good data, which was working off the models of some other communities, in this case the Boca Raton model. He understood they want to have the second building block be the multi-family homes and come up with a standard fraction of the first building block to capture the fairness factor, so it averages it out to "catch a fair yardstick", and gets them through the residential side of it.

**Mr. Hale** affirmed Councilor Tobey's summary.

**Councilor Curcuru** understood that and felt it made sense, but when they get to a larger single family property which is where the square footage comes into play on impervious area; all residential properties are different in size.

**Mr. Hale** stated they're taking an average single family residential. You may live on a two acre parcel and made a bigger driveway and relatively have less impervious area than a 4,000 sq. ft. lot next to them that is all driveway. You come up with one number that is the average for a single family in the City of Gloucester. That is by far the largest group – 7,000 single family houses. Multi-family and non-residential are the smaller portion.

**Councilor Curcuru** stated he had concerns in the beginning of their meetings regarding multi-families. Many of his and Councilor Mulcahey's constituents live in multi-families that are family owned and is related to the 'fairness factor'. Besides trash pick up, how else are they basing multi-families, four and over as a single unit; and three and under on trash pick up. They're basing this on each unit.

**Mr. Hale** stated they're basing this on an average of the City of Gloucester single family lots. It is still the same yardstick; they're still coming up with a number on a single family unit and then take up the number of units that are in a multi-family. Some they'll come up with a fraction – a half unit for each building, say 0.6. It can't be a half which they believed would be unfair. Even if they say it's a half, a two family will pay the same as a one family because most of your two families in the City look like a one family. There are some houses that are connected by a breezeway; but those are far fewer than upstairs/downstairs apartments. So they pay the same or close to the same as a single family. A three family likely has a bigger parking area, a bigger home; so they're going to pay a half of a single family unit. They're 1-1/2, a half times greater.

**Councilor Curcuru** understood and noted there are homes on Granite Street, two- and three-families that look the same – the same square footage of land because there are a three family they're going to end up being penalized, maybe 1-1/2. He posed why not base it on the trash fees, 3 units and under is considered a single family. Why do they change the rules here for this? Why not base this on trash pick up because he didn't think there was anything else.

**Mr. Hale** didn't think trash pick up was a good "measuring stick" for stormwater. They spoke numerous times of the trash number for their basis. The only thing they measure is whether you have private or public trash collection. With this [stormwater management fee], you're trying to be as equitable as possible in saying that the average single family home in Gloucester is 2,000 sq. ft. A three family is

probably greater than that. They should be paying slightly more; it's not three times as much. It's only ½ of one greater.

**Councilor Curcuru** stated when this fee is instituted would it be [billed] annually, quarterly.

**Mr. Hale** stated it would follow the sewer/water billing cycle, whatever that is; if quarterly it would be four times. They looked at models with new software his office has for meter reading; and could possibly do six bills a year; every other month if that was desired. They can't do 12 (monthly) bills, however.

**Councilor Curcuru** stated that earlier a figure of \$800,000.00 was mentioned in first year because they don't know all the associated costs which would change as the costs change.

**Mr. Hale** responded just as with the water and sewer enterprise funds, they would build a budget for personnel, ordinary and any debt service they carry for that year. That's what they would base their budget on. They don't base a budget on that they want to have a \$10 or \$12 per 1,000 gallon water pr sewer fee, they base it on need. This reflects the equivalent of six full time employees which is a little less than a third of the utility basis today; their benefits, the personnel costs; ordinary costs. They looked at 20% of the operating budget for sewer minus the contract with Veolia; putting in pipe, buying the pipe and repairing the roads after the drain work is done. Those numbers will change as benefits change and payroll increases. They aren't showing any debt on this, other than they're carrying money for new flyovers [for GIS mapping].

**Councilor Tobey** thought they were "making a mistake" beginning at the end point. The end point was the amount of money they're going to raise with this fee. They knew well that he felt the CSO debt shift was bad public policy and a bad move by the City Council. He thought they need to look at what the system was going to look like and then figure out what they're going to fund with it. He disagreed with Mr. Hale; the \$800,000 figure was not the right figure. They need to move some of the CSO debt, which is stormwater management off of tax payers and back on the rate payers, realizing they didn't need to discuss that now; but believed the \$800,000 was a "red herring".

**Councilor Curcuru** was trying to get at the figure of the associated costs would be per household and was the only reason he brought that up. They don't know that now because they're only talking of residential and haven't gotten to the commercial aspect.

**Mr. Hale** stated they didn't know the number of the areas which will take some time to do; a bit of data is aged data. They'll have to go into it in Year #1 knowing some of that data is aged. They're proposing to do another fly over which would benefit this plus dozens of other parts of their GIS [data base].

**Councilor Theken** stated this was a round table discussion to explain that it can be done because at first it was said they couldn't do it, and arguing how it could be done; commercial vs. non-commercial; trash pick up vs. not trash pick up per family. This is a scenario to see if they can implement, to see if it can work here in Gloucester. She believed this to simply be the first step in a process.

**Mr. Duggan** stated they have to educate the community; walk everyone through it; look at equity and how they're going to approach it.

**Councilor Theken** stated this was not a quick process. She noted she was on the task force committee with Councilor Curcuru even before the debt shift. She understood Councilor Tobey's frustration, but that the Administration is going forward looking to make this equitable and fair.

**Councilor Tobey** asked to speak to the commercial side, as they now have the rough beginnings of the residential piece.

**Councilor Hardy** asked about the City of Gloucester property and properties with no impervious areas to be exempt and asked how often they look at a property to see that it remains impervious or not.

**Mr. Hale** stated they will need to come up with a time line to revisit that whether it is every three, four or five years. That would be a part of the new regulations they would craft on how it is calculated. It would be fairly burdensome annually because the data's not going to shift. They'll have to take a look at some of the new building. Even in the last few years there haven't been a significant number of new buildings. There's been one major development.

**Councilor Hardy** spoke to the residential portion stating that many people in her ward have pea stone, etc. because they live so close to the water they can't pave. Those who may decide to pave certain areas of their yard would there then be a difference.

**Mr. Hale** stated for the residential portion they are looking at an average anyway. They'll look at 2005 and fly over this winter, and look at the 2011 data. It will be average single family residential has "X" number of square feet.

**Councilor Hardy** stated she understood that; but if it's zero, it's zero. There's a big difference between zero and one if they start to put in a driveway or something of that nature, don't they then kick it to an ERU.

**Mr. Hale** replied he didn't think one driveway would sway the average. It is that the whole footprint of the home is impervious. The unimproved lot that would be something without imperviousness, a wooded lot or a green lot. The footprint with the house and driveway is reasonable to say 2,000 ft. Commercial would be an actual number. They would have to take a look at all the non-residential properties. They would take a look at the actual amount of imperviousness of a lot and divided by the single family residential number of 1 ERU. For example 2,000 sq. ft. for each ERU and you have a factory that has 10,000 sq. ft. imperviousness; you have the equivalent of 5 ERU's. A small coffee shop that was the same size as a small home, when calculating it out, the small coffee shop has just about 2,000 sq. ft. The coffee shop would be assessed 1 ERU. Every non-residential would be calculated so it would be a true number. If you were a small shop, you'd still get charged 1 ERU. They would never go below that number. They would pay their actual share. The bigger it is, the more you pay. It would not penalize a small business, nor would it overly burden the large businesses either.

**Councilor McGeary** wondered if the same logic would be used for non-profit entities, actual calculation of areas.

**Mr. Hale** stated assuming they were non-residential, yes.

**Councilor McGeary** stated churches have large parking lots.

**Mr. Hale** responded they would be assessed the same way. They would take a look at the actual impervious nature of the lot.

**Councilor Theken** noted right now they're not paying taxes, or the CSO debt shift.

**Mr. Hale** replied they do pay sewer and water.

**Councilor Curcuru** asked how they determine business, small business.

**Mr. Hale** stated if you run a business out of your home, for instance. They talked about some of the split and believe there are still questions under the equity there; but it may be simpler just to categorize them as non-residential, and get a "fair shake" at what they truly are. Say you run your shop out of your home; and you're the same size as the average home in your neighborhood, you'd be charged 1 ERU versus something greater; you wouldn't be charged 2 [ERU's].

**Councilor Tobey** stated philosophically from a policy point of view, would they differentiate between types of businesses.

**Mr. Hale** stated they would have to categorize mixed use properties in village business districts. For example, a liquor store and with an owner-occupied apartment; what should they assess for this, regardless of what they're selling? It's mixed use. The best classification may be non-residential. Those are some of the details that have to be worked out.

**Councilor Tobey** stated they looked at a lot of models. The models he looked at were either residential or non-residential. They don't differentiate between types of commercial and asked if they had found any that differentiate between types of commercial or was it all the same based on impervious area for commercial properties.

**Mr. Hale** stated they've seen a graduated scale. He didn't think they were trying to differentiate between the types of commercial.

**Mr. Duggan** stated once you incorporate any type of a commercial business with residential then it immediately takes it out of the residential calculation and goes into the commercial from the models the Councilor has seen.

**Councilor Tobey** stated "residential is as residential does". If people live in it, it's residential.

**Mr. Hale** added he didn't think the Assessor's data truly defines things as neatly as they'd like them for this. It's going to be a lot of work on their part; and however they can help to put everything in the right slot.

**Councilor Theken** asked could they calculate it when they do their taxes.

**Ms. Papows** stated on the mixed use properties they do get part residential part commercial. It's based on the value of each piece. The way that the property record card works is that it allows you to know the exact value of a residential portion that's private, residential tax, rate and the same with commercial.

With the split it could be 50:50; if you're going to put part in residential and part commercial; those are some of the things they considered. If they did go on the commercial side, at least they were being calculated for what they had; there would be less problems of equity as to who got put into what category.

**Councilor Theken** questioned if Ms. Papows believed if this would place an undue burden on her office.

**Ms. Papows** didn't feel that would be the case, other than they'd be using Assessors' data. She will be working to help get an export out of their valuation software that will help to put these parcels where they need to go in terms of the number of units; whether they're residential; whether they're commercial.

There are use codes they can use that clearly define them. She'll be working to help provide data, making sure it is accurate to help the billing process. She didn't believe it would really affect her office in terms of tax billing because it will be on the utility bill.

**Councilor Mulcahey** asked what the classification is for a Bed & Breakfast (B&B).

**Ms Papows** replied those were the types of things that there were "idiosyncrasies" they've been coming across. They've been discussing this; and they are in the residential in terms of the use code and what they pay for a tax rate. That is one type of category to be looked at closely and determine how they want to look at them. They may not necessarily have multiple units. They may have bedrooms they rent out but don't necessarily have separate units that are kitchen, bathroom, and bedroom. They might have to involve Bill Sanborn, Inspector of Buildings, in their discussions as well. That is one example of one that is not so clear cut.

**Councilor Mulcahey** stated when someone opens a B&B, didn't they have to categorize it and be established as a business.

**Ms. Papows** stated they may have a business license and while they may be considered a B&B in the Building Inspector's office, she didn't know if the Building Inspector considered them a commercial building. There will have to be a discussion on assessed use versus legal use. They are assessed as residential in her office. If they use their data, they'll have to determine what is fair in determining their stormwater fee.

**Councilor Mulcahey and Curcuru** went back to trash pick up with non-profits stating it was the only yardstick they have, and was a confusing issue and noted that under trash pick up, a B&B is classified as a commercial property.

**Ms. Papows** stated the decision of how they want to look of that type of property has to be made. Do we think it is multi- or commercial and we want to do it on an actual calculation regardless of how she assesses it, they could still do that? She has a use code for those properties; put them into a certain "bucket"; but maybe they're going to be calculated the same as commercial.

**Councilor Theken** stated this is new, and they can construct the ordinance how they see fit. She asked they not look at trash because it is already situated. They're looking at taxes. Even if they're residential or commercial they're paying their taxes on that property accordingly. They're already paying their sewer and water. This was totally different. Some of the scenarios Councilor Tobey has discussed, they'll have to set the rates. Sewer and water is already being billed and taxes are being paid. Everyone is already paying. Everyone is already setting their categories. Now, this a category they need to set. Everyone is saying just do it evenly. Residential is one rate, commercial one rate; and figure it out from there. If the B&B is then considered residential, not commercial, then they'll be charged accordingly. And there is a formula for a two- or three-family. The fact is, they shouldn't emphasize trash pick up or non-profits. In her opinion, they keep going over and over who should and who shouldn't pay. At the last hearing quite a few people stated they would pay even through they didn't get anything from the City they would pay it because they use the roads. Just make it fair. She felt they should complete this first round table discussion in order to move forward. All the scenarios they've brought up, they'll take a look at them. This is a major step, and they'll do another round table. She urged the Councilors to ask for input.

**Councilor Tobey** noted he and Councilor Curcuru sat in on the last meeting of the task force; and that they're boiling it down to real language. With the concept at least on the table, the single unit; the multiplier approach, the multi-families, the commercial. The commercial represents, say the square footage of the single family held to be 1,000 square feet and go to a business on Main Street, and found out their roof and pavement is 5,000 sq. ft., the formula would be that they would pay 5 ERU's. There is a real "elegance and simplicity" to it. This is all driven by GIS data. They're comfortable with the concept. Maybe the next round they will come back with the actual language and start wrestling with the details. This is something they can learn from things they don't like, for example on trash or non-profits, and build this one right.

**Councilor McGeary** gave the example of the old axiom; a meat axe is a great tool, but not right for every kitchen to preface his two concerns – about the non-profits. The reason they are tax exempt is because we presume they provide public services that the City would otherwise have to provide. It is true rain falls on non-profits and profits alike. Perhaps, some sort of rate abatement or a different set of rates could be had for non-profits. Secondly, right now as he understood Mr. Hale, they would not be putting the CSO indebtedness onto tax rates which he wanted to see preserved. He didn't want to see indebtedness put back on the rate payers. He felt that was infrastructure they all pay for. Those were two broad-scope concerns he had as the ordinance is crafted.

**Councilor Curcuru** stated yes it's a new ordinance; but this is not new fees. They're shifting from sewer onto a stormwater fee, and how much new money they were talking, possibly. The rest of it is actually sewer money that's on the rate payers that's going to be shifted.

**Mr. Hale** replied they're diverting this year's sewer budget, a portion of it to cover stormwater today because whether they're on Magnolia Avenue doing a storm drain or on Cherry Street and the Magnolia Avenue properties don't have sewer but the Cherry Street properties do, it's the sewered properties that are supplementing the work they're doing on Magnolia Avenue. It's perfectly legal and an enterprise fund allows them to do that. This is moving some of the sewer enterprise money to a separate enterprise. They did include some tools they need to make the data fresh. The impervious data is from the state from 2005. They have to update their data. They need more advanced system and a way to enhance that update. This is stormwater opportunity to contribute to it going forward.

**Councilor Curcuru** noted his point is this is rate payers' money being shifted to the entire tax base. So they pay a fee that's being shifted to the tax base. He gave an example of an additional cost like monitoring [which would likely be required under the federal stormwater permit].

**Mr. Hale** stated they are carrying what would be the Phase 2 stormwater regulation compliance. Right now it's going by the sewer rate. It's not on this year's sewer because the regulations haven't come forward. In the upcoming months, the federal stormwater regulations have requirements for monitoring.

**Councilor Mulcahey** acknowledged Councilor Theken's statement that this is new and a new ordinance; the reason she asked her questions was she wanted them to keep it as clean as possible. They can't do that if they can't streamline the definitions all the way through for everything that is connected to it, like the trash, taxes and water. She noted the complaints regarding categorization from past experiences. She felt they should apply the same thing for each piece of property all the way through, saying it has to be one or the other. She cited the example of a B&B as either residential or commercial feeling it all has to be even and uncomplicated; and everyone has to know where they are.

**Councilor Tobey** told them all to be "very, very afraid". He stated this pool of costs, regardless of how they deal with the debt shift issue, will go up. If people are angry, they need to look to the EPA headquarters in Boston and Washington. They'll get past the MS4 permit; they'll collect data and monitor and study the scope of the problem; and the costs will only increase because they'll require construction of facilities; close adherence to new sets of standards on water quality. He "bet" within 10 years [they'll be requiring] end of pipe treatment. "We will live to regret as a community having done combined sewer separation rather than storage and treatment for the treatment plant, bleeding it into the plant during dry weather". He warned that the brand new outfall just built, for example, running down Mansfield Street, will need a treatment facility. They'll have to build it, operate it and pay for it. This fee is going to have to absorb it or some fee. He warned those in attendance to be afraid of this. He also

shared some data which he had already shared with the Administration, from a power point on stormwater management financing (which was forwarded to the Councilors via email for distribution, copy on file) from 2007. This came from other communities wrestling with this same issue.

**Councilor Mulcahey** spoke of flooding and where the water goes – why when it rains and floods the water suddenly disappears.

**Mr. Hale** felt each place was different. He explained since March 2010 there has been 25 year or 100 year rain events. Storm drains are sized for 10 year events. If they designed and installed them for 100 year events pipes would be 24” or 30”. During normal rain they don’t function as well because they’re isn’t enough flow to carry water through them. There is surcharging during peak storms; and these pipes not designing for the 100 year storm. You couldn’t put that type of pipe in the ground. With the models they use, the 25 year storm equates to 5.5 inches of rain. The Cornell model is predicting climate change rain amounts. Now they’re saying you need to add 1.5 inches to that, which Mr. Hale noted to “incredible numbers” but also stated that drain size wouldn’t exceed a 10 year event.

**Christine Rasmusen**, 82 Woodward Avenue stated after listening to the Committee speaking about the CSO, the vision she keeps seeing is that people who are zoned for 20,000, 40,000, 10,000 (sq. ft.) all have very different amounts of impervious surfaces and didn’t hear recognition of zoning districts where you have an 40,000 sq. ft. zone and one single family house on it. She felt that is not creating the run-off that you would have from a 10,000 sq. ft. lot with maybe three families and a lot of asphalt and driveways and cars. She also felt that was something that needed to be thought about if they are talking about equity is to realize where the stormwater is coming from. She asked they look at the zoning districts as they look to their fee formulas.

**Steve Malboeuf**, 25 Overlook Avenue stated he started this ‘journey’ two years ago he was willing to compromise then. He expressed his disappointed with where things ended up. He was willing to compromise but felt that if they were going to go this route and this system was not going to be fair he would push back against it. However, he was happy to see the draft that was presented this evening because he saw the fairness now. They started out with simple. This shows unit to unit fairness. He owns commercial property that is 100% impervious. On the other hand they’ll treat his 6.5 acres fairly. Mr. Hale described his 6.5 acres with one house as fair and believed they were on the right track. But he wondered where the CSO debt is. They didn’t start by creating a new division of the DPW. He felt Mr. Hale does a great job and understood this has to be paid for. He can’t explain this if CSO debt isn’t taken care of and doesn’t belong on his tax bill. If CSO isn’t on here, then he’ll “push back”. He doesn’t contribute to this at his home. He urged the Committee to keep it on track; keep it simple, and people might begin to understand it.

**Mr. Hale** stated regardless of where the CSO debt falls – if you look at the draft and the first three bullets, the only thing the operating budget covers is personnel costs – the CSO debt could be added to it. Three categories go on their budget. It is set up that it could be done however they chose. They’re assuming they’re not going to do it, but is a decision of the Administration.

**Councilor Tobey** noted as relates to the first part of his original order on the debt shift that this is the avoidance of Prop 2-1/2 by using the debt shift. He thanked Mr. Malboeuf for bringing that matter back up.

**Councilor Curcuru** related if their tax bill has gone up, their sewer bill has gone down. They’re getting back into fairness.

**Councilor Theken** stated the shift was about having the bill go down fairly. Its here they have to deal with it and to set something up to be fair. She was glad with the first draft for something to go by. This is something she can explain and looked forward to seeing the second stage. She thanked everyone who participated.

**This matter would be continued to a special meeting of the O&A Committee for a one item agenda for a joint meeting with Budget & Finance on Monday, November 22, 2010.**

**The Committee recessed at 7:42 p.m.**

**The Committee reconvened at 7:45 p.m.**

- B) CC2010-061 (Hardy) Enact Ordinance as required by Ch. 217 of the Acts of 2010 re: Linkage Exaction Program

**Ms. Egan** stated the Committee asked her to draft an ordinance to allow Gloucester to impose a linkage fee. She noted the legislation didn't give her anything to base writing an ordinance. Back in the 2008 O&A minutes was a request from Councilor Hardy to contact the City of Medford, which she did, and spoke to them about their program, about what they have done. They sent a packet of information on their linkage ordinance and program, sent to the Councilors (on file), which lay out their zoning ordinance establishing their linkage program; and the rules and regulations their Community Development Board has enacted (the equivalent of Gloucester's Planning Board). It also sets out the declaration of trusts, where the linkage payments would go into. She related that the first thing that Gloucester has to do before they can enact an ordinance is to do the study because that's what the legislation says. Three new members of the Capital Improvement Advisory Board (CIAB) have been appointed; and believed this would be the place to start to look at the build out of the City, and what is going to be the increase in the capital improvements the City would need to make (the costs) in order to come up with an equation as to how much they would charge for a linkage fee. Once they have the equation, then they can go back and make an ordinance and decide what an improvement project is. In Medford it is triggered by a project 10,000 sq. ft.; in a residential development it is a certain number of units and over that number. You have to determine what the triggering mechanism is. There is a lot of work to be done to put this program in place. She thought what would be the most helpful would be to put this to the different places that can do the work, and to get a lot of the work done and then come back with an ordinance. The Medford system for linkage works. There have been other ordinances that have passed with impact fees and have been challenged. Medford's linkage program has never been challenged. She believed in emulating a program that works. Ordinances that have been passed that have impact fees have been challenged; and the biggest factor with that was they didn't have the special legislation which Gloucester has. She suggested working with the CIAB to come up with a plan; working with the Planning and Community Development Departments to craft an ordinance, learn what our build out would be, and then look at the triggering mechanism. All three would come back to her and would inform her of what needs to be done and then she would come back with the recommendations and craft an ordinance.

**Councilor McGeary** wondered if there is a need to put a budget aside to do as there appears to be a significant amount of research based on how the City of Medford developed this. Should the CIAB do this as a volunteer board or should they have the ability to hire a consultant.

**Councilor Tobey** stated when they tie it all together with the Charter, the Planning Director is charged with doing this and has the staff to do it. What Planning Directors have done with CIAB is they put out a capital needs questionnaire to all the operating departments and ask them to state what, how much, etc., and then it is all sifted together through the CIAB and they in turn report without ever having to use consultants. The City staff provides the expertise. He expressed he was pleased Ms. Egan had brought this forward because the CIAB will now have a good project to move on.

**Councilor Mulcahey** stated this would be for commercial and residential to which she was informed that to be the case.

**Councilor Hardy** stated that there are certain people who come before them (the Council) for permit granting opportunities and criticize the City Council for not being able to extract impact fees and different things throughout the community and this legislation will now give them the vehicle to do it. She also asked if they had any idea how long it would be before they expected to have something concrete would come of this.

**Ms. Egan** stated it would depend on the CIAB. She knew that Mr. Cademartori has already been working closely with them and is aware of it; and interested and motivated to get this done.

**Councilor Hardy** asked would this pending ordinance affect anyone who is filing a new application for a major project.

**Ms. Egan** stated it didn't affect any pending application because there is no ordinance filed.

The Clerk of Committees will forward the documentation received by General Counsel to the CIAB, the Planning Director and the Community Development Director.

**This matter will be placed on the agenda as soon as General Counsel notifies the Chair of the Committee that they are ready to come forward with an ordinance.**

## **2. *Appointments:***

The Committee questioned all potential appointees to their respective Boards, Councils and Committees as to their background and qualifications, desire to serve the community as well as their familiarity with the Open Meeting Laws. They were also asked if they had taken their State Ethics exam, and filed it appropriately with the City Clerk's office.

Open Space and Recreation Committee TTE 02/14/2012      Patty Amaral

**Councilors Mulcahey, Tobey and Theken** welcomed and endorsed Ms. Amaral's appointment.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Patti Amaral to the Open Space and Recreation Committee, TTE 02/14/2012.**

Zoning Board of Appeals                      TTE 02/14/2011      Michael Nimon

**Mr. Nimon** stated he was an alternate to the Committee and now is being made a permanent member who stated he wanted to continue to give back to the community and feels he can continue to contribute to the Zoning Board of Appeals. He also noted that he is a building contractor. **Councilor Hardy** appreciated Mr. Nimon's contribution. She noted that it was difficult to hear the members of the ZBA due to their not speaking into the microphones. **Councilors Theken and Tobey** extended their appreciation to Mr. Nimon for his contribution of his time to the City.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the appointment of Michael Nimon to the Zoning Board of Appeals, TTE 02/14/2011.**

In addition, **Councilor Theken** stated that the appointment of Hans Pundt, Gloucester Cultural Council, TTE 02/14/2013, would be continued to November 1, 2010 as he was unavailable until that time, which was not noted in the September 20, 2010 meeting minutes.

## **3. *Schedule for a Comprehensive Salary Review of Non-Union Senior Managers (and other non-union employees as necessary) (Referred by City Council 8/31/10)***

**Mr. Bain** presented to the Committee a draft Management Salary Survey (received at meeting and on file) as it relates to the Gloucester Code of Ordinances Personnel Ordinance, Appendix A, Sec. 4-3(e) "Review the classification system every two years", under Classification Plan within Appendix A. He noted that the position of City Auditor was inadvertently left off the survey and would added back in on the second iteration. The position of Chief Administrative Officer, which he informed the Committee being unique to the City, will need to be researched further to be able to show where it should actually be situated. He also would be providing further information on the position of General Council as it, too,

needed more research. **Councilor Hardy** asked Mr. Bain, when preparing the second iteration, to include for the cities and towns being used for comparative analysis their population, median income, number of square miles of the municipalities and roadway miles. **Councilor Theken** asked also to be included was to see the upgrade information – when each position’s grade last changed and by how much in dollars. **Councilor Tobey** discussed with Mr. Bain that the Management Salary Survey was done all in house by his staff without the assistance or cost of an outside consultant. **Councilor Tobey** also asked that the Management Salary Survey as submitted 10/04/2010 be included as a part of the minutes.

The Committee accepted the first iteration of the Management Salary Survey for 2010 and would look to it’s being updated by Mr. Bain and then would await a recommendation from the Administration before returning the matter to the O&A Agenda.

**Councilor Tobey** asked the Management Salary Survey as submitted 10/04/2010 be included as a part of the minutes.

**This matter would await a recommendation from the Administration before returning to the O&A Agenda.**

CORRECTION MADE FOR THE RECORD BY THE COMMITTEE:

**Councilor Theken** stated the following motion was voted at the August 23, 2010 meeting of O&A:

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuro, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15- Generally) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

The section of the Ordinance as referenced is incorrect and so the Committee needs to revote as follows:

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinance Sec. 22-270.1 “residential sticker parking only”(Seasonal-May 1 to September 15) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oaks Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:26 p.m.**

Respectfully submitted,

Dana C. Jorgensson  
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT THE MEETING:

- Submitted by David Bain, Personnel Director: Draft Schedule for a Comprehensive Salary Review of Non-Union Senior Managers
- Submitted by Jim Duggan, CAO, Draft Stormwater Maintenance Fee overview

Management Salary Survey

Submitted to O & A on 10/4/2010, first iteration.

Position Title	Andover	Belmont	Beverly	Chelmsford	Chelsea	Danvers	Falmouth	Franklin	N. Andover	Peabody	Salem	Watertown	Woburn	Average	Gloucester			%
															Gloucester	Actual	Variance	
<b>Chief Assessor</b>																		
Minimum Annual Salary	\$70,991	\$69,711		\$52,644	\$55,658	\$74,397	\$66,872	\$58,318	\$53,449		\$49,955	\$72,335		\$62,433	\$72,732		\$10,299	16.50%
Maximum Annual Salary	\$90,269	\$97,595	\$79,100	\$74,385	\$68,014	\$99,347	\$87,256	\$79,506	\$74,007	\$85,566	\$67,439	\$94,567		\$83,088	\$86,051	\$74,080	\$2,963	3.57%
<b>Building Commissioner</b>																		
Minimum Annual Salary	\$70,991			\$45,395		\$74,397	\$66,872	\$63,677	\$53,449		\$52,334	\$63,313		\$61,304	\$63,798		\$2,495	4.07%
Maximum Annual Salary	\$90,269		\$85,500	\$64,142	\$85,730	\$99,347	\$87,256	\$86,818	\$74,007		\$71,400	\$79,052	\$78,186	\$81,973	\$75,473	\$65,654	(\$6,500)	-7.93%
<b>CAO/Town Manager</b>																		
Minimum Annual Salary																		
Maximum Annual Salary								\$131,328										
<b>City Clerk</b>																		
Minimum Annual Salary	\$66,243			\$52,644	\$59,517				\$48,152			\$64,439		\$58,199	\$63,798		\$5,599	9.62%
Maximum Annual Salary	\$90,283	\$80,697	\$73,400	\$74,385	\$73,072		\$69,202	\$68,376	\$66,613	\$72,733	\$75,466	\$84,243	\$83,444	\$75,993	\$75,473	\$75,473	(\$520)	-0.68%
<b>City Engineer</b>																		
Minimum Annual Salary	\$70,991	\$59,283		\$52,644	\$63,653	\$78,490	\$71,885	\$75,940	\$61,703		\$61,823	\$63,175		\$65,959	\$72,732		\$6,773	10.27%
Maximum Annual Salary	\$90,269	\$71,136	\$74,270	\$74,385	\$77,799	\$104,812	\$93,808	\$103,531	\$85,433	\$81,029	\$83,461	\$82,591	\$81,038	\$84,889	\$86,051	\$81,696	\$1,162	1.37%
<b>Econ Dev Dir/Comm Dev Dir</b>																		
Minimum Annual Salary			\$59,217						\$67,204					\$63,211	\$72,732		\$9,522	15.06%
Maximum Annual Salary			\$63,760		\$76,698				\$92,405		\$59,823			\$73,172	\$86,051	\$78,360	\$12,880	17.60%
<b>Finance/Budget Director</b>																		
Minimum Annual Salary				\$88,478						\$96,261	\$58,815			\$81,185	\$98,329		\$17,144	21.12%
Maximum Annual Salary	\$112,996		\$99,940	\$116,745						\$99,149	\$79,399	\$91,888	\$78,178	\$96,899	\$116,252	\$102,121	\$19,353	19.97%
<b>Fire Chief</b>																		
Minimum Annual Salary	\$81,618	\$81,074		\$88,478		\$87,908	\$82,659	\$82,926	\$75,070					\$82,819	\$81,465		(\$1,354)	-1.63%
Maximum Annual Salary	\$112,239	\$113,504	\$125,997	\$116,745	\$125,000	\$117,390	\$107,869	\$113,051	\$103,942	\$96,261	\$101,701	\$115,976		\$112,473	\$96,374	\$87,072	(\$16,099)	-14.31%
<b>General Counsel</b>																		
Minimum Annual Salary															\$81,465			
Maximum Annual Salary					\$96,000		\$114,000	\$90,000			\$80,308			\$95,077	\$96,374	\$86,260	\$1,297	
<b>Health Director</b>																		
Minimum Annual Salary	\$70,991	\$69,711		\$61,051		\$61,232	\$66,872	\$58,318	\$48,152	\$72,937	\$42,644	\$73,782		\$62,569	\$63,798		\$1,229	1.96%
Maximum Annual Salary	\$90,269	\$97,595	\$69,100	\$86,264		\$81,768	\$87,265	\$79,506	\$66,673	\$75,125	\$57,569	\$96,458	\$75,436	\$80,252	\$75,473	\$74,919	(\$4,779)	-5.96%
<b>Library Director</b>																		

Management Salary Survey

Submitted to O & A on 10/4/2010, first iteration.

Position Title	Andover	Belmont	Beverly	Chelmsford	Chelsea	Danvers	Falmouth	Franklin	N. Andover	Peabody	Salem	Watertown	Woburn	Average	Gloucester			%
															Gloucester	Actual	Variance	
Minimum Annual Salary	\$73,530	\$69,711		\$69,765	\$52,031	\$63,434	\$71,885	\$63,677	\$59,330		\$45,234	\$73,782		\$64,238	\$63,798		(\$440)	-0.68%
Maximum Annual Salary	\$100,213	\$97,595	\$70,600	\$92,053	\$63,593	\$80,131	\$93,808	\$86,818	\$82,148	\$72,937	\$61,066	\$96,458	\$76,932	\$82,642	\$75,473	\$68,754	(\$7,169)	-8.68%
<b>MIS Director</b>																		
Minimum Annual Salary	\$70,991	\$61,196		\$52,644			\$71,885		\$64,508	\$69,775		\$63,175		\$64,882	\$63,798		(\$1,084)	-1.67%
Maximum Annual Salary	\$90,269	\$85,674	\$87,300	\$74,385	\$68,369		\$93,808		\$88,851	\$71,868	\$65,895	\$82,591		\$80,901	\$75,473	\$75,473	(\$5,428)	-6.71%
<b>Personnel Director</b>																		
Minimum Annual Salary		\$75,384		\$61,051		\$74,397	\$66,872	\$69,544	\$72,353		\$47,664	\$64,439		\$66,463	\$63,798		(\$2,665)	-4.01%
Maximum Annual Salary	\$100,339	\$105,569	\$72,800	\$86,264	\$71,726	\$99,347	\$87,256	\$94,808	\$99,946	\$77,664	\$64,346	\$84,243	\$77,408	\$86,286	\$75,473	\$75,387	(\$10,813)	-12.53%
<b>Police Chief</b>																		
Minimum Annual Salary	\$81,618	\$81,074		\$88,478		\$87,908	\$88,858	\$82,926	\$75,070					\$83,705	\$81,465		(\$2,240)	-2.68%
Maximum Annual Salary	\$111,239	\$113,504		\$116,745	\$135,000	\$117,390	\$115,393	\$113,051	\$103,942	\$94,410	\$116,832	\$111,158		\$113,515	\$96,374	\$80,177	(\$17,141)	-15.10%
<b>Public Works Director</b>																		
Minimum Annual Salary	\$81,618	\$81,074		\$85,990		\$98,898	\$82,659	\$82,926	\$75,070		\$61,823	\$83,186		\$81,472	\$98,329		\$16,857	20.69%
Maximum Annual Salary	\$111,239	\$113,504	\$96,900	\$113,461	\$88,764	\$132,064	\$107,869	\$113,051	\$103,942	\$96,261	\$83,461	\$108,752	\$103,520	\$105,599	\$116,252	\$116,252	\$10,653	10.09%
<b>Purchasing Agent</b>																		
Minimum Annual Salary	\$63,922			\$52,644	\$52,031			\$54,509	\$53,449	\$64,176	\$42,644	\$54,461		\$54,730	\$63,798		\$9,069	16.57%
Maximum Annual Salary	\$78,570		\$70,500	\$74,385	\$63,593			\$72,810	\$74,009	\$66,101	\$57,569	\$71,199	\$69,122	\$69,786	\$75,473	\$65,629	\$5,687	8.15%

CITY COUNCIL STANDING COMMITTEE

**Planning & Development**

Wednesday, October 6, 2010 – 6:30 p.m.

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

**Present:** Chair, Councilor Joseph Ciolino; Councilor Greg Verga, Councilor Jacqueline (Alternate), Councilor Paul McGeary (Second alternate: see below)

**Absent:** Councilor Whynott

**Also Present:** Attorney Michael Faherty; Joseph & Mary Amicone; Howard Costa III; Attorney Mark Nestor; Mildred McCarthy; Stephen Winslow; Daniel Morris; Judy Masciarelli; Mary Lou Maraganis; Chris Raymond; David Spaulding; John McElhenny

**The meeting was called to order at 6:30 p.m.**

**1. Continued Business:**

A) SCP2010-011: 82 Hesperus Avenue, GZO Sec. 2.3.6(4) (Cont'd from 09/08/10)

**Attorney Michael Faherty**, representing the applicants Joseph & Mary Amicone for SCP2010-011, 82 Hesperus Avenue stated that the Committee asked them at their last meeting asked them to consider the height of trees and the locations of the trees and bring forward a planting plan. They submitted the site plan prepared by John Judd showing all the relevant features of the proposed house, and the access driveway coming into the property (on file). He had also given in writing a letter (on file) with a stipulation what they would agree to a condition to no trees over 25 ft. in height; they would all be deciduous. The only exception would be along the areas shown in green on the site plan to situate Autumn Lace maples on either side of the driveway, which potentially grow to a height of 40 ft. and would be restricted to that area. The area fronting on Hesperus Avenue is intended to be all lawn with mature trees “speckled” in between and trees were listed that the applicants are proposing to use throughout the site. He clarified for the Committee that the exception is 7.2 feet because the height restriction is 30 ft. Up to 35 ft. the jurisdiction is with the Planning Board but over 35 ft. it is the purview of the Council under the special Council permitting process. So the total height is 37.2 feet which is a variance of 7.2 feet. He noted that the calculations are on the site plan also and that he had circulated the condition to Attorney Mark Nestor.

**Attorney Nestor**, representing Mr. & Mrs. Shelkrot, and Ms. Fenster, abutters, expressed their opposition to the project (letter submitted previously by hand to Councilor Ciolino and on file with attachments). He noted the ordinance states that height is only allowed to be exceeded if it is detrimental to the neighborhood because of obstruction of views and overshadowing of other properties. When they went to the site visit, Attorney Faherty pointed out the Fenster’s property and how the level of that is. He attached a copy of Ms. Fenster’s plan for her home when she did her addition. He noted this was ‘Exhibit A’, and that her house did not exceed the 30 ft. height requiring a permit and the area of the house was significantly less than the area of the proposed roof construction and less the garage. The other issue was if you looked at Ms. Fenster’s she is right to the Coastal buffer zone. One issue raised the last time was would the applicants go to the Conservation Commission (ConCom) for permission to encroach into the buffer zone for purposes of the building because the building is on a hill. The main issue is the bulk and size as it looks from Hesperus Avenue. If the proposed home moves down the hill the silhouette would be reduced. When he pulled the plan from the ConCom, the building itself is still set back from the buffer so that they can move down to the buffer zone without seeking any variance or permission from the ConCom although they would have to expand their current request that they have before ConCom to encroach into the buffer zone for the purposes of the patio and pool. Even if they bring it down 20 or 30 feet it would lower the elevation and lower the silhouette from the rear. They would suggest they do at least that. When the issue was last raised you asked if the applicants would consider going before

ConCom, especially when he represented that he thought the neighbors would support it; they're not asking the size of the building be reduced but that the building be moved down towards the buffer zone; they politely rejected that option. He understood their position was they've already done the site work and the location sited; this is where they want to build. He respectfully suggested that since the applicants knew they had to come before this Committee and also before the City Council to seek permission to exceed the height, they should have waited until they got that permission before they sited the building. Unfortunately they did not. They now have a hardship, which he submitted was a created hardship by them. If they had waited they could have sighted it down by the buffer without a problem. Then they could have done the construction and everyone would have been happy. For those reasons they would oppose it and ask if they want to have that height they move it close to the buffer zone, even if they don't move it inside the buffer zone which reduces the silhouette because it would be further down on the hill. The parties behind and to the side won't have as much as an obstruction. He did speak with Mrs. Fenster; and she didn't have any concern about moving the building down even though it would be closer to her, the nearest neighbor. He knew Windover was developing the property on the other side (of the applicants' property) but didn't know what was going in there but felt, given his knowledge of Windover developments, that it was likely a large building going there as well and doubted it would have any opposition to it. He would ask the Committee in light of the current proposed location of the house to reject this application.

**Councilor Ciolino** stated if they move the building in any direction there will still be a building of 37.6 feet.

**Attorney Nestor** replied they understood that but the land slopes down.

Councilor Ciolino stated he understood that even if they do that, they'll still have to come to the Committee and the Council for a height exception because no matter where you put it, it will still be 37.6 ft.

**Attorney Nestor** countered if they located the building further down he suspected there would be less opposition from the abutters because the silhouette they would see is further away from Hesperus Avenue and the silhouette they would see from Hesperus Avenue would be reduced. That was the main issue because they've got to push back the silhouette goes higher. If they go down the hill and drop 10-15 ft. in elevation, the whole thing drops and there is less of a silhouette. That is the major objection they have. They're not arguing the size of the building. If it was relocated he didn't believe they would not be arguing the height. It is the location, height and the size.

**Attorney Faherty** showed the Committee the site plan. In response to Attorney Nestor's 'charge', he noted if they move the house 30 ft forward without being in the buffer zone. He pointed to the buffer zone and the house. To move it forward, they can't go forward 30 ft. without being "severely" into the buffer zone. The ConCom takes the position that if you are working in a buffer zone to a coastal bank, that if you remove this building (there now), you are only allowed to substitute what was already there. The removal of this building is the compensation for this and everything else is outside the buffer zone. To Mr. Nestor's 'charge' that the building is too close to Hesperus Avenue, the building is  $\frac{3}{4}$  of the way into the lot or more. The silhouette (of the proposed home) that Attorney Nestor speaks of is largely obscured from the street by a knoll. There are four standards; one is consistency with the neighborhood. Most of the homes on the ocean side of the street, if you consider the neighborhood extending along Hesperus Avenue for any distance, all have large houses with much higher 'facements' towards the water than on the land side. He believed it to be consistent with the neighborhood. He asked was it consistent with some houses across the street, he believed it was not. He noted the McCarthy house which is a single story ranch. The other issue is does it obstruct. The ordinance talks about "substantial obstruction". He pointed out that maybe one house that the Committee looked at (during their site visit), Mr. Costa's house, was the one that would have some impact on the view. The rest of the views stand. There's no overshadowing, and there nothing to do with utilities. The reason the applicants rejected pushing the house further forward is that the area is all bedrock and coastal bank. They showed in the field what they could build if they put it up (and he pointed to the map) as a matter of right, and the Committee saw the big difference in distance, over 15 feet lower from the street than if they put it up at

the top of the hill. He thought that what the Committee asked for and suggested about the trees and the landscape restriction more than protects the neighbor(s).

**Mr. Nestor** pointed out the proposed patio and building. They're already asking for a variance for this and part of the patio. All they are saying is take the building; move the building closer and expand the request to ConCom; but it's more for the patio and not for the actual building. The building is still outside. The request is already there for encroaching the pool and patio. They're saying expand for the patio and the building can still stay outside the buffer and is still further down. For the rest, he felt Attorney Faherty and he can agree to disagree for the size and the views only.

**Mr. Faherty** felt it was a bit of a disingenuous argument for Attorney Nestor to say they'll move the house forward and then have to expand the application which then pushes this down which the Attorney Nestor was unacceptable forward and is unacceptable to ConCom. "It will not be based on what the neighbors want; it will be based on ConCom's obligations under the statute and regulations; and they will say no. What he felt they were saying was that you can have your house, and they'll support it. But there won't be anything in your front yard, and you won't be able to use it. He asked the Committee to take their vote, and they'll go from there.

**Councilor Hardy** asked when they went before ConCom did they ask to come more forward with the house.

**Mr. Faherty** stated he did not represent the applicants when they went before ConCom. The application was presented by John Judd. He had talked to John Judd, and Mr. Judd is very familiar with the process they have in terms of substitution. This was the presentation based on his knowledge, his experience, and ConCom's past rulings and current rulings of ConCom and statutory regulations. This is a coastal bank which is a protected feature.

**Councilor Hardy** noted to Chairman Ciolino that since they last met at the site, she made an inquiry to ConCom as to whether or not there was a request to build the home closer to the buffer zone. She was told that ConCom approved what was put in front of them. Nothing more was requested to come further towards the buffer area. It was neither denied nor approved. Nothing was put in front of them for an exemption.

**Attorney Faherty** stated that was gone over at the last meeting. He didn't believe it was the burden of the applicant to go to the ConCom to be rejected and then set back when you have experience and precedent.

**Councilor Hardy** contended it would have been nicer to ask and got to the step that now they're asking for the height when if they knew before that ConCom would have said no, then it would have been more of a burden. But she didn't see that the burden was created by the layout of the land right now. They probably could have come forward more. Exponentially, when they did the site visit, they looked from the picture window of the Costa home; and she agreed that the McCarthy home, no matter what they do, the McCarthy home is just not something to be brought into this. The views from the Costa home, she did believe if they got closer to the water with the home, that exponentially it would drop off even more. For every foot you get closer to the water, it's going to be that much more you'll be able to see.

**Attorney Faherty** reiterated what he had said at the last P&D meeting that the applicants were not prepared to do it. "It is nothing but blasting the whole way."

**Councilor Hardy** then stated they've already completed their blasting.

**Attorney Faherty** responded yes, they are now at grade. There was no requirement; they went to ConCom and then came to the Council. He stated that to suggest there is an obligation they push towards the water as close as they can when there really isn't any serious obstruction of view. This is fully forward. He believed the ordinance was quite clear as to what they have to look at. They are not required to make it a blasting pit out of the coastal bank to do it.

**Councilor Hardy** would have liked to have them come to the Committee first to ask how far you have to blast and then you would have known instead of it being over and now you have to come in and do that so that they could have worked some sort of compromise.

**Attorney Faherty** stated they went by standard procedures of going to ConCom first because there are restrictions that effect going to the City Council. Standard procedures were followed. This was not an exception.

**Councilor Hardy** stated they didn't ask exceptions from ConCom, not Attorney Faherty, but Mr. Judd. **Attorney Faherty** responded the Councilor was correct.

**Councilor Verga** stated that was where he was coming from, is the issue about ConCom asked if there was anything else.

**Councilor Ciolino** stated if you look at the house there now, which is being torn down, has been eaten up by salt water and salt spray. He thought it was prudent to build it a bit further back from a building point of view. Especially if you live near the water, it is almost impossible to find insurance; and if you find it, it is prohibitive. He felt a construction point of view from his years in the building industry; the house would be the same no matter where it is situated from a height perspective. Views aren't owned and believed it is a matter of compromise. Three-fourths of the view will remain (to the neighbor across the street). He also saw it at the site visit. He recounted he had seen on a house on Starknaught Heights which walled off the view of Good Harbor Beach. He stated, "You can't protect a view". He asked is it their consideration and believed it was. The most expensive thing one owns is a home; and if you have a view you want to keep it. But these folks bought this lot and wish to make a home there too. To him, where it is sited, is probably the best place from a safety point and not to be eaten up by the salt water. Putting the pool and patio back there makes sense. It would create a hardship to ask them to put the house further down.

**Councilor Verga** felt they would be spinning their wheels by sending them back to ConCom because if they go to ConCom and they said no, he would be able to say there's the hardship. If they send them back now, they'll come back in a month and say ConCom said no; and they're be back where they started. There is still a view.

**Councilor Ciolino** stated it would still be the same height.

Councilor Verga added that they mentioned the people across the street don't own the view. He thought there was still, because they all looked through the windows, some views maybe not as great as they wanted.

**Councilor Ciolino** stated three-fourths of the neighbor's view is still open. That's why he asked for a landscaping plan. He suggested the neighbors put that plan with their deed, and then they have something if their view is blocked. This will go with the property, what they do tonight and the next owner will have the same conditions on their property. This is how it works and is a compromise to protect the view for the neighbors across the street and so that the applicants can build their home.

**Councilor Verga** continued if you stick to the spirit of the ordinance, about the significant view, in this case there really isn't it is not a significant view. It may be considered significant by the homeowner. It was difficult for the Committee with the "Solomon" decision to make. The 'by right idea' was concerning to him. If we say no, they'll just "put it here" and the Starknaught Heights situation is repeated. But he hoped there is a bit of compromise with the landscaping and hoped there was still some conversation between the applicant and the neighbors could work together as they will be neighbors. He will reluctantly support this tonight.

**Councilor Hardy** asked if there was any room for compromise in asking for 7.6 ft. Would they be willing to bring the height down a bit.

**Attorney Faherty** responded he did talk to the architect about the height and the open span construction and didn't see that they were talking about 1 ft. to 1.5 ft. maximum.

**Councilor Hardy** stated as she had said earlier, every foot or portion of a foot exponentially at the distance they are away from the home that is infringed upon is going to make a big difference.

**Attorney Faherty** stated with due respect to the Councilor, he could not believe one could tell that between 1.5 ft at a distance of 185 ft.

**Councilor Hardy** thought it could.

**Attorney Faherty** stated he would accept, then her explanation. He, however, didn't believe one can.

**Councilor Hardy** replied that when you site something on the horizon, yes.

**Attorney Faherty** pointed to the home on the plan that is looking down; and already has a vector that is going down the 1.5 ft. is going to be less on the vector horizon than perceived on the whole map.

**Councilor Hardy** responded that was a compromise she could work and willing to go for rather than moving the house closer [to the buffer zone]. She noted the large size of the lot. The house has a 155 ft. footprint.

**Attorney Faherty** interjected that was not the Committee's jurisdiction.

**Councilor Hardy** responded she was talking proportions. She continued to believe the 1.5 ft reduction would make a difference.

**Attorney Faherty** asked if they come in and amend their petition that instead of 7.2 ft. (5 ft. 8 inches overall) is that what it is going to take?

**Councilor Hardy** replied it was a compromise.

**Attorney Faherty** flatly stated that would be a redesign of the whole structure. "If that's what it is going to take they'll have to go back to the drawing board" to see if it can be done; and it may not be done.

**Councilor Hardy** stated it was an offering she would like to suggest.

**Councilor Ciolino** recalled when he became a City Councilor he tried to change the zoning ordinance to make 35 ft. by right. Now with the open floor plans, people are coming in with pre-engineered floor tresses, and it is the same with the ceiling joists. An 8 or 9 ft. ceiling requires several more feet of structural height that has to be added and you need the drain. He agreed with Attorney Faherty with regard to the height reduction not being a noticeable difference. It is the way construction is these days. It creates a hardship with open floor plans.

**Councilor Verga** reiterated that his biggest reason to support because of his concern of what the alternative is which is by right closer to the street; and nobody sees anything. He didn't feel it was a good plan to put something that big there but it was "a lesser of two evils".

**Mr. Costa** didn't agree with a lot that was said. The Committee thought the knoll in front of the home would affect the silhouette of what they thought they saw regards to the orange stake from his property. If you have a charge to look at the view or lack thereof that would be impacted on his home, he thought that 155 ft. home that  $\frac{3}{4}$  of the existing view would remain available to him. There is space down there. The view across the street blocked by the home, they're not going to consider moving the house to the buffer zone and take a cottage built in 1955, uncared for. Because the house looks like that we're allowing "a monster house with monster pool and you people across the street that's the way it is".

**Councilor Ciolino** stated that is their right, but the only thing they have in front of them is the height exception. They're talking a couple of feet. If they go to the Board of Appeals, the ZBA is 35 (ft.). It is a moot point. They're doing the best they can and protect his and his neighbors' views and trying to get these people to utilize their property also. It's hard for everybody. It's compromise. He noted the letter received by Attorney Faherty and read it to the Committee (letter on file):

"I continue to represent Joseph M. and Mary Ellen Amicone regarding their application for a Special Permit Height Exception for their proposed house at 82 Hesperus Avenue.

The purpose of this letter is to confirm in writing that my clients will accept a condition on the requested grant of a Special Permit for a height exception of 7.2 feet that

Would restrict plantings of new trees on the locus to deciduous trees with a height of less than 25 feet from base of tree provided that the condition would not apply with respect to height only to a row of Autumn Blaze maples on either side of the location of the proposed driveway in the locations shown and noted on the attached site plan.

For the Committee's general information, my clients intend to create a grass lawn around the existing mature trees similar to the Fensler lawn to the west of the locus along the Hesperus Avenue frontage and in as far as the knoll. The purpose of a requested exception along the driveway is that the clients want the "curb appeal" that will be generated by the taller maples

along the sides of the top of the driveway. My clients' preference for plantings at the site are Kousa dogwood, Newport flowering plum, white fringe tree and white and pink dogwoods."

**Councilor Ciolino** noted his familiarity with trees and knew these trees to provide a "spectacular" display in the spring. These trees don't get very big.

**Councilor Hardy** wanted to let it be known that part of the reason they're here is because they didn't ask ConCom to bring the home closer to the water so that the size could be reduced. She thought possibly part of this is a self-imposed reason to come to do this. She believed Attorney Nestor had a point that if they had gone to ConCom perhaps they could have gone closer to the buffer zone with it thereby negating the reason for coming here. That would have been a compromise that she was willing to accept. She would not vote in favor of this permit this evening.

**Councilor Verga** would reluctantly support the permit. He felt the problem they have to focus on as a Councilor; and unfortunately, they have to be focused on the points of the ordinance to approve this. He believed a no vote would not be the end of it, but a yes vote wouldn't either. He wanted to get things moving and get a compromise going.

**Councilor Hardy** asked if it was continued and they went to ConCom and showed hardship which believed to be self-imposed; agreed that the house there now was in deplorable condition. The building materials they used then are not what they are now. She thought if they went back to ConCom they could do away with some of this hardship.

**Councilor Ciolino** stated he would support the application and understood that they couldn't consider it under this height exception; but he looked keenly at the views from across the street and felt that ¾ of the view across the street was preserved. He understood, for instance, that the lot in front of his home would be bought some day and someone would build there and take away his view; but that is who it is and difficult to do. It is a compromise and still feels they are protecting the neighbors but are also welcoming the applicants into the neighborhood.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee recommends to the City Council by a vote of 2 in favor, 1 (Hardy) opposed for 82 Hesperus Avenue (Map #192, Lot #14, Zoning District RC-40), to grant a Special Permit (SCP2010-011) Height Exception under Sec. 3.1.6(b) for a height of 37.6 feet, for construction of a new residential dwelling as shown on plans drawn by Integration, Jason Gove & Associates, Architects, dated 4/15/10. Further, the Committee finds that under Section 1.10.2 of the Zoning Ordinance the height exception of 7.2 feet will be in harmony with the general purpose of the ordinance with the following condition(s):**

- 1. Landscaping to be as shown on plans drawn by Gateway Consultants, Inc. dated 5/10/2010 as revised with notes concerning trees over 25 ft. in height along driveway and deciduous trees of less than 25 ft. elsewhere on plan. Owners must maintain the trees so height does not reach 25 ft.**

**Councilor Verga left the meeting at 7:08 p.m. and Councilor McGeary stepped in as the Councilor's alternate.**

- B) Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter  
(Cont'd from 09/22/10)

**Dan Morris**, Chair of the Open Space & Recreation Committee thanked them for allowing them to consider the dog park. It took them some time to get back to P&D. He read the motion that was passed by the Committee from their letter dated 9/23/2010 (on file with the Committee previous to the meeting). The Committee supports the idea of the park and congratulated the proponents of the dog park for putting this forward and their ability to organize the effort and was impressed. They supported this group as new

major users of the City's park and hoped they would join them in their advocacy of the City's parks. The provisions of this support are a reaction to the Committee's concern that there are a lot of parks in need around the City. This is a unique and interesting proposal coming forward, and hoped that its fruition will be worked within a broader set of priorities. Regarding the location, a subcommittee was formed to look at the six locations offered by the dog park proponents. They recommended the best were Sites #2 and #3 at Stage Fort Park. The other sites proposed are in use by sports teams or not fully adequate for the purposes of the dog park; and they're easily adaptable to other uses like sports fields. Adjacent to the south parking lot at Stage Fort Park, one in particular could be more readily adapted, and one would need more work to accommodate the dog park.

**Stephen Winslow**, Project Manager with the City stated these areas are uphill from the parking lot, between the lots and the neighboring home.

**Mr. Morris** stated #2 is in the back by Beachmont. There is an area where the park extends behind the cemetery behind Western Avenue.

**Mr. Winslow** stated in discussion with the proponents of the park, they have interest from a landscape architect who could do a preliminary design. This would be a good place to look at and to see what would look best and have community meetings to find where exactly to situate the park. They wanted it to be expansive so that through the community process they weren't tied down to one and then to whittle it down to an appropriate location.

**Councilor Ciolino** wanted to have a site visit on Saturday, October 9, 2010 at 9 a.m. to walk the two sites and then make a recommendation to the City Council. They can talk about the procedure. They have created an ordinance. This Committee will recommend a site; it goes back to the DPW Director with the Open Space & Recreation Committee to come up with a plan to govern and run the dog park. He believed all the little pieces are coming together. He will try to have someone from the DPW to be there for the site visit also.

**Judy Masciarelli** stated that Mr. Cole had recommended area #3.

Mr. Winslow stated area #1 was not the best location in SFP. Mr. Cole was concerned about the festivals that go on at SFP.

**Councilor Hardy** asked about area three, and asked if this was where people come to pay for the lot.

**Mr. Winslow** stated that would have to be worked out.

**Councilor Hardy** asked if this was a four season use.

**Ms. Masciarelli** stated it would be four season.

**Mr. Winslow** stated that during prime beach season dog owners can not bring their dogs to the beach and during the summer there isn't any place to take their dogs.

**Councilor Hardy** appreciated years ago when they didn't have a skate park, and then had one dedicated to that purpose, they're off the street. Now they'll be able to have dog owners take their dogs to the park instead of the sports fields and to the school fields which is a "no-no". Now people will be able to say they have a dog park and can use it.

**Councilor Ciolino** stated then they can "take back the Boulevard". It is certainly a need. If the community has a leash law they should have a dog park. They're getting there. It is taking some time, but they're working on it.

Mary Lou Maraganis, a dog park proponent asked for clarification on the new ordinance process.

**Councilor Hardy** explained that O&A works out the language for an ordinance, and they form a recommendation to the full City Council at the public hearing.

**Councilor Ciolino** added they are having their site visit. P&D deals in land issues. They'll make their recommendation. From there, their group and the DPW will get together and start hammering out the policy, who pays for what, etc. John Dugger (landscape architect) can be involved then and come up with some plans. There is currently interference with equipment storage in the proposed area now and perhaps the company storing equipment there can't grade some of the land there. They'll have to ask. He thanked the Open Space & Recreation Committee. This was their first test to make a recommendation to the City Council and was a great help to them. He thanked them for the P&D Committee.

**Mr. Morris** stated they enjoy great support from Mr. Winslow and Gregg Cademartori, Planning Director as well.

**This matter is continued to October 20, 2010.**

**2. SCP2010-012: Kondelin Road #16, GZO Sec. 5.13 PWSF**

**This matter is continued to October 20, 2010.**

**3. SCP2010-013: Rogers Street #127, GZO Sec. 5.13 PWSF**

**This matter is continued to October 20, 2010.**

**4. SCP2010-014: Cherry Street #32 (O'Maley Middle School), GZO Sec. 5.22 Wind Turbine**

**Councilor Ciolino** stated that this matter was continued to Wednesday, October 20, 2010 in order that the applicant, the Gloucester School Department, can make appropriate notice to the abutters about that meeting.

**This matter is continued to October 20, 2010.**

**5. Letter from National Grid re: Cherry Street and Reservoir Road**

**Chris Raymond**, agent for National Grid and a senior engineer stated his apologies that the contractor to the last day. He had been before them in February. Phil Courcy sent a letter asking to be put on the agenda, in order to amend the Pole Petition permit for the next year in the same date range, which would work well.

**Councilor Hardy** was concerned regarding the school buses and the children being dropped off and picked up also from the school. She recalled Mr. Palazzola, an abutter, who spoke at the February 24<sup>th</sup> meeting of P&D, when the matter was heard, was happy with the conditions placed on the petition. During that conversation they had people on Reservoir Road who expressed they wanted to be sure they will be able to have access to enter and exit the road.

**Mr. Raymond** stated they would have several details there and be sure to allow adequate access to the abutters.

**MOTION: On motion by Councilor Hardy, seconded by Councilor McGeary, the Planning & Development Committee voted 3 in favor, 0 opposed to amend the motion passed on February 24, 2010 by the Committee on the matter of a plan filed by National Grid, UG-WR#7722673-1 10/16/09 for the purpose of the installation of 4-way duct bank using six (6) inch pvc conduits encased in concrete from existing manhole 540-A to the existing riser poles 42 and 41-A via proposed manholes on Cherry Street (and Reservoir Road) in Gloucester, MA, Condition #1, as relates to Condition #1 as follows:**

- 1. Construction can only take place from July 5, 2011 to August 15, 2011.**

**A motion was made, seconded and voted by unanimous consent to adjourn the meeting at 7:36 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS RECEIVED AT MEETING:**

- Letter dated 10-05-10 hand delivered to Councilor Ciolino from Attorney Mark Nestor on behalf of his clients regarding Height Special Permit – Zoning Ordinance Section 3.1.6(b) Property Address of 82 Hesperus Avenue with enclosures (file letter only; letter and attachments to SCP file)
- Site plan of Stage Fort Park submitted by Daniel Morris, Chair of the Open Space & Recreation Committee

**BUDGET AND FINANCE MINUTES**

10/07/10

**UNDER SEPARATE COVER**



CITY OF GLOUCESTER  
GLOUCESTER, MASSACHUSETTS - 01930

City of Gloucester  
Special Council Permit - Application

10 OCT -5 PM 2:28  
CITY CLERK  
GLOUCESTER, MA

12/9/10

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

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

Type of Permit (Give specific section of Zoning Ordinance) Lowlands permit  
Section 5.5.4

Applicant's Name: Dennis Silva

Owner's Name: \_\_\_\_\_  
(if different from applicant)

Location 9 Kirk Road Map # 101 Lot # 52  
(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 1.8.3 of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.5.3 of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

<b>City of Gloucester - Action</b>	
Fee: <u>\$350.00</u> <u>cont 2523</u> <u>perm.</u>	
City Clerk (received):	<u>10/5/10</u>
City Council (received):	<u>10/12/10</u>
Public Hearing (ordered)	_____
Public Hearing (opened)	_____
Public Hearing (closed)	_____
Final Decision	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

Applicant: Dennis Silva  
 see attached authorization form  
 Name (Signature)  
9 Kirk Road, Gloucester  
 Address  
508 783 1575  
 Telephone

Certified for completeness:  
 Building Inspector: [Signature] Date: 9/22/10  
 Planning Director: [Signature] Date: 9/21/10

SCP 2010-015

Section 1.8.3 - (Use additional sheets, if necessary)

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

Project will provide immediate economic boost to economy associated with constructor project + will enhance boating enjoyment of Gloucester's waters.

2. Traffic flow and safety:

The project will not impact vehicle traffic and has been designed with oversight of Harbormaster to avoid boat traffic problems.

3. Adequacy of utilities and other public services:

No utilities or public services are expected to be needed by this project.

4. Neighborhood character and social structure:

This is a waterfront property which will fit in well with many other dwellings on the Mill River which have docks.

5. Qualities of the natural environment:

The project has been designed with great care for protection of shellfish and salt marsh resources and has been approved by the Conservation Commission.

6. Potential fiscal impact:

Construction is expected to cost between \$ 15,000 - \$ 25,000.

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.G., Ch. 40A, § 9 as follows.

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

Name: Dennis Silva

Address: 9 Kirk Road

Tel. #: Days 508-783-1545 (cell) 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: 9 Kirk Road

Assessor's map: 101 Lot: 52

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

Land court Document # 505480, Plan # 18538B

Deed recording: Book \_\_\_\_\_ Page \_\_\_\_\_

Plan recording: Plan # \_\_\_\_\_

Property is location in the R-3 zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section \_\_\_\_\_ of the

Zoning Ordinance/By-Law which authorizes City Council to permit

A lowlands permit for a residential dock.

Detailed explanation of request:

The project consists of two cement pilings to be poured on top of existing outcrops in the Mill River. The pilings will support a dock that will connect to a ramp and float used for residential boating.

5. Evidence to support grant of special permit:

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

The proposed dock will fit in with the many other docks on the Mill River, has been reviewed and approved by the conservation commission, will not use municipal services, and will not interfere with traffic.

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

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

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: Daniel Ottenheimer, Mill River Consulting

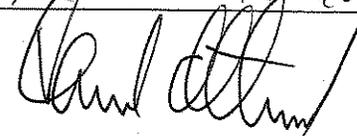
Address of Representative: 6 Sargent Street, Gloucester

Tel. #: Days 282 0014 Evenings \_\_\_\_\_

Relationship of representative to owner or equitable owner:

CONSULTANT

I hereby authorize \_\_\_\_\_ to represent my interests before the Special Permit Granting Authority with respect to this Special Permit Application.

✓(Signed by owner/equitable owner) see attached authorization  




## Authorization Form

Re: 9 Kirk Road, Gloucester, MA

I hereby authorize Mill River Consulting to sign any applications or permits for the City of Gloucester or the Department of Environmental Protection.

  
Dawn or Dennis Silva

1/1/2008  
Date

# City of Gloucester, Abutters List

**Report Description:**  
**Abutters To Parcel... MAP 101 LOT 52**

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

Abutter	Street Address	Parcel No.	Mailing Address
1	101 48 MORTILLARO GINO & THERESA	101 48	35 HODGKINS ST GLOUCESTER MA 01930
2	101 49 SOUSA ALISON G TR	101 49	3 KIRK RD GLOUCESTER MA 01930
3	101 50 DAVIS LISA TR MOODY 1990 TR	101 50	C/O BILL & R MOODY 5 KIRK RD GLOUCESTER MA 01930
4	101 51 BAYLIES ANN LOUISE & BENJAMIN S TBYE	101 51	7 KIRK RD GLOUCESTER MA 01930
5	101 52 SILVA DENNIS & DONNA	101 52	9 KIRK RD GLOUCESTER MA 01930
6	101 53 RIVERDALE MILL ASSOCIATES	101 53	C/O R DELTORCHIO 41 HODGKINS ST GLOUCESTER MA 01930
7	101 54 DEAN SHIRLEY A	101 54	10 KIRK RD GLOUCESTER MA 01930 0000
8	101 55 BURGESS L INGRID	101 55	C/O QUILLEN KAREN 13 KENT SQ BROOKLINE MA 02446-6937
9	101 56 CIOLINO VIRGINIA R	101 56	6 KIRK RD GLOUCESTER MA 01930
10	101 57 CIARCIA STEVEN A	101 57	21 CRESTWOOD RD TOLLAND CT 06084 0000
11	101 58 WOODRUFF ANITA L TR	101 58	ANITA L WOODRUFF REVOCABLE TR 39 HODGKINS ST GLOUCESTER MA 01930

*Scanned*

# City of Gloucester, Abutters List

**Report Description:**  
**Abutters To Parcel... MAP 101 LOT 52**

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

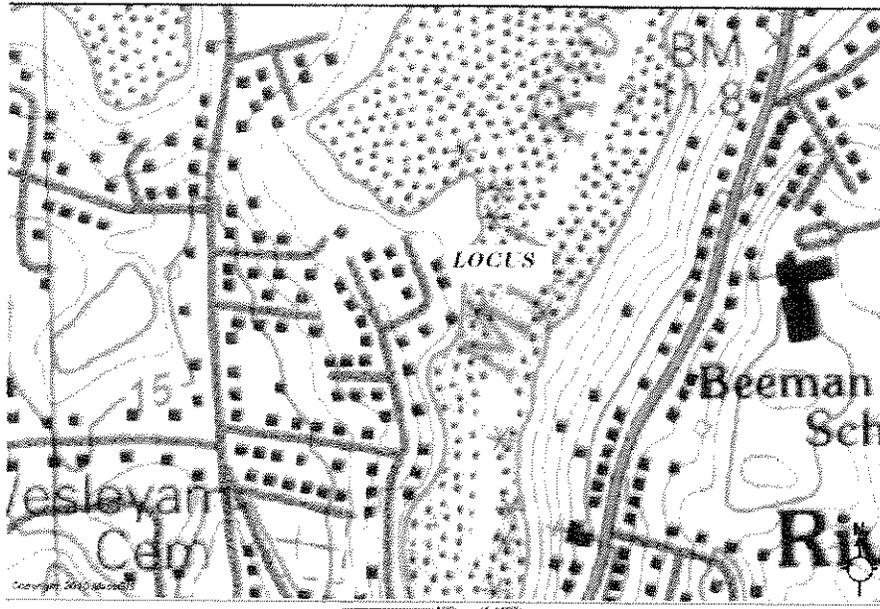
Abutter	Street Address	Parcel No.	Mailing Address
12 DEL TORCHIO RUSSELL TBYE & TOR	41 HODGKINS ST	101 59	41 HODGKINS ST GLOUCESTER MA 01930
13 GLOUCESTER CITY OF	11A KIRK RD	101 76	9 DALE AV GLOUCESTER MA 01930

BOARD OF ASSESSORS  
 CITY HALL  
 9 DALE AVENUE  
 GLOUCESTER, MA 01930

OCT 04 2010



SUPPORTING MATERIAL  
9 KIRK ROAD DOCK APPLICATION



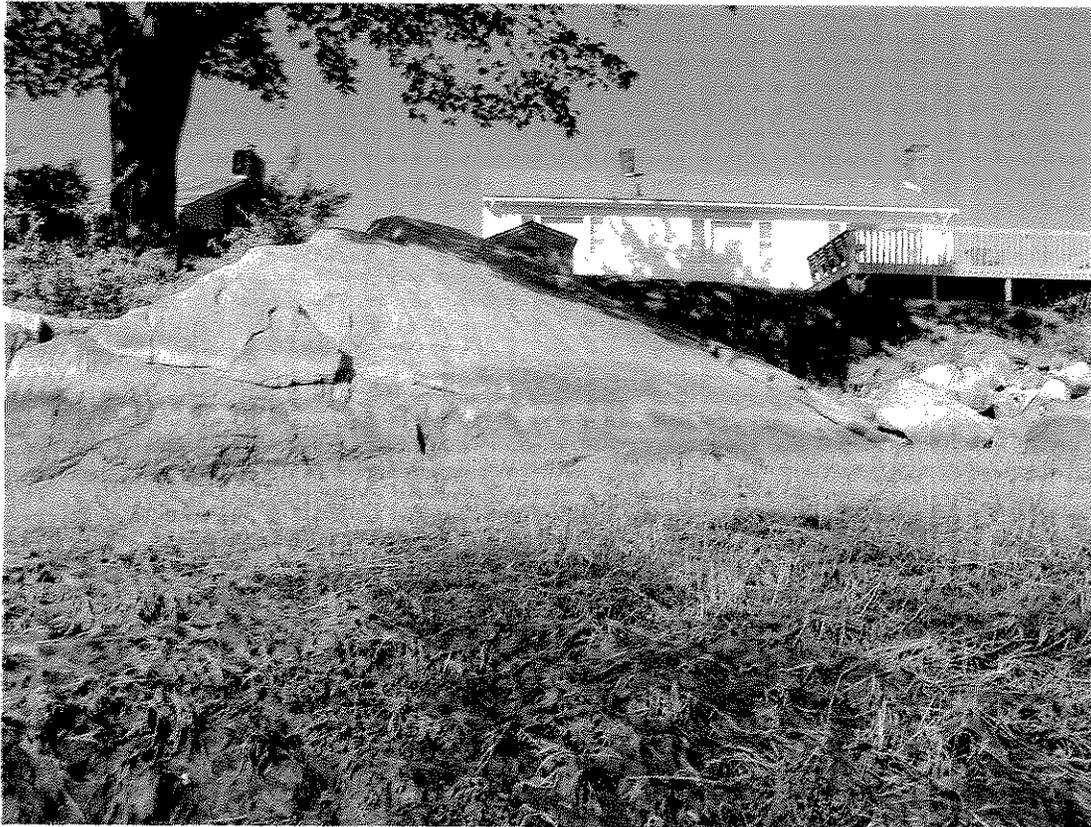
USGS MAP



AERIAL VIEW



**DOCK PREVIOUSLY LOCATED AT PROPERTY**



**VIEW FROM MILL RIVER TOWARDS HOUSE TO BE SERVED BY DOCK**



MAP 101, LOT 53  
1.588± SQ. FT.  
N.E.  
HAYWARD MILL ASSOCIATES

**BITTERSWEET REMOVAL  
and  
PRUNUS MARITIMA  
PLANTING  
MITIGATION AREA**

(40' WIDE)

MAP 101, LOT 52  
8,470± S.F.

N.E.  
444± SQ. FT.  
1.750± SQ. FT.  
MAP 101, LOT 51

APPROXIMATE  
LOCATION OF  
ABUTTER'S PIER

APPROX. 20" DBH  
DECIDUOUS TREE

CONCRETE PAD FROM  
PREVIOUS DOCK, TO BE  
REMOVED

BIT. CONC.  
DRIVEWAY  
EXISTING  
DWELLING  
WOOD DECK

PROPOSED 4' X 3'  
CONCRETE  
ANCHORING PAD

EXPOSED  
LEDGE

TOP OF  
BANK

EXISTING  
RIP-RAP  
APPROX. MEAN  
HIGH WATER LEVEL

EDGE OF  
SALT GRASS

EXPOSED  
ROCK

Marsh  
Grass

PROPOSED 24" DIAM.  
CONCRETE  
SUPPORT PILING (TYP.)

PROPOSED 20'  
LONG X 10' WIDE  
FLOAT

10 PROPOSED 2' x 4' x 18"  
FOLLANSBEE DRUM  
FLOATS OR EQUAL

PROPOSED 20" DIAM.  
CONCRETE  
SUPPORT PILING (TYP.)

PROPOSED 4' WIDE  
X 78' LONG PIER



**SITE PLAN**  
Scale: 1" = 20'  
HOR. SCALE IN FEET

ELEVATIONS ARE BASED ON N.G.V.D.  
FEMA FLOOD ELEVATION = 10  
REFERENCES:  
1) LAND COURT DOCUMENT #505480  
2) LAND COURT PLAN #18538B

**MILL RIVER**

# Mill River consulting

Civil Engineering ♦ Environmental Permitting  
Municipal Environmental Health Consulting

CITY CLERK  
GLOUCESTER, MA  
10 SEP 30 AM 10:25

September 28, 2010

Gloucester City Council  
9 Dale Avenue  
Gloucester, MA 01930

BY CERTIFIED MAIL

RE: Chapter 91 Application, 9 Kirk Road

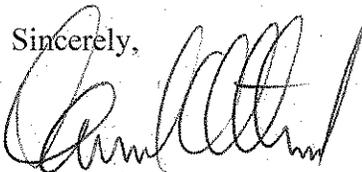
Councilors,

This letter is being written to notify you of an application being sent to the MassDEP for a Chapter 91 license to serve a proposed dock, ramp and float located at 9 Kirk Road. I have enclosed a copy of the application form which is being submitted to the MassDEP.

Previously, this project has been reviewed and issued an Order of Conditions by the Gloucester Conservation Commission.

If you have any questions about this matter please do not hesitate to contact me at 978-282-0014 or at [dano@millriverconsulting.com](mailto:dano@millriverconsulting.com).

Sincerely,



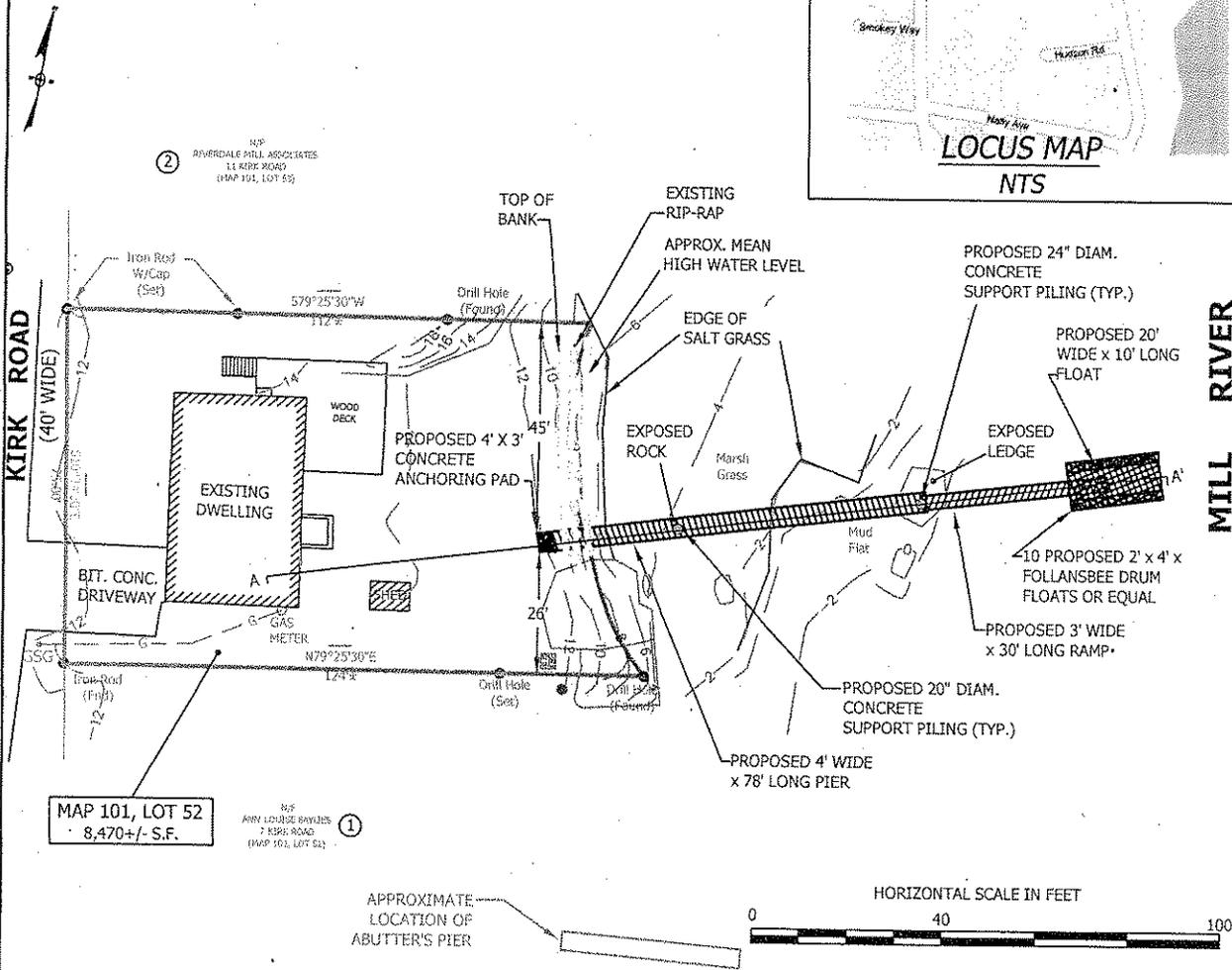
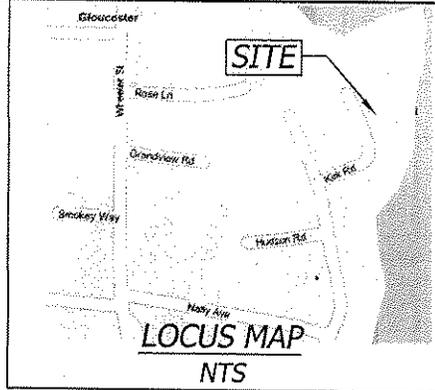
Daniel G. Ottenheimer  
President

cc: MassDEP

6 Sargent Street, Gloucester, Massachusetts 01930-2719  
Telephone 978-282-0014 ♦ Fax 978-282-1318  
[info@millriverconsulting.com](mailto:info@millriverconsulting.com) ♦ [www.millriverconsulting.com](http://www.millriverconsulting.com)

License No.  
 Approved by the Department of Environmental Protection  
 Date:

ELEVATIONS ARE BASED ON N.G.V.D.  
 FEMA FLOOD ELEVATION = 10  
 REFERENCES:  
 1) LAND COURT DOCUMENT #505480  
 2) LAND COURT PLAN #18538B

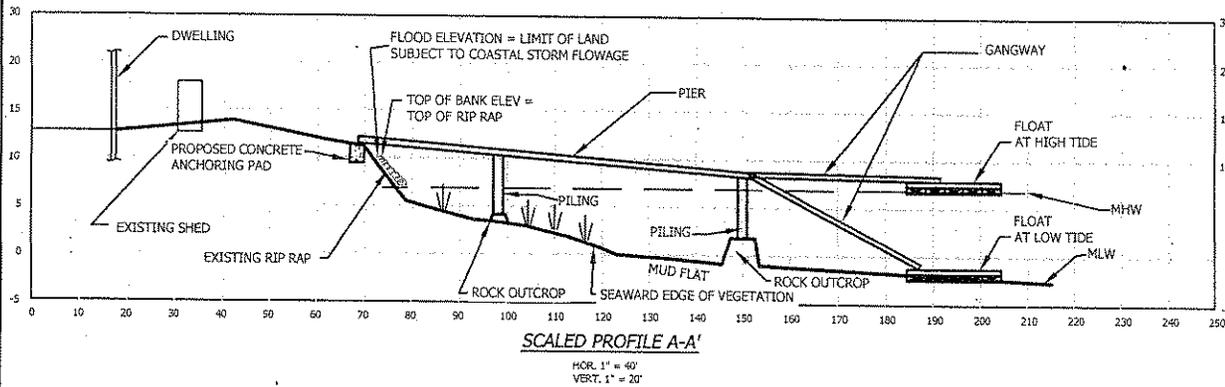
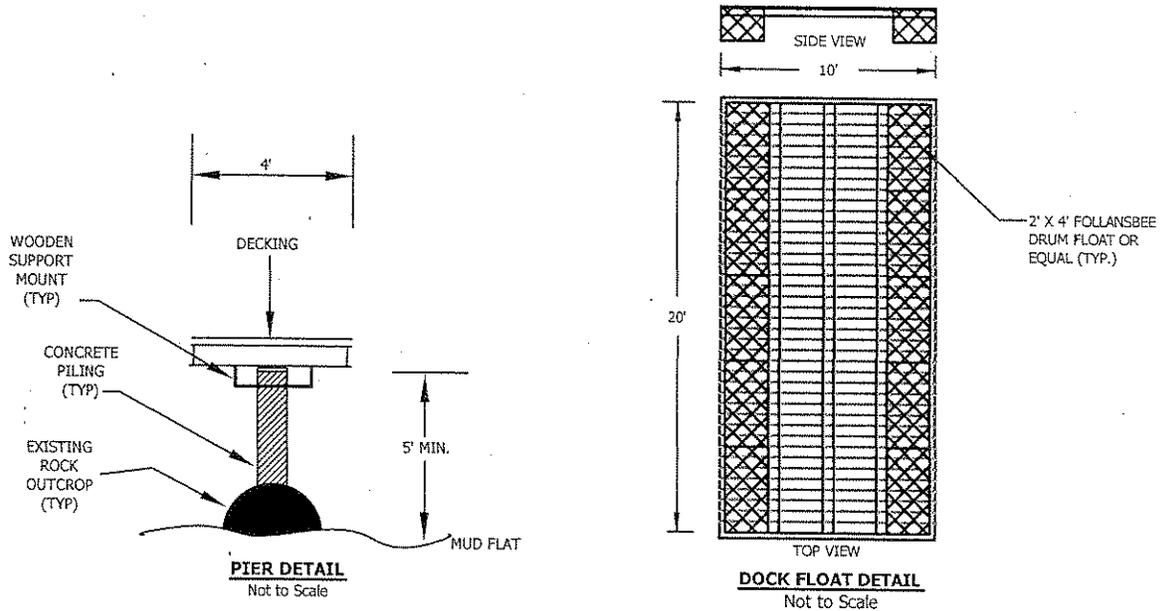


Purpose: Simplified Licensing  
 Adjacent Property Owners:  
 1. Ann Baylies  
 7 Kirk Road, Gloucester  
 2. Riverdale Mill Associates  
 11 Kirk Road, Gloucester

Plan accompanying the  
 petition of:  
 Dennis Silva  
 9 Kirk Road  
 Gloucester, MA 01930

Proposed Pier, Ramp & Float  
 in Mill River  
 at Gloucester  
 County of Essex  
 Date: 9/28/10  
 Sheet 1 of 2

License No.  
 Approved by the Department of Environmental Protection  
 Date:



Purpose: Simplified Licensing

Adjacent Property Owners:

- Ann Baylies  
7 Kirk Road, Gloucester
- Riverdale Mill Associates  
11 Kirk Road, Gloucester

Plan accompanying the  
petition of:

Dennis Silva  
9 Kirk Road  
Gloucester, MA 01930

Proposed Pier, Ramp & Float  
in Mill River  
at Gloucester  
County of Essex  
Date: 9/28/10

Sheet 2 of 2

# The Commonwealth Of Massachusetts



No. **MassDEP USE ONLY** \_\_\_\_\_

SIMPLIFIED LICENSE  
BRP WW06

Applicant must fill in pages 1 and 2 of this license.

Dennis Silva of the Town/City of Gloucester in Essex  
Applicant's name Town/City County

County and Commonwealth aforesaid, has applied to the Department of Environmental Protection for a Simplified License to:

Please check:  maintain an existing (pre-1984):

construct a proposed or maintain an existing (post-1984):

Please check all that apply below:

Please check all that apply below:

- pier/dock
- boat ramp
- ramp
- float(s)
- pile(s)
- boat lift
- boat house
- retaining wall/seawall
- bulkhead
- rip rap/stone revetment
- groin(s)
- Nonwater-dependent (NWD) residence
- other \_\_\_\_\_

- pier/dock
- ramp
- float(s)
- pile(s)
- boat lift
- pile-supported boat house
- other \_\_\_\_\_

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the [Please check one:]  Board of Selectmen  Mayor and City Council, of the Town/City of:

Gloucester  
Town/City

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses said Licensee, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to:

Please check all that apply:

Please check all that apply:

- maintain existing structure(s) for:
  - non commercial docking/access to navigable water
  - shoreline stabilization
  - residential, NWD building
  - other \_\_\_\_\_

- construct and maintain structure(s) for:
  - non commercial docking/access to navigable water
  - other \_\_\_\_\_

in and over the waters of: Mill River in the Town/City of: Gloucester  
Waterway Town/City

and in accordance with the locations shown and details indicated on the accompanying License Sketch Plan No. **MassDEP USE ONLY** \_\_\_\_\_ (total number of Sheet(s): **FOR MassDEP USE ONLY** \_\_\_\_\_)



**USE:** The structures authorized herein shall be for private non-commercial use of the licensee. The structures shall not be used for commercial purposes, leased, rented or otherwise let for compensation. Any change in use shall require an amendment to this license by the Department. The structures authorized herein shall be limited to the following uses: noncommercial docking and boating access to navigable waters.

**TERM:** This License will expire fifteen (15) years from the date of License issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

**WATERWAYS CONDITIONS:**

**1. ACCESS:** In accordance with any License condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks" or "below the ordinary high water mark", the Licensee shall allow the public in the exercise of such rights to pass freely over, under or around all structures within such (intertidal) area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on the easterly/westerly or northerly/southerly sides of the pier/dock, authorized herein or at each property line, adjacent to the high water shoreline. Said signs shall comply with the Department's signage guidelines (see instructions) and shall be posted immediately upon license issuance or completion of construction. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

In partial compensation for the private use of structures and/or fill on tidelands and/or private tidelands and/or Great Ponds which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark or, for Great Ponds within the public access way delineated on the License plan/or within 5 feet of the ordinary high water shoreline. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s17c shall apply.

2. This License authorizes structure(s) and/or fill on:

**FOR MassDEP USE ONLY**

<input type="checkbox"/> Private Tidelands	In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, strolling and the natural derivatives thereof.
<input type="checkbox"/> Commonwealth Tidelands	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. The Commonwealth holds said lands in trust for the benefit of the public.
<input type="checkbox"/> Great Pond	The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
<input type="checkbox"/> Navigable River or Stream	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

3. Unless otherwise expressly provided by this license, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

4. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

5. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

6. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.

7. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner(s) thereof.

8. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to G.L. Chapter 131, s.40, the Wetlands Protection Act.

**CONSTRUCTION:**

9a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, where feasible.

9b. Structures shall not extend beyond the length of existing piers used for similar purposes; in no case shall the length extend more than  $\frac{1}{4}$  of the way across a water body and shall conform to the square footage requirements as stated in Construction Condition 9a.

9c. Within areas of salt marsh, structures shall be constructed with a minimum height of 4 feet above ground level measured from the bottom of the stringer, and maximum width of 4 feet, or at a 1:1 ratio so as not to have an adverse impact on the salt marsh or aquatic vegetation. Whereas, the width of the pier maybe equal to but not greater than the height. Any ladders shall be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier/dock decking in order to facilitate safe passage.

9d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

9e. The float(s) shall be constructed with an appropriate number of piles/pipes, legs or stop blocks attached to the float structural elements in order to maintain at least 24 inches of clearance off the bottom at extreme low tides.

9f. All work authorized herein shall be completed within five (5) years of the date of License issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

**DOCKING OF VESSELS:**

10a. Motorized vessels shall be moored stern seaward of the float and shall have a draft no greater than that which provides a minimum of one foot clearance from the bottom at extreme low water. Where eelgrass is present, vessels shall not have any adverse affects on eelgrass in the area.

10b. Vessels shall be moored such that they do not become grounded at any tide.

10c. No dredging (including, but not limited to effects of prop wash) is permitted herein.

10d. No boat moored at any dock may block or unduly impede navigation within the waterway or the use of any adjacent dock.

**COMPLIANCE**

The Licensee, within sixty (60) days of completion of the licensed project, shall submit a written statement to the Department that the project has been completed in substantial conformance with the conditions and plans of said license, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).

This License shall be void unless the License and the accompanying plan(s) are recorded within 60 days from the date hereof, in the Registry of Deeds for the said County.

Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein. This License is granted upon the express condition that any and all other applicable authorizations required due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity of use authorized pursuant to this License.

**FOR MassDEP USE ONLY:**

**THE COMMONWEALTH OF MASSACHUSETTS**

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands on this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
date month year

Commissioner \_\_\_\_\_  
Program Chief \_\_\_\_\_

Department of  
Environmental  
Protection

**THE COMMONWEALTH OF MASSACHUSETTS**

This License is approved in consideration of the payment into the treasury of the Commonwealth by said ---  
Applicant \_\_\_\_\_ of the further sum of \_\_\_\_\_ Amount dollars and zero cents (\$ \_\_\_\_\_ .00)

The amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Boston

Approved by the Governor.

\_\_\_\_\_  
Governor

## Authorization Form

Re: 9 Kirk Road, Gloucester, MA

I hereby authorize Mill River Consulting to sign any applications or permits for the City of Gloucester or the Department of Environmental Protection.

  
Dawn or Dennis Silva

1/1/2008  
Date

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application pursuant to M. G. L. Chapter 91  
Waterways License Application Number X234974  
Dock, Ramp and Float at 9 Kirk Road, Gloucester**

**NOTIFICATION DATE: October 1, 2010**

Public notice is hereby given of the application by Dennis Silva to construct and maintain a proposed pier/dock, ramp, float(s), pile(s) at 9 Kirk Road, Gloucester, Massachusetts, Essex County.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (617) 292-5500. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below. Written comments must be addressed to: Waterways Regulation Program, MassDEP Northeast Regional Office, 205B Lowell Street, Wilmington, MA 01887.

Gail B. Misk  
8 Russ Rd.  
Rust Island  
Gloucester, MA 01930

September 27, 2010

CITY CLERK  
GLOUCESTER, MA  
10 SEP 27 AM 8:43

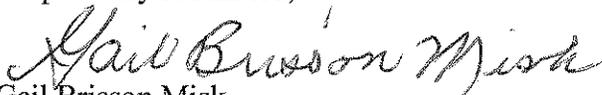
Hon. Mayor Kirk & City Council:

Attached is a copy of a petition to have the newly installed outside cameras removed. It was easy to solicit signatures for this petition. Two out of every three voters approached were anxious to sign.

I hope that you will give this request serious consideration and not reaffirm that "It's under review." We've heard that for eight weeks or more!

Thank you for your consideration of this issue.

Respectfully submitted,

  
Gail Brisson Misk

/gbm

Attch: 64 signatures



Gail B. Misk  
8 Russ Road Rust Is  
Gloucester, MA 01930

WWW.HRW.ORG

PETITION

We, the undersigned voters and citizens of the City of Gloucester, Massachusetts, do hereby request that Mayor Kirk remove the outdoor cameras from our city immediately. They are an infringement of our civil liberties and invade our privacy. They taint our quality of life on a daily basis. Our government is of and by the people – that's us – we are the government. If the Mayor can't seem to act at once then put this issue to a Referendum vote before the voters this Fall.

Name

Address

Gail B. Misk	Rust Island Gloucester
Celso Jasso	Concord St Gloucester
Sharon Cooper	Cedar St GLO
Don Brown	63 Franklin St.
Ed Gabrielski	7 Emily Lane
Blaine	18 CARLISLE ST.
Sal Franks	10 Commonwealth Ave
Markard	4/3 Bass Ave.
Ry G. Bell	214 Yed/d Lntg
Ruth Wallace	38 MAUSFIELD ST
Jack Butera	10 RUSSELL ST.
Donna Mayburn	152 Cherry St.
Annette Keenan	20 Veterans
Pamela Janel	Washington St.
Ceto Lapeta	64 Center Hill Ave
Andrew McConner	18 Raymond St

PETITION

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Name	Address
Matt Brighetto	5 Bass Ave
Liz Matus	144 Wheeler St
John Nelson	151 Hesperus Ave
Janne Raudasny Louette Orlando	151 Hesperus Ave 5 Western Ave.
Patricia A Orlando	28 Cortes Ave
LINDA SOVA	69 Shore St
Amy Beth Kealy	13 Calder St.
David H. [unclear]	85 Centennial AVE.
Marjorie H. Burns	11 Young Rd.
Cynthia [unclear]	39 Blewige Lane
Harry [unclear]	462 Nashua Ave
Andy [unclear]	4 MAPLE ST.
Randy Pearson	Maplewood Ave

PETITION

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Name	Address
Ven Sole	34 Beacon St
Ivan J Ross	9 Wheela St
Margaret Coronel	15 Lookout St
James Doit	16 Marsh St.
Katie Edwards	59 Maplewood ave
Mary, CiQUA	109 Washington Street
Ben Hasson	77 Eastern Ave.
LEANORA SWEKLA	9 Bertoni Rd - Glo.
Alphonse SWEKLA Walter W. Fredrick	9 Bertoni Rd. 620 WASHINGTON
Fno Omar	111 Cleveland Pl M
Nurie Omari	88 Pleasant St.
a Lombard	10 DALE AVE
Sam Mund	4 Foster St
Mina Francis	32 CONCORD ST.
Luis Can	29 Elm St.
Evelyn Ouellette	

PETITION

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Name	Address
Vito Leone Marta Lopez	11 Hillside Rd, 522 Washington St
Paula Landry	49 Western Ave 56 Cherry St
Dan Smerco	B Mendell Sq Whittemore St
Deb Mitchell	
Vic Vecchio	10 Middle St
Mike La Monde	Sunset Hill Rd
Ale Torres D. Squella	2 Schooner Rdg.
Robert Jergu	18 Western Ave
Lucille LeBaye	
Susan Steg	19 Magnolia Ave
Marta Vaz Celia Etnerio	88 Prospect St. 39A Friend St.
Roger Duchane	5 Williams Ct.
Raymond P Miller Raymond P Miller	47 Waver St

Attention to Jackie Hardy  
President of  
City Council

CITY CLERK  
GLOUCESTER, MA  
10 SEP 27 PM 12:01

Music in City Hall.

I: The General idea:

Free to the public small classical music concerts.

Our City Hall looks to be designed just for this purpose. Not just a place where laws are passed but where people gather. I cannot recall seeing another City Hall with such an amenity. But it makes sense... just with the name 'Hall' comes to mind Powell Symphony Hall in St. Louis, Radio City Music Hall in New York and of course Boston Symphony Hall. Our City Hall is also one of the most attractive city halls I've seen, something to be proud of and showcase in public events.

II: When will this happen:

Once a month, before a city council meeting. The musicians can set up off to the side as to not interfere with the desks set up for the meeting.

III: Who will play:

I would like to have students from the High School be the musicians for the concerts. It would be a great opportunity for students (who also have the benefit of being the most affordable performers) to gain experience performing. The best set up would be small quartets... rotating students out each month so that they do not have a burden of a show every month, and a large number of them can perform through the year if they choose to.

IV: Staffing the event:

Being that this is a free concert, it will have to be staffed with volunteers. The event could be run with two people, and should not interfere with the proceedings of the meetings. One, down at the door greeting and directing people where to go; and answering questions. The other, in the ball room assisting with set up and announcing the players and starting off, and ending, the concert.

V: Marketing:

Simple fliers should be fine, placed at various locations around town. Cafes, Music Stores, the schools and so on.

Tom Raeber  
781-547-1892  
raeber@yahoo.com



CITY CLERK  
GLOUCESTER, MA  
10 OCT -6 AM 10:58

AMVETS DEPARTMENT OF MA  
HONORS & AWARDS COMMITTEE  
CHAIRMAN THOMAS DAVITT  
34 BERRY ST.  
FRAMINGHAM, MA 01702  
Tel. 508-523-9327, e-mail, tmd676@yahoo.com

October 5, 2010

City Clerk  
Gloucester City Hall  
9 Dale AV  
Gloucester, MA 01930

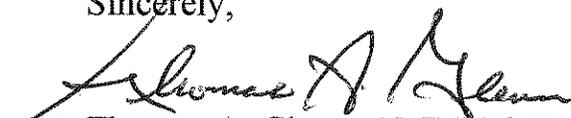
Dear City Clerk,

We are writing to ask your assistance in informing the members of the Gloucester City Council and other interested City Hall employees that Mr. John A. "Gus" Foote has been selected to receive the AMVETS Department of MA "Pilgrim's Award" for Community Service and Legislative achievement. The "Pilgrim's Awards" are the highest awards given by the AMVETS Department of MA. These awards are given annually to individuals who have distinguished themselves in one of the several categories that AMVETS recognizes. This year's awards ceremony will take place on Saturday night, November 6, 2010 at AMVETS Post 161, 535 Western Ave. Lynn, MA, cocktails 6-7 PM with Dinner and awards to follow at 7 PM. Tickets are \$30.00 per person and tables of eight are available for groups who wish to reserve their own table. There is an ad-book also available for those who wish to place congratulations in this manner, price is: full page, \$100.00, half page, \$60.00, third

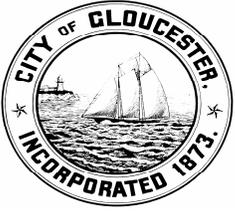
of a page, \$35.00. If anyone or any group wishes to place an ad in the book please do so as soon as possible, mail the ad as you would like it to appear to Tom Davitt at the above address and make checks payable to "AMVETS Dept. of MA" with the check memo indicating ad-book, or tickets. For tickets at \$30.00 per person, you may contact Tom Glenn, tel. 978-283-7516, or mail to Tom Glenn, 119 Western AV, Gloucester, MA 01930. "Gus" has done much for his Country and the City of Gloucester and we know he would appreciate seeing his past co-workers and many friends at this prestigious ceremony.

Thank you for your assistance in this matter, if you have any questions you may contact Mr. Tom Davitt listed in the letterhead or Mr. Tom Glenn at the number in the above paragraph.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Glenn". The signature is written in dark ink and is positioned above the typed name.

Thomas A. Glenn, AMVETS Post 32, Gloucester, MA



## CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

<b>ORDER:</b>	<b>#CC2010-070</b>
<b>Councillor</b>	<b>Paul McGeary</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>10/12/10</b>
<b>REFERRED TO:</b>	<b>TC &amp; O&amp;A</b>
<b>FOR COUNCIL VOTE:</b>	

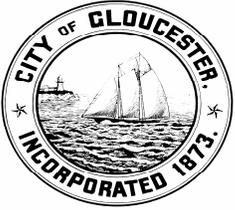
**Ordered** that the GCO Sec. 22-287, entitled “Disabled veteran, handicapped parking”, be amended by **adding**:

two (2) handicapped parking spaces in front of the Gloucester Stage Company at  
East Main Street #267

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Paul McGeary



## CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

<b>ORDER:</b>	<b>#CC2010-071</b>
<b>Councillor</b>	<b>Ann Mulcahey</b>

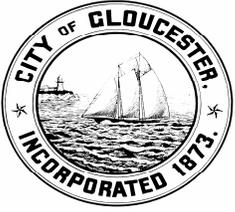
<b>DATE RECEIVED BY COUNCIL:</b>	<b>10/12/10</b>
<b>REFERRED TO:</b>	<b>No Referral Required</b>
<b>FOR COUNCIL VOTE:</b>	

**Ordered** that the GCO Sec. 22-287, entitled “Disabled veteran, handicapped parking”, be amended by **deleting**:

Addison Street (opposite #28), designated as one (1) handicapped parking space

\*Note – A public hearing is required – no referral required and per Sec. 22-175(c) of the GCO, the sign can be removed immediately.

Councillor Ann Mulcahey



## **CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER**

<b>ORDER:</b>	<b>#CC2010-072</b>
<b>Councillor</b>	<b>Paul McGeary</b>

<b>DATE RECEIVED BY COUNCIL: 10/12/10</b>
<b>REFERRED TO:</b>
<b>FOR COUNCIL VOTE:</b>

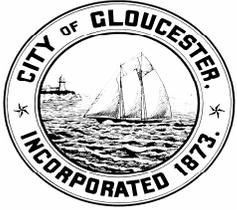
**Ordered** that the Gloucester Code of Ordinances, Sec. 22-269. (Stop intersections) be amended by

ADDING: Bass Rocks Road at its intersection with Atlantic Road.

And further

**Ordered** that this matter be referred to the Traffic Commission and the Council Committee on Ordinances and Administration for review, recommendation and measurements.

Paul McGeary, Ward 1 Councilor



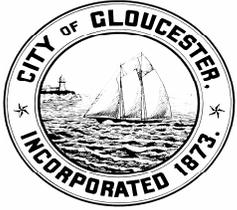
## **CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER**

<b>ORDER:</b>	<b>#CC2010-073</b>
<b>Councillor</b>	<b>Bruce Tobey</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>10/12/10</b>
<b>REFERRED TO:</b>	<b>O&amp;A</b>
<b>FOR COUNCIL VOTE:</b>	

**Ordered** that the City Council, pursuant to Chapter 158 of the Acts of 2010, as effective July 15 2010, which repealed Chapter 161 of the Acts of 1924 regarding the civil service appointment of the Gloucester Fire Chief, enact an ordinance amending Code of Ordinances, Chapter 8, Art. II, sections 8-16 and 8-17 providing for the method and process of selection of a Fire Chief.

Councillor Bruce Tobey



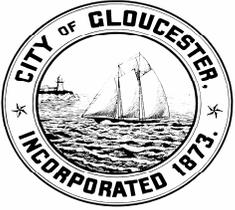
## **CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER**

<b>ORDER:</b>	<b>#CC2010-074</b>
<b>Councillor</b>	<b>Greg Verga</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>10/12/10</b>
<b>REFERRED TO:</b>	<b>O&amp;A</b>
<b>FOR COUNCIL VOTE:</b>	

**Ordered** that an invitation be extended to the DPW Director or his designee to address the Planning and Development Standing Committee to discuss the recent (October 2, 2010 Cyclocross) bike event at Stage Fort Park and other similar events held on City Property and further to come to an agreement as to what the criteria would be to determine which events would be required to come before the City Council for permitting or approvals, and to review any current beach and park regulations on these types of events.

Councillor Greg Verga



## CITY OF GLOUCESTER 2010 CITY COUNCIL ORDER

<b>ORDER:</b>	<b>#CC2010-075</b>
<b>Councillor</b>	<b>Joseph Ciolino</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>10/12/10</b>
<b>REFERRED TO:</b>	<b>O&amp;A</b>
<b>FOR COUNCIL VOTE:</b>	

**ORDERED** that the following changes be made to sub-sections of Chapter 11, HawkersAnd Peddlers, And Transient Vendors of the Gloucester Code of Ordinances:

**Sec. 11-5 Fixed vending: site specific locations (6).**

(2) Amend to read with the exception of St. Peter's week. *Not weekend*. **The Fiesta starts earlier now.**

**Sec 11-6 Conduct of business.**

(2) Add to second sentence All vendors shall operate from carts which are neat and clean and do not leak. ***New line:* No vendor shall pitch a tent in addition to their cart or vehicle for the purpose of selling their wares.**

Councillor Joseph Ciolino

**COMMONWEALTH OF MASSACHUSETTS**

**WILLIAM FRANCIS GALVIN**

**SECRETARY OF THE COMMONWEALTH**

**WARRANT FOR STATE ELECTION**

**Essex SS.**

To the City Council of the City of Gloucester

**GREETING:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in the State Election to vote at:

1-1 East Gloucester School	8 Davis St. Ext	3-2 First Baptist Church	38 Gloucester Ave
1-2 Veterans Memorial School	11 Webster St.	4-1 Beeman Memorial School	138 Cherry St
2-1 Our Lady's Youth Center	142 Prospect St.	4-2 Lanesville Community Center	8 Vulcan St.
2-2 McPherson Park Bldg.	31 Prospect St	5-1 Magnolia Library Center	1 Lexington Ave
3-1 Veteran's Center	12 Emerson Ave	5-2 West Parish School	10 Concord St

on **TUESDAY, THE SECOND DAY OF NOVEMBER, 2010**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

GOVERNOR/LT. GOVERNOR . . . . .	FOR THIS COMMONWEALTH
ATTORNEY GENERAL . . . . .	FOR THIS COMMONWEALTH
SECRETARY OF STATE. . . . .	FOR THIS COMMONWEALTH
TREASURER . . . . .	FOR THIS COMMONWEALTH
AUDITOR . . . . .	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS . . . . .	6th DISTRICT
COUNCILLOR . . . . .	5 <sup>th</sup> DISTRICT
SENATOR IN GENERAL COURT . . . . .	1 <sup>st</sup> Essex & Middlesex DISTRICT
REPRESENTATIVE IN GENERAL COURT. . . . .	5 <sup>th</sup> Essex DISTRICT
DISTRICT ATTORNEY . . . . .	Eastern DISTRICT
SHERIFF . . . . .	Essex COUNTY

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

**SUMMARY**

This proposed law would remove the Massachusetts sales tax on alcoholic beverages and alcohol, where the sale of such beverages and alcohol or their importation into the state is already subject to a separate excise tax under state law. The proposed law would take effect on January 1, 2011.

**A YES VOTE** would remove the state sales tax on alcoholic beverages and alcohol where their sale or importation into the state is subject to an excise tax under state law.

**A NO VOTE** would make no change in the state sales tax on alcoholic beverages and alcohol.

**QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

**SUMMARY**

This proposed law would repeal an existing state law that allows a qualified organization wishing to build government-subsidized housing that includes low- or moderate-income units to apply for a single comprehensive permit from a city or town's zoning board of appeals (ZBA), instead of separate permits from each local agency or official having jurisdiction over any aspect of the proposed housing. The repeal would take effect on January 1, 2011, but would not stop or otherwise

affect any proposed housing that had already received both a comprehensive permit and a building permit for at least one unit.

Under the existing law, the ZBA holds a public hearing on the application and considers the recommendations of local agencies and officials. The ZBA may grant a comprehensive permit that may include conditions or requirements concerning the height, site plan, size, shape, or building materials of the housing. Persons aggrieved by the ZBA's decision to grant a permit may appeal it to a court. If the ZBA denies the permit or grants it with conditions or requirements that make the housing uneconomic to build or to operate, the applicant may appeal to the state Housing Appeals Committee (HAC).

After a hearing, if the HAC rules that the ZBA's denial of a comprehensive permit was unreasonable and not consistent with local needs, the HAC orders the ZBA to issue the permit. If the HAC rules that the ZBA's decision issuing a comprehensive permit with conditions or requirements made the housing uneconomic to build or operate and was not consistent with local needs, the HAC orders the ZBA to modify or remove any such condition or requirement so as to make the proposal no longer uneconomic. The HAC cannot order the ZBA to issue any permit that would allow the housing to fall below minimum safety standards or site plan requirements. If the HAC rules that the ZBA's action was consistent with local needs, the HAC must uphold it even if it made the housing uneconomic. The HAC's decision is subject to review in the courts.

A condition or requirement makes housing "uneconomic" if it would prevent a public agency or non-profit organization from building or operating the housing except at a financial loss, or it would prevent a limited dividend organization from building or operating the housing without a reasonable return on its investment.

A ZBA's decision is "consistent with local needs" if it applies requirements that are reasonable in view of the regional need for low- and moderate-income housing and the number of low-income persons in the city or town, as well as the need to protect health and safety, promote better site and building design, and preserve open space, if those requirements are applied as equally as possible to both subsidized and unsubsidized housing. Requirements are considered "consistent with local needs" if more than 10% of the city or town's housing units are low- or moderate-income units or if such units are on sites making up at least 1.5% of the total private land zoned for residential, commercial, or industrial use in the city or town. Requirements are also considered "consistent with local needs" if the application would result, in any one calendar year, in beginning construction of low- or moderate-income housing on sites making up more than 0.3% of the total private land zoned for residential, commercial, or industrial use in the city or town, or on ten acres, whichever is larger.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

*A YES VOTE* would repeal the state law allowing the issuance of a single comprehensive permit to build housing that includes low- or moderate-income units.

*A NO VOTE* would make no change in the state law allowing issuance of such a comprehensive permit.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

#### **SUMMARY**

This proposed law would reduce the state sales and use tax rates (which were 6.25% as of September 2009) to 3% as of January 1, 2011. It would make the same reduction in the rate used to determine the amount to be deposited with the state Commissioner of Revenue by non-resident building contractors as security for the payment of sales and use tax on tangible personal property used in carrying out their contracts.

The proposed law provides that if the 3% rates would not produce enough revenues to satisfy any lawful pledge of sales and use tax revenues in connection with any bond, note, or other contractual obligation, then the rates would instead be reduced to the lowest level allowed by law.

The proposed law would not affect the collection of moneys due the Commonwealth for sales, storage, use or other consumption of tangible personal property or services occurring before January 1, 2011.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

*A YES VOTE* would reduce the state sales and use tax rates to 3%.

*A NO VOTE* would make no change in the state sales and use tax rates.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 12th day of October, 2010.

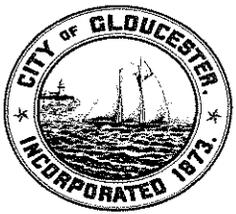
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City Council of City of Gloucester

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

October 12, 2010.

Warrant must be posted by **October 26, 2010**, (at least *seven days prior* to the **November 2, 2010**, State Election).



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-068  
**SUBJECT:** Creation of a Gloucester Dog Parking Petition, pursuant to Sec. 9-1  
"Free Petition" of the City Charter and proposed amendment to GCO  
Chapter 4, Animals, Article II Dogs by adding new section 4-16(d)  
10/12/10

**DATE OPENED:**  
**CONTINUED TO:**  
**CONTINUED FROM:** 08/31/10  
**COMMITTEE MEETING:** P&D 07/28/10, CCM 08/31/10, O&A 09/20/10, P&D 09/22/10, Open  
Space and Recreation Advisory Committee Statement 09/23/10, P&D  
10/06/10 - Minutes under Approval of Minutes - Standing Committee

ORDINANCE CHANGE  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **Tuesday, August 31, 2010** at 7:00 pm in the Kryouz Auditorium, City Hall, relative to the following changes to the Gloucester Code of Ordinances:

Amend Code of Ordinances, Chapter 4, Animals, Article II. Dogs by **ADDING:** new section 4-16(d) as follows - Dogs permitted in certain city-owned off-leash areas as approved by DPW Director and pursuant to DPW regulations.

At the public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD#12323205  
Cape Ann Beacon 8/20/10

**Mr. Burke** stated if they're moving signs, they can put in seven trees. If signs stay, then the trees in the spaces five would work; and they use the larger eastern white pines. You don't want to crowd them.

**Councilor Ciolino** stated they'll stick with seven trees, that they'll be evergreens. There will be curbing.

**Mr. Burke** stated they had discussed at the site meeting he was at as putting in a Cape Cod berm. It's a rolled soft curb put in parking lots. It helps to keep run off from going into the beds and helps with plowing. They're made of asphalt.

**Councilor Hardy** stated they talked about a raised bed so when the salt and sand is on the road and gets kicked up it wouldn't go over. It would lift the trees up higher and not have to excavate so deep for the plantings. They shook hands on this at the site; and have now gone through two iterations since then. It was less expensive to rip up that whole side than dig a hole and drop a tree. At the time it was said that the roots would probably come up and get under it. She showed the Committee a picture she drew of what it should be, as they agreed to at their meeting.

**Mr. Giacalone** didn't dispute what the Councilor said and described. He could do what he was asked to do.

**Councilor Ciolino** stated they have now agreed on seven trees. There will be a raised berm and the signs go to the ends.

**Mr. Bertolino** agreed.

**Mr. Giacalone** also agreed.

**Councilor Ciolino** stated that it will be nice when completed which Councilor Hardy also concurred.

**Mr. Giacalone** cautioned they were moving towards the end of the planting season.

**Mr. Burke** stated he'd like to look at mid- to late September for the installation or early October. **Mr. Giacalone** asked what the timeframe would be.

**Councilor Hardy** stated they'd be looking at the end of September; and they need the Council permission on the modification for the plantings.

**Councilor Ciolino** stated that they submit all this.

**Mr. Giacalone** asked if they could submit a landscaping plan and if that would be satisfactory.

**Councilors Ciolino and Hardy** stated that would be all right.

**MOTION: On motion of Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to require the owners/developers of 85-89 Bass Ave to immediately submit a request for modification of the City Council Special Permit issued January 5, 2005 for 85-89 Bass Avenue under the Gloucester Zoning Ordinances, section 5.2, Earth, Fill, and Removal, and to include with the request a written statement by the owners or their representatives of the agreement reached with the neighbors/abutters (the petitioners) and with this Committee concerning additional, new tree plantings and concerning the wall referenced in the 2005 Special Permit. The request for modification shall also include a revised, current plan updating all previous plans submitted to the Council for the 2005 Special Permit and the March 2006 rezoning, relating to the wall and landscaping.**

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to advertise for a public hearing for Modification of Special Permit for 85-89 Bass Avenue concerning wall and landscaping, trees, and plantings.**

**2. *Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter***

**Steve Winslow, Project Manager-Community Development; Mark Cole, Operations Manager-DPW; Daniel Morris, Chair and John McElhenny – Open Space Committee; Judy Masciarelli and Mary Lou Maraganis, Dog Park proponents** were introduced by Councilor Ciolino.

**Councilor Ciolino** stated they are starting the process for starting an 'off-leash' dog park. He's been working with them and a petition will come before the City Council. They'll come before the City Council to present their intentions. What the Committee's intentions for this evening was to give this matter to the Open Space Committee that they work with the Dog Park committee to try and come up with some locations where the park could be placed. Mark Cole of the DPW was there because he was the keeper of all the public properties, and felt there was a need for his involvement. There is a need to change the Gloucester Zoning Ordinance because there is no mention of a Dog Park or a definition. You can't have any dogs running loose on any City property or in parks. That will need to be amended. There are a lot of little things that need to change to make this happen. P&D will be referring the matter out to the Open Space Committee for their suggestions. If they need more time, they should let the Committee know how much more time they need.

**Mary Lou Maraganis and Judy Masciarelli** made a short presentation to the Committee on behalf the Dog Park proponents (Documentation presented at meeting on file). She gave the group's reasons for the need for a fenced in, off-leash dog park: environmentally conscientious using green technology; envisioning this as a community project in partnership with the City of Gloucester designed to help satisfy the recreational needs of dog-guardians and non-dog guardians. It would also promote animal welfare and rescue; and help promote tourism with 15% of visitors to the City bringing their dogs. She reiterated the area would be fenced in. She noted there were 1,000 dog parks currently, in airports, parks. Beverly, Swampscott and Newburyport are in the process of establishing dog parks. Salem is the closest dog park. It is one big open space. There are no segments for different kinds of dogs. They wish to be proactive to learn from other dog parks. They learned to have separate areas for small dogs, large dogs. Salem Dog Park has a fee, \$25.00 because they were having issues with people not having licensed dogs. It is a yearly fee paid when you get your dog license. It is an option for Gloucester. There are pros and cons to that. If anyone is to use public space for recreation, under Mass laws, whoever owns that property is not liable for anything that happens on that property. Brookline utilizes all their open space and parks – if the facility is not being used at certain times they're allowing dogs and their guardians to use the areas. It has caused complaints to drop against dog owners and about dog waste. They're making good use of all of their parks. Somerville has a similar program as are others. They form a task force with dog owners, then a liaison for the City and create dog friendly areas in the City. When you go to membership, there is a liability issue and then they have to sign a liability waiver. She noted that the Provincetown Dog Park is rated one of the best dog parks in the country. They would like to see more of what they installed created by artists for dog amenities. They define it as an area to exercise and socialize well-behaved dogs in a safe, off-leash setting and supplement other leashed and off-leashed dog areas. They cited the importance of socialization and exercise dogs in a friendly environment. The dog parks bring a vast array of people together because of their dogs. They got over 1,000 signatures in three weeks for their petition. They also want to educate people on picking up after their dog and on dog behavior. They want it to be ADA accessible. Many elderly don't get pets which this will give them a venue to possibly give them an opportunity to exercise their pets. Many dog parks have benches outside for people who don't have dogs to observe them. They suggested sample layouts of a "well thought out" park, components of a dog park such as shrubs, curved lines and different play areas. Dogs with similar play styles play together. There has to be a section where they go in, lock the gate then release their dog into the park off-leash and that it is repeated at the exit. They discussed sanitation, funding; lights, security; buffer zones, parking. It was important to have crushed stone or decomposed granite. That needs no water to manage. Some need proper drainage. They have to look at and address. It is supposed to be devoid of all organic material to keep bacteria from taking hold. The soil would be underneath. They didn't know how far down the stone has to be but couldn't say yet. Maintenance is annually around \$2,000 to \$7,000 annually. It is self-policing. They hope for trash removal by the DPW. There would need to be detailed dog park rules. There would need to be a minimum of an acre. They did find out that you can't use CPA money on existing owned public property. With the passage of bill 90, hopefully by month end, it would eliminate that restriction. They hope if that does pass they would be able to apply during the next application process in November. And they proposed possible sites. They can't do it

alone. The City collected around \$42,000 for dog licenses and may be helpful to divert some of that money towards maintenance of a dog park. They have received donations for design of the park, and many others who have approached them to offer goods and services including the Boy Scouts. The Chamber of Commerce, Bob Hastings that once they get the approval he could tap his membership to help them establish the park. And they proposed possible sites. They pointed to two spots in Stage Fort Park, which they felt was the ideal location behind the tennis courts up the hill towards the playground. People on the Boulevard are trying to have people pick up after their dogs. It will be much more encouraged to get debris off the Boulevard. Dog owners would prefer to run their dogs than walk them. What's nice about the area behind the tennis courts is the terrain, the landscaping and parking. The second location is up by the basketball courts which have the same things going for it with more acreage. They are underutilized areas of the park. Many cities and towns, when their developing their community spaces, similar to Stage Fort Park, are now including dog parks. Fuller Field is also a fenced in area near Gloucester Crossing. Green Street Playfield as a possible location but was not as ideal. Swinson Park was a possibility to identify as a smaller neighborhood dog park as there are 10,000 dogs in Gloucester. **Mr. McEachern** pointed out that behind the tennis courts at Stage Fort Park is used by the cross country teams.

**Mr. McElhenny** asked what the main reason for the dog parks was.

**Ms. Maraganis** stated there is no fenced in area where dogs can run and play with other dogs. There's been talk for a long time but no driving force to get it in place. It is important for dogs to socialize and exercise. It was tried seven years ago to start one, but it got no where.

**Ms. Masciarelli** noted that in summer months then they can't go to the beaches. If they had another place to go it would solve many issues.

**Ms. Maraganis** stated many dogs can't be off leash because they run off. It is also for people. They love going there. They form a close bond over their dogs.

**Ms. Masciarelli** noted that just walking dogs is not enough exercise. By having the right behavior in a dog park carries outside of the dog parks; less issues of barking and aggression.

**Councilor Ciolino** stated they want to reclaim parts of Gloucester where there are problems with dogs and dog owners. There is a need for a place for dogs and their owners to go. He would rather bring his dog to a nice clean area. Wherever there is a community where there is a leash law there should be a dog park. A few years ago there was an issue to get dogs off the beaches. So where do you run the dogs.

**Mark Cole, DPW** asked who'd be in charge of the dog park. If there is an issue who do they call; the dog officer, the DPW?

**Councilor Ciolino** stated there is one in Salem, and they'll have to find out how they operate. They're not reinventing the wheel and will find out how other communities do it.

**Mr. Cole** expressed his concern as to who deals with these issues.

**Councilor Whynott** felt it should be the dog officer.

**Councilor McGeary** stated this would have to be worked out in an ordinance with the consequences, etc.

**Ms. Masciarelli** stated they're hoping to have enough volunteers who would have keys to the supply cabinets and monitoring the park and dogs.

**Mr. Cole** stated if they have a dog park would they be banning dogs from the beaches.

**Councilor Ciolino** stated they'd be banned for the summer.

**Mr. Cole** responded they're still on the beaches, regardless. It's not going to solve the dogs on the beaches.

**Ms. Masciarelli** stated if there was a regular place they could go dog owners/guardians would use it. Perhaps neighborhood dog parks are a solution.

**Councilor Whynott** didn't feel the dog park would solve the problem of using the beaches.

**Mr. Cole** asked if this would stop dog owners not picking up after their pets.

**Ms. Maraganis** stated the Dog Park would be a place of education and help let the public know about it.

**Councilor Verga** stated there is peer pressure in an enclosed area for owners to pick up after their dogs. He felt Mr. McEachern, however, made an important point. They don't want to displace anybody.

**Councilor Ciolino** stated they should look at many venues.

**Mr. Cole** would be happy to help them look for appropriate spots in the City. He noted on the upper levels at Magnolia Woods where playing fields were already burdened with regards to parking for all the sports taking place there and was out of the way; and the possible usage of the Stage Fort Park.

**Mr. Winslow** noted the Open Space Committee was in the midst of an open space plan and they will see it in their next packet from the Mayor. They did an informal survey at a health fair; walking their dog is a big reason why people use recreational facilities. They did look at numbers from Virginia Beach, a community of 50,000 having one dog park. He worked in Somerville and his colleagues there were working on the creation of a dog park. Initially they fenced in 10,000 square ft. there. Somerville is very dense, and it got overused very quickly. They eventually put in stone dust and were very successful. Rice stone was the best surface. The DPW has to be involved. There are dog conflicts that the dog officer has to be involved in. Some of these locations are good as they are away from residential areas. Somerville's latest dog park is full fledged which cost an enormous amount. They are in this process of identifying priorities for Gloucester, and they'll see when they get this plan that there's a lot the City has: 70% is open space and not a lot of resources to cover that. The Committee needs to work this into the other priorities. They are looking for public comment. Parks and playgrounds need resources; and the City doesn't have many of them. They have to deal with competing uses. It is something they have to work on. He spoke of the financial collaboration in Somerville that helped get the dog park there off the ground.

**Councilor Ciolino** asked if Mr. Winslow if he could get them information from Somerville; how they do it there; their ordinances. Their next task will be to have a written ordinance.

**Mr. Winslow** stated he spoke to the Building Inspector about zoning and Gregg Cademartori, Planning Director. If it's on municipal land he didn't think there was a need for any zoning changes. This would be a recreational use. There's a leash law which would have to be modified; and there is no definition.

**Councilor Whynott** stated the police don't get involved unless a person is in danger; it's in their contract; they don't have to respond to dog issues. So you have only one person, and that's the Dog Officer.

**Councilor Ciolino** asked if they could put a fee, perhaps an extra \$1 on dog licenses.

**Councilor Whynott** stated the fee for a dog license is \$22.50 now which was higher than most other area municipalities. The City can raise could raise the price of dog licenses any time they want which could help pay for it. You'd have to create a revolving account. It could be done.

**Mr. Winslow** and **Mr. Cole** reminded everyone as to who will have to maintain and take away debris.

**Councilor Whynott** stated every time they raise the

**Councilor Verga** asked who would check to see if there were dogs with licenses.

**Mr. Cole** asked if it was self-policing would you tell him he couldn't bring his dog in.

**Ms. Maraganis** stated there would be signage to state that rule.

**Mr. Cole** stated what if they're not.

**Ms. Maraganis** stated generally people in the park say something and don't want to put themselves in those kinds of situation.

**Mr. Cole** wanted the DPW doesn't want to be the policing entity on the dog park.

**Councilor Verga** asked then who would be checking the license and wished to see what other communities do.

**Ms. Maraganis** stated it was from self-policing and peer pressure and also the membership to the park helps as well.

**Mr. Cole** was skeptical that someone would approach him to tell him he couldn't take his dog into the Dog Park because they didn't see a tag. How would they stop him? He could ignore that person and just go in anyway.

**Ms. Maraganis** stated there would be signage stating that only licensed dogs would be allowed at the entrances and exits.

**Councilor Ciolino** understood the DPW position and didn't want it to become a burden to their department. This was a start. This will take some time just to get the legalities done.

**Councilor Ciolino** again stated this was a beginning, their first formal meeting on the matter. There were a lot of pieces that needed to come together. It may take a year before they get through it all. He asked Mr. Cole to be part of the process. He asked if the Open Space Committee if they could do that.

**Councilor Whynott** stated in deference to Mr. Cole, some of the matters he brought up about the park need to be addressed now. They didn't want these things to happen the night they're voting at City Council.

**Mr. Winslow** stated that there was a Dog Owner Task Force in Somerville that ultimately dealt with their dog park. They may be able come up with some aspects and possibly have a site recommendation. A task force would need to be in place once a site was located and to have legal definition of what a dog park is. He didn't know if they'd be able to report back in 30 days. He suggested 45 days due to their meeting schedule.

**Councilor Ciolino** believed that once a site was located, that a Task Force would be in place.

**Mr. McElhenny** asked if they would just like a site recommendation not whether the Committee feels one way or another about the idea itself.

**Councilor Ciolino** asked that P&D would like both a site recommendation and the Open Space Committee's opinion on the matter.

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to forward the matter of a proposed "off-leash" dog park concept o the Open Space Committee in order that they and the proponents of the Dog Park may come back in 45 days with a report and suggested sites for it.**

**MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga the Planning and Development Committee voted 3 in favor, 0 opposed to receive language from General Counsel to amend the Gloucester Zoning Ordinances for its definition, creation, location, upkeep of any other necessary rules and regulations to govern the park itself.**

The matter was continued to the September 22, 2010.

### **3. Request from National Grid re: Electric Easement Goose Cove Lane**

**Councilor Ciolino** announced National Grid needs to demonstrate for their request for an easement on Goose Cove Lane, a private way; verification of who owns the land in question and the agreement of the abutters before it can grant the City Council permit per Gloucester Code of Ordinances Sec. 23-105. The Committee also asked for a representation of the kind of pole to be erected, a photo. National Grid will be appraised as soon as possible so that the matter can come back to the Committee upon presentation of the documentation to move forward.

### **4. Request from Magnolia Road Race Committee re: September 2, 2010 Magnolia Road Race**

**Mr. McEachern**, a member of the Magnolia Road Race Committee informed the Committee about the 34<sup>th</sup> running of the Magnolia Road Race which raises funds for the Magnolia Library. He stated they have successfully run this race without incident for many years, and asked the Committee for their permission under the new formalized process. There are some road closures from the Dunkin Donuts on Lexington Avenue to the Blyman School. These are rolling closures. Everyone in Magnolia knows what's going on; they walk the route with handouts for the affected neighbors. It is a strictly a community event. It is well known. If there is any inconvenience to their Magnolia neighbors, it is short lived.

**Councilor Verga** asked how many runners they anticipated.

**Mr. McEachern** stated about 300 runners. They'd like more to make more money for the library.

**Councilor Whynott** noted that any well run event like this is a good thing for Gloucester.

**Councilor Theken** noted as chair of O&A she emphasized that she does not appoint people that are unqualified and does ask why these people want to be a part of the job for the City, and for Boards and Commissions, etc. The fact was they do have a Personnel Department and a department head that they can go to; and it is up to them to do that. They all need to be eyes and ears and a team as on other issues. They need a reporting system. How can they fire if there is nothing in their files? There needs to be a mechanism in place.

**This public hearing is closed.**

MOTION: On motion by Councilor McGeary, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend the City Council to amend Gloucester Code of Ordinances, The Personnel Ordinance, Appendix C, Classification Plan, Appendix A for the job description for a Facilities Manager in the Department of Public Works as presented (M8).

**Discussion:**

**Councilor Tobey** stated he would support this. It will be an extraordinarily demanding job. He noted the Manchester/Essex Regional School District budget for a facilities manager which confirmed his sense that they're probably underpaying this job as it was a smaller school district with fewer and newer schools; not responsible for City buildings and were being paid more, but they had to start somewhere. He encouraged Councilor Hardy to bring an order to amend the Code of Ordinances to make this a position one that Council does have come before it to confirm. He noted with due respect for Messrs. Duggan and Bain, it was not always good enough that the Mayor says it's OK or the DPW Director says it's OK. This isn't a government of people; it's a government of process and structure and institutions. In previous years there was a much more extensive list of positions that the Council was called upon to review and measure. This is, in the history of the City, a unique position with extraordinary depth and breadth of responsibility that will require, he contended, Council scrutiny. He offered that while he and the Councilor Hardy "may lose, it will be a noble loss".

**Councilor Hardy** added this was one position that "crosses the aisle".

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Theken, the City Council voted **BY ROLL CALL 9** in favor, 0 opposed to amend Gloucester Code of Ordinances, The Personnel Ordinance, Appendix C, Classification Plan, Appendix A for the job description for a Facilities Manager in the Department of Public Works as presented (M8).

5. **PH2010-068: Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of the City Charter and proposed amendment to GCO Chapter 4, Animals, Article II Dogs by adding new section 4-16(d)**

**This public hearing is open.**

**Those speaking in favor:**

**Mary Lou Maraganis, 9 Skipper Way** spoke for the dog park proponents and made a power point presentation (on file). She reviewed the history dog parks in the U.S., the first one in 1979. It is a venue for dog guardians to enjoy their favorite form of recreation. Dog owners are a substantial group of park users. They estimate based on the '06 census for Gloucester that there are approximately 6,674 dogs in Gloucester, taking into account that 40% households own a dog, 9 have 3 or more dogs. In 2009 there were 1,887 licensed dogs. There are a lot of dogs not licensed and will become licensed because they'll have to have a license to use a dog park. The dog park is for people and their animals. This is a venue to learn responsible dog ownership. They hope it will be a catalyst for dog centric activities and education for the community. She contended it would serve diverse community groups reaching across economic and social barriers. It would be a place for those with mobility issues and is a great venue for them and

their pets. Well exercised dogs behave better. This provides socialization making dogs less aggressive. In Brookline, once they established off leash parks, complaints to the dog officer were drastically reduced. There is a direct correlation to the number of dog bites to dog parks (indicating they are reduced). She contended it provides for a cleaner community. It creates a community center that is self policing. They spoke with communities with dog parks and self-policing effect does work. It is your neighbors telling you to pick up after the pets, for the environment and for the community. It is a safe environment with a formulation of rules and reduces barking; a safe and clean environment and gives options other than the woods; safe place to exercise dogs in the early morning and late at night. It increases tourism and business revenue. 15% of people who travel to Gloucester travel with pets, 27% nationally. Dog permitted rooms are the first to sell out. Provincetown was named America's dog friendliest city in the U.S. Tourism and revenue has increased with this park. Lands End Inn stated that they had to increase the number of rooms available for owners with pets. It would revitalize use of existing resources; taking a piece of under utilized land to now be used 365 days per year. Design is important for the success of a dog park. They researched a lot of dog park components. It is best to have two separate sections for small and for large dogs. It's important to have double entry and exits and have them at different areas of the off-leash park. She noted components of a park of shade and water, parking close to the site; trash receptacles, signage, lighting and a buffer zone. The ground surface is very important that they don't have pooled water. Decomposed granite seems to be the most durable surface as no water is needed to keep dust down. She showed sample layouts. They are curved to prevent entrapment by other dogs. Trees are important or canvas canopies and shrubs for different playing areas. She noted Salem is the closest dog park. It is one big open area, no small open areas.

**Judy Masciarelli, 23 Way Road** stated the hope is to create a more dog-friendly Gloucester. While gathering signatures for the petition the #1 question was where people wished to see the park. The #1 place was Stage Fort Park. They believed it has all the amenities for a dog park. There were two areas they recommended. P&D has referred the matter to the Open Space Committee. The first area is behind the tennis courts at Stage Fort Park which is appropriate and the second area is near the basketball court on the hill and is under utilized. It would add to Gloucester and be a resource for Gloucester. The maintenance is self policing through research parks are maintained by the user and peer pressure very effective. They also wish to establish a task force, like in Somerville, appointed City Official liaises with a task force dealing with the dog park and dog issues throughout the City. And volunteers would also be a large part of the dog park that would help. Because it is a city owned park the DPW would be responsible for providing the services they would provide for any City Park. They are looking for money from the CPA. Bill 90 that is halfway through the Statehouse which would eliminate the restriction of using CPA money on land already in municipal use. The new bill would lift the restriction and the money could be used for the dog park. The City is eligible for numerous grants from the Open Space and Recreation Plan. One of the ways (to fund the off-leash dog park) might be from licensing. They believe there is a gap of 5,000 dogs unregistered in the City. Once the off-leash parking would be approved, they anticipate a campaign to raise private funding. They were approached early on by Lindsey Coolidge from the Dusky Foundation. She spoke to Mr. Coolidge about their efforts to date who wanted to assure the City Council that he will participate in some of the financial burden of the dog park. In addition to monetary, they have people willing to come forward for donations from fence installation, architectural design services, dog behavior consultants; the boy scouts have indicated they wished to take this on as an eagle project. She urged that Gloucester needed a year round option for places dogs and their guardians can safely exercise and socialize. They should have one dog park for the City population. They wish to see this created for 365 day per year access and for all the reasons previously enumerated.

**Tom Farina, 4 Brooks Point Road;** president of Cape Ann Animal Aid was in full support for a dog park in the City believing it is good for the City and good for the owners and their companion animals.

**John Dugger, 25 Beach Road** sees many dogs going back and forth to Good Harbor Beach and spoke as to the use of the beach for dogs feeling the park needs to be a special place for dogs so that its surface is safe and appropriate for dogs and is in favor of the park.

**Susan Ornstein**, 25 Beach Road, multiple dog owner stated she was familiar with all places on Cape Ann to walk a dog; but it would be wonderful to have an off-leash park for socialization of dog guardians and the dogs and welcome a specific place to socialize when beaches were unavailable or other venues due to weather.

**Dianne Corliss**, 113 Essex Avenue, employee of North Shore Veterinary Hospital as a certified veterinary technician stated that they were in full support of the off-leash dog park. She is also the animal inspector for the City and believed this to be a win-win for the City.

**Those speaking in opposition: None.**

**Communications: None**

**Questions:**

**Councilor Curcuru** heard Stage Fort Park mentioned a couple of times and if this was the site the proponents were thinking about.

**Ms. Masciarelli** stated yes. They presented five or six different possible sites to P&D and to the Open Spaces Committee which are being evaluated but believed they are zeroing in on Stage Fort Park.

**Councilor Curcuru** stated he was the City Councilor for Ward 4, and this was the first he had heard of it; and wanted a ward meeting especially with regard to the areas that they're looking at for proposed dog park at Stage Fort Park is in close proximity to homes on one of the sites. He asked the proponents to contact him to arrange a ward meeting.

**Councilor Hardy** asked if they are awaiting information and language for an ordinance and policy for the DPW rules and regulations.

**Councilor Ciolino** updated the Council that he's been working with this group for several months to get it into the system. They came before P&D, who in turn gave it to the Open Space Committee & Recreation Committee for recommendation for a site. That committee has not yet given their recommendation for a site back to P&D as of that day. One of the options is Stage Fort Park in a part of the park where a preschool was. They also have asked Suzanne Egan, General Counsel, to come back with a definition for a zoning ordinance for an off-leash dog park because no such definition in the zoning ordinance currently exists. O&A needs to tackle the question of dogs in that unleashed dogs are not permitted on City property by ordinance. That the ordinance will need to be amended to have an off leash dogs at an off leash park on City property. Once a site is developed and is worked on design and the committee will work on funding it; and then the DPW will be working on it. There are a lot of pieces that need to come together to make it a reality. He felt because of all this, the park would not happen this year; but as they work towards it to put the pieces together it could be a reality and was doable. He stated Gloucester was long overdue for a dog park. He noted if you live in some areas where the coyotes are rampant you can't let your dog loose anymore. There is a need for a safe spot for dogs. The final decision has yet to be made whether to put it at Stage Fort Park.

**Councilor Ciolino** stated when all the pieces come together then P&D will recommend the creation of a dog park.

**Councilor Hardy** asked how much time it would take to get the matter through P&D, and posed that it would probably be three or four months between Legal and through O&A; coming up with design, DPW regulations. She believed it would take the winter and was looking to the spring.

**Councilor Mulcahey** felt the rules would have to be comprehensive.

**Ms. Masciarelli** stated they have examples of those rules and regulations.

**Councilor Mulcahey** asked how they would allow dog guardians and their dogs to use it.

**Ms. Maraganis** responded that dogs must have their shots and licensing up to date. Self policing kicks in; owners don't want to be reprimanded by another dog owner in the park. At many dog parks, the animal control officer sometimes does a sweep which deters dog owners bringing unlicensed dogs.

**Councilor Mulcahey** noted that would be perhaps once criteria are established that it should be so many hundreds of feet from residential area because this sets up a whole new set of problems and wasn't sure that Stage Fort Park was the right place.

**Ms. Maraganis** stated a buffer zone would be necessary but the barking would be minimal because the dogs are playing and happy. If dogs excessively bark, the dog guardian will have to remove the dog.

There are responsibilities for using the park; and they will educate owners to mitigate issues that they believe could come about with a large group of dogs together.

**Councilor Whynott** noted they're a long way from choosing a place for the park feeling Councilor Ciolino was being optimistic in his proposed timeframe also.

**Councilor Hardy** reminded that a free petition was submitted with over 1,000 signatures and that the City Charter, Sec. 9-1(b) states the City Council has to act within a certain amount of time to take action within that timeframe. There was a lot of work to be done as evidenced by Councilors Whynott and Ciolino's statements. They heard the people speaking in favor and opposition. She would look for a date in December, the 7<sup>th</sup>; and if that wasn't enough time they could extend it.

**Councilor Tobey** noted this could be as complicated as they wanted, but it should be simple. The ordinance should be done quickly then the ball would be in the Administration's court to recommend through its resources, P&D, Open Space & Recreation Committee and the DPW to create a set of rules, pick a site, etc., and then come to the Council. It seemed all could be done by the end of the year.

**Councilor Theken** was ready for O&A to take on the ordinance. This was not overnight. She recalled the leash law hearing, and for Cape Ann Animal Aid also had (recommended) a dog park as part of that conversation. She was in favor of a dog park. They promised the dog community to do something for them off of the beaches. She agreed that she sees self-policing even now in areas heavily trafficked by pedestrians with their dogs.

**Councilor Tobey** added that at the City Charter, Section 9-1(b) deadline that the Council is supposed to hold a hearing and the action by the City Council shall be taken not later than three months after the petition is filed with the City Clerk. He believed that meant the ordinance piece ought to get done in September.

**Councilor Hardy** stated her interpretation was that the action was taken when the public hearing was opened because under Section 9-1 Free Petition, "*the action by the city council shall be taken not later than three months after the petition is filed with the clerk*" meant that the Council began the action within the three months by opening the public hearing. They took comments and need more information before proceeding to vote. She believed the City Charter was silent as to when the Council must finalize their action; that it only states when they must take action by. She felt the hearing should be continued to await that information and would move it forward from December, but would also refer this question of what is "action" by the Council under Charter Section 9-1 to Suzanne Egan, General Counsel to make the determination.

**Ms. Maraganis** stated the petition was submitted to the City Clerk's office near the end of June.

**Councilor Hardy** stated the September 28<sup>th</sup> meeting would put them out of bounds with the timeframe.

**Councilor McGeary** stated the process of the ordinance was simpler and was something they could do; the details could come later.

**Councilor Tobey** asked they revisit this matter at their Council meeting on September 28<sup>th</sup> and that O&A have the ordinance ready to go on the 28<sup>th</sup>. A motion could come from the Special O&A meeting now planned for Monday to advertise an ordinance and have the Administration pursue their other two avenues.

**Councilor Whynott** agreed they need to do something recalling they put a skeleton ordinance in for vendors when that ordinance was first enacted and was amended subsequently. The same could be done now.

**Councilor Hardy** pointed out from agenda materials that the ordinance change was advertised and was looking for a date certain

**Councilor Theken** asked for language to be sent to O&A as well as P&D.

**Councilor Hardy** suggested they continue the public hearing to October 12<sup>th</sup>.

**Councilor Ciolino** noted they would work diligently on the matter at P&D to bring the park to fruition.

**Councilor Hardy** asked that the DPW Director write up the rules and regulations for the dog park (a copy of proposed rules from the Dog Park proponents was submitted for the record and to be forwarded to Mr. Hale, DPW Director).

**Councilor Ciolino** thanked the dog park proponents and felt they did a great job, and they'll work to get it done.

**The Public Hearing was continued to the October 12, 2010 City Council Meeting.**

[**Note:** The City Council recessed at 10:38 p.m. to move their meeting to the 1<sup>st</sup> Floor Council Conference Room to take up the matters of the Consent Agenda and Committee Reports, per the earlier suspension of the City Council Rules of Procedure, due to the prolonged heat conditions of the Kyrouz Auditorium and reconvened at 10:47 p.m.]

**Committee Reports:**

**Ordinances & Administration Committee: 08/23/2010**

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Speed Limit on Holly Street for its entire length be posted at 20 m.p.h. in both directions.

**Discussion: None.**

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Speed Limit on Holly Street for its entire length be posted at 20 m.p.h. in both directions to be referred to the Police Department for a traffic study.**

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING Lexington Avenue westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road for a distance of twenty-two (22) feet in a northerly direction and further by ADDING Lexington Avenue westerly side beginning at a point one hundred fifty (150) feet from its intersection with Shore Road for a distance of approximately twenty-two (22) feet more or less, in a northerly direction pending the Traffic Commission's recommendation and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

**Councilor Verga** declared he wished to add an emergency preamble under City Charter; Sec. 2-11(b) that an emergency be deemed to exist (at the location per the motion as read); that this situation endangers the health, safety and welfare of the disabled resident whose worsened disability limits their mobility there regarding a handicapped parking space on Lexington Avenue.

**Councilor McGeary** inquired if the emergency preamble removed the need for a public hearing.

**Councilor Hardy** responded that at this point in time it did; but the public hearing continues so that it can be a permanent ordinance. Right now Councilor Verga was asking for a temporary action to take place on an emergency basis ending the hearing.

**Discussion:**

**Councilor Verga** related that the handicapped person moved from one side of her apartment building to the other. The new spot would be in front of the person's doorway, which would be moving the handicapped space approximately 10 to 15 feet down the street. This was not an additional handicapped space. Her condition has gotten much worse; and while it may seem a small adjustment, it would "mean the world" to this disabled person to have a straight run from the handicapped space to the door.

This matter is continued until draft specifications are received from National Grid, and will return to the agenda at that time.

**8. Letter from Mayor re: Court Relocation Committee and Gloucester District Court**

This matter was continued until such time as a lease is forthcoming from the Administration for the Committee's review.

**9. Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter-review from City Council Public Hearing of August 31, 2010 to Amend Code of Ordinances, Chapter 4, Art. II, Sec. 4-15 by adding new subsection 4-15(c) notwithstanding subsections 4-15(a) and 4-16(b)**

Ms. Lowe explained to the Committee that the proposed language allows for an off-leash dog park to be created. The rest of the particulars including the site would come out of DPW regulations.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Chapter 4, Art. II, Sec. 4-15 by adding new subsection 4-15(c) as follows:**

The DPW director may designate, with the approval of the Mayor and the City Council, specific lands for use as off-leash dog areas, with their operation being subject to regulations enacted pursuant to Sec. 7-16(b) of the City Charter, **AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

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

Respectfully submitted,

Dana C. Jorgenson  
Clerk of Committees

**DOCUMENTATION/ITEMS SUBMITTED AT MEETING:**

- The following were submitted by Russell Hobbs, a "Who Decides" member:  
Amendment(s) to the proposed Gloucester Public Water Systems Ordinance  
Resolution of the City of Gloucester (as relates to the Gloucester Public Water Systems Ordinance)
- Statement read by David Lincoln, a "Who Decides" member

ordinance is anything but clear. The standard is set, and it is up to the Committee to make that determination.

**Councilor Whynott** asked if he intended to take this suggestion to his clients.

**Attorney Faherty** asked for a recess to speak with his clients.

**The Committee recessed at 7:30 p.m.**

**The Committee reconvened at 7:36 p.m.**

**Attorney Faherty** stated his clients would not agree to move the house any further down on the property, that the construction cost, the blasting cost, would be prohibitive. Making it level would create an additional concrete base around it. It would be extremely unattractive to everybody. He stated with due respect, Ms. Fenster would like the house further away from her property. With regard to the landscaping plan, he suggested that this matter be continued to the next regularly scheduled P&D meeting so that they can have the landscaping plan available to the Committee and asked for a clarification from the Chair on what was required in that plan, that the plan will not further impair the view from the house. When the Committee says they don't want the trees taller than the house, they mean within the view corridor.

**Councilor Ciolino** stated that they would be deciduous trees, not evergreens that do not grow to be taller at maturity than 25 feet in the view corridor. This would be placed as a condition of the permit, that the plantings be deciduous trees no taller than 25 feet in the view corridor.

**Attorney Faherty** asked who had the view corridor and from where.

**Councilor Ciolino** responded that would be determined from the plans to determine that.

**Attorney Faherty** stated he would feel more comfortable with the plan to be a part of the permit which would not be subject to interpretation, as opposed to making a statement in a condition this evening. He took the view corridor he took to be from Mr. Costa's house.

**Councilor Ciolino** stated they were talking about where the house is going to be built. The house is 150 ft. long. So this would assure there would be any other obstructions this was to help protect the view in the future. If the neighbors for one reason or another say that this or that tree has gone too high, they can come before the Committee and ask for the trees to be cut. He noted the Seine Fields agreement, when he was a ward Councilor, as an example, where it was put in place that trees wouldn't be any taller than "X" height, and how that was handled obstruction with the trees being cut back at the owner's expense to ensure no further obstruction with the trees.

**This matter is continued to October 6, 2010.**

- B) Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter (Cont'd from 07/28/10)

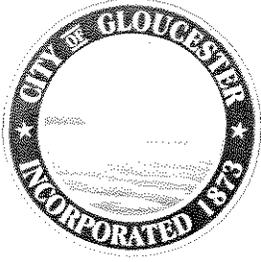
**Councilor Ciolino** related that the Open Space Committee will make a recommendation for a location and will forward the recommendation to P&D which will be taken up at the next regularly scheduled P&D meeting; then there will be a site visit to the proposed off-leash dog park on Saturday, October 9, 2010; then it is hoped P&D will be vote upon the proposed site at their meeting of October 20<sup>th</sup>.

**This matter is continued to October 6, 2010.**

- C) COM2010-026: Request from 1907 LLC and Pavilion Mercato LLC re: BirdsEye Mixed Use Overlay District ("BMOD") Zoning Proposal (Rezoning #2010-003) (Cont'd from 06/16/10)

**This matter is continued to October 6, 2010.**

**2. PP2010-004 Installation of 300' UG Conduit re: #80 Middle Street**



## CITY OF GLOUCESTER OPEN SPACE AND RECREATION ADVISORY COMMITTEE

Daniel Morris (Chair)  
Noel Mann  
Charles Crowley  
Susan Hedman  
John McElhenny  
Dean Murray

September 23, 2010

Councillor Joseph Ciolino  
Gloucester City Council  
9 Dale Avenue  
Gloucester MA 01930

CITY CLERK  
GLOUCESTER, MA  
10 SEP 30 PM 5:57

Re: STATEMENT IN SUPPORT FOR DOG PARK:

Dear Councillor Ciolino:

The Open Space and Recreation Committee supports the proposed dog park as a place for dogs and their owners to socialize, as a means to reduce dog waste on city streets, and as a draw for dog-owning tourists to Gloucester, provided that:

- 1 - The dog park be funded through grants, user fees, private donations or other means and not from the City of Gloucester at a time when so many other worthy projects that require funding are before the City;
- 2 - An organization unaffiliated with city government such as a nonprofit be formed to manage all aspects of building the park from fund raising through construction and thereafter be in place to provide ongoing management and maintenance of the park; and
- 3 - A set of rules and regulations be written to govern use of the park.

It is the opinion of this committee that items 2 and 3 should be in place before the City commits exclusive use of any public land to this project.

LOCATION:

*We move that the following statement be included in a letter to the City Council's Planning and Development Committee:*

The Open Space and Recreation Committee recommends for the proposed dog park the locations identified by the Department of Public Works as "Stage Fort Park #2" and "Stage Fort Park #3," in the wooded area roughly between the Stage Fort Park main parking lot and the ends of Crowell Avenue and Beachmont Avenue. The area is close to downtown and the Boulevard, is large enough for the proposed park, provides ample year-round parking, and is separated by trees from nearby residences.

*Adopted 9-23-2010 by a vote of 6 Votes to Zero*



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-075  
**SUBJECT:** GCO Article IV, Repair of Private Ways, Sec. 21-83 and Sec 21-84  
re: Petition for road repairs St. Anthony's Lane  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** N/A

**ST. ANTHONY'S LANE  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

In accordance with the provisions of Code of Ordinances Article IV, Repair of Private Ways, Sec. 21-83 and Sec. 21-84, the Gloucester City Council will hold a public hearing on **Tuesday, October 12, 2010 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall**, relative to the following:

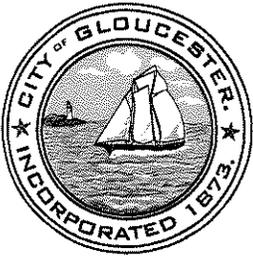
Petition for road repairs  
St. Anthony's Lane

At the Public Hearing, all interested persons will have the opportunity to be heard.

**By Vote of the City Council  
Linda T. Lowe,  
City Clerk**

AD#12360125  
Cape Ann Beacon 10/1/10

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

MEMORANDUM

Date: August 26,2010

To: Mayor Carolyn Kirk  
Michael Hale ,DPW Director  
From: Linda T.Lowe, City Clerk *ATL*

RE: Repair of Private Way – St.Anthony’s Lane and City Ordinance sec.21-83 and 21-84  
Reintiated Petition of Property Owners

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Mayor Kirk and Director Hale, we are notifying you as required by code of ordinances sec.21-83 and 21-84 of the enclosed petition received from abutting property owners on St Anthony’s Lane ,a private road, for permanent repairs to this private road. We request that you review the petition and submit your recommendations to the City Council within 30 days of the August 26,2010 filing date with this office as required by sec.21-84(h). The City Council will schedule a public hearing within 60 days of the filing date (October 25,2010). This request is separate from the earlier request made by abutters for this same street because the first petition was withdrawn due to the fact that some of the steps required by the ordinance were not carried out by the abutters. It seems reasonable however that the Director could resubmit the report provided for the earlier petition, dated July 14,2010 as his response under the ordinance. Thank you for your attention to and consideration of this matter.

Enclosure: St Anthony’s Lane Abutters Petition for Repairs(8/26/2010)

Copy to: Councillor McGeary  
Council Pres. Hardy  
Joanne Senos,Asst.City Clerk

PROPERTY OWNERS PETITION FORM

CITY CLERK  
GLOUCESTER, MA

10 AUG 26 AM 8:52

We, the undersigned, being the owners of property having frontage on

St Anthony's Lane

a private way which has been opened to the public for at least six (6) years, request the City of Gloucester to repair said road using the full powers vested with the City. We agree to provide all easements, rights of way, designs, permits and legal certifications necessary for the said improvements. The cost resulting from the improvements to be carried out are described in Section 21-83, "Funding for approved Construction and Repair". Code of Ordinances. The full cost of this project is understood to be not in excess of \$20,000.

NAME ADDRESS PHONE FRONTAGE MAP AND LOT

NAME	ADDRESS	PHONE	FRONTAGE	MAP AND LOT
John Carallo	18 St Anthony's Ln	281-5061	580-27	Lot 104
Loree Samplano	14 St Anthony Ln	283-4463	580-27	Lot 82
Joyce Fowler	7 St Anthony's Ln	283-0575	83	7 Lot 62
Richard Fowler	7 Saint Anthony Ln			
W. Fred Otter	34 St Anthony's Ln	978-281-2534	2534	Map #91
Ceri Paris	6 St Anthony's Ln	978-281-5566		Lot 98
Barbara J. Trenti	32 St. Anthony's Lane	282-0479		Lot 92
April Weeks	28 St Anthony's Lane	283-1341		Lot 93
Andrew A. Chalk	36 St Anthony		580-29	Lot #90
Andrew Paris	6 St Anthony		Map 83	Lot 117
Amelant (Hatch)	30 St. Anthony's Lane		580-29	Lot #90
Robert E. Trenti	32 St. Anthony's			Lot 92
Robert A. Weeks	28 ST. ANTHONY'S LANE			LOT #93
Rosalie Mitaldo	2 St. Anthony's Ln			
Filippina Mitaldo	5 St. Anthony's Ln.			
A. Mitaldo	5 St. Anthony's Ln.			
Murray	18 ST ANTHONY'S		580-27	LOT 104

CITY CLERK  
GLOUCESTER, MA

10 AUG 26 AM 8:52

# Notice of public vote

We the undersigned owners of property abutting on St. Anthony's Lane in Gloucester, Mass., do certify and attest that on August 11, 2010, a meeting was held at Gloucester City Hall to which all persons owning property abutting on St. Anthony's Lane were invited.

The purpose of the meeting was to discuss the abutters' petitioning the city to undertake repairs and improvements to St. Anthony's Lane in accordance with the Gloucester Code of Ordinances, Article IV, Sections 21-83, 21,84 and 21-85 (Repair of Private Ways).

We further certify that ten persons who own singly or jointly property on St. Anthony's Lane attended the meeting and that two votes were cast by those in attendance.

In the first vote those attending the meeting voted 10 in favor, 0 opposed, to petition to seek repairs to St. Anthony's Lane.

In a second vote, those attending the meeting voted 10 in favor, 0 opposed, to pay for the repairs pursuant to the rules set forth in section 21-85 (a) of the Gloucester Code of Ordinances.

A list of those in attendance at the meeting is appended.

Respectfully submitted,



Andrew Orlando  
36 St. Anthony's Lane



Geraldine Parisi  
6 St. Anthony's Lane



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-069  
**SUBJECT:** SCP2010-011 – Hesperus Avenue #82, GZO Sec. 3.1.6(b) Building  
Height in excess of 35'  
**DATE OPENED:** 09/28/10  
**CONTINUED TO:** 10/12/10  
**CONTINUED FROM:**  
**COMMITTEE MEETING** P&D 09/08/10, 09/22/10, 10/06/10–Minutes under Standing Committee Report

## **LEGAL NOTICE** **LEGAL NOTICE**

### **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 **Tuesday, September 28, 2010 at 7:00 PM** in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

**APPLICANT and OWNER:** Joseph M. Amicone and Mary Eilen Amicone

**LOCATION:** 82 Hesperus Avenue, Map #192, Lot 14

**TYPE OF PERMIT:** Special City Council Permit under GZO Sec. 3.1.6(b) building height in excess of 35'

**PRESENTLY ZONED:** RC-40

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  
Linda T. Lowe, City Clerk

GT – 9/10, 9/17/10

2.3.1(7); and for a height exception of nine (9) feet under Sec. 3.1.6(b) for a total height not to exceed thirty-nine (39) feet; and under Sec. 3.2.2.a for a decrease in the minimum lot area per dwelling unit (4 units) from a total of 10,000 feet to a total of 7,890 feet with a decrease of 2,110 feet; and further, the Committee finds that the proposed use in this application for these special permits meets the six (6) factors of Sec. 1.8.3 and under Sec. 1.10.2 the proposed conversion is in harmony with the purpose of the zoning ordinance and will not adversely affect the neighborhood with the following condition:

1. No canopy or permanent roof is to be built over the widow's walk.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to ADVERTISE FOR PUBLIC HEARING on the matter of SCP2010-010: 15 Middle Street, GZO Sec. 2.3.1.7, Sec. 1.10.1, Sec. 3.1.6, Sec. 1.10.1 and Sec. 3.2.2.a.

**3. SCP2010-011: 82 Hesperus Avenue, GZO Sec. 3.1.6(b)**

**Councilor Ciolino** noted that the type of permit being sought by the applicants of Joseph and Mary Ellen Amicone; the particulars of the lot itself; all the paperwork was in order and that all the appropriate City **Attorney J. Michael Faherty**, representing the applicants; Joseph M. and Mary Ellen Amicone described the property at 82 Hesperus Avenue as a zoning classification of RC-40 on Map #192, Lot #14 and that the applicants are seeking a height variance under GZO Sec. 3.1.6(b) for a building of a height in excess of 35 feet. They are asking for an elevation of 37.6 feet, 1.6 feet higher than allowed currently. The site fronts on Hesperus Avenue and goes all the way down to the ocean on what is known as Norman's Woe Cove which is off shore a bit to the south and east of the site. He noted the site as an assumed elevation, a benchmark elevation of 100; when you do elevations everything is done plus or minus through that benchmark. He noted the street had a relative elevation is 101 and 100, 99, 99 along the street which is the relative elevation at the edge of the roadway. The setbacks in this district are 40 feet from the street and 30 feet from the edge and are all well within the range of the setbacks. He described the elevation lines shown on the map of pre-construction elevations as well of those of the proposed home. The north elevation would be seen from Hesperus Avenue. The total building height is 28.4 feet from the peak of the roof line and another roof line (not enumerated verbally); 28 feet is the height of the building from Hesperus Avenue. Because the land slopes so critically to the water, the elevation on the rear of the building on the water side is the height that requires the exception and gets the 37.6 feet based on the average elevation. He felt this was important because there are a number of factors affecting the site. There is an existing dwelling on the site close to the water. When the Amicone's first approached the Conservation Commission (ConCom) because it's close to coastal banks, they preferred if this building were to be taken down that any new construction be outside of the buffer zone of the coastal bank and that was done and the ConCom has signed off on that relocation. He noted a hump on the property with 102, 104. The house will be at the steepest point. Pointing to the map, Attorney Faherty noted, "100 here and 85 to 90 here, the total elevation above the street at the peak of the roof is approximately 14 feet, which is a little bit higher than the atrium; the roof height above street height because of the slope facing Hesperus Avenue." There is more on the other side facing the ocean. Any shadowing that will occur because of the building will fall on the Amicone property only. He pointed to a single storey ranch home owned by McCarthy across the street and their view will be impacted by the 28 feet. He compared that if they were to try and meet the requirements you would end up with a single storey building in this location on the lot because anything above single storey, a two storey triggers the height exception because of the slope. There is no utilities consideration because they will be underground. There is an approved septic system on the lot and water.

**Councilor Ciolino** asked how much higher the elevation from the requirement was.

**Attorney Faherty** stated it was 7.5 feet above the required 30 feet.

**Councilor Ciolino** asked what the height of the proposed cupola on the roof.

**Attorney Faherty** noted that would be uninhabited space and would not be included in the calculation. It is a decorative feature and non-accessible.

**Councilor Hardy** asked if there was a widow's walk feature which the attorney stated no there was not.

**Kerin Fenster**, 86 Hesperus Avenue noted she had a letter (submitted at the meeting and on file) from the Mr. & Mrs. Shelkrot, abutters at 92 Hesperus Avenue, which she read that noted Ms. Fenster was there in their stead due to the Jewish High Holy Days. They expressed their concern about the height of the proposed building. They noted in the letter the clear cutting of the property and felt the new dwelling would be highly visible. They felt the building will stand out even more due to its height. They felt this permit should be denied. For herself, Ms. Fenster noted she had an addition to their home to come in at the current height restriction, and that homes should not exceed that range as that there are expectations that it would be adhered to. She understood that trees will be planted and hoped so. She noted the Amicone's have spent a great deal of money on the property already, and appeared ready to go. She sympathized with how far down the line they've come but didn't wish get off on the wrong foot. But she felt they do want to make these concerns clear.

**Howard Costa, III**, 97 Hesperus Avenue who stated he lived across the street from the proposed structure. Back in 2001 they built a house there. When they laid the house they turned their house more to the east to have a better view; stayed within the confines of the ordinances; and went through all the appropriate channels to do so. He noted several homes around them having remained within the confines of the same ordinances. He felt this proposed home would greatly restrict his view of the water that he enjoys now. He can see without exception of the roof over the existing home he has a clear view of the harbor. He wouldn't see it if the home goes up that high. They have five of the abutters are here this evening, to say that the home is too high. They wish the view be taken into consideration. When the packets were received there was a document in the packet received by the Committee is a Google map which he felt was misleading and showed that to the Committee, and in addition submitted his own Google map which he believed to be a better version (map was submitted and placed on file). He noted what he felt were inaccuracies. Mildred McCarthy's home is a one-level ranch. His is a colonial home. He noted a house was still on the lot.

**Attorney Faherty** stated that is the house to be torn down on the property.

**Mildred McCarthy** who lives across the street from 82 Hesperus Avenue stated she does not drive but looks out the window at her view every day and wondered where her view would go. It would be gone.

**Attorney Faherty** noted before the application was filed, he looked at the heights of the various homes in the neighborhood. Mr. Costa's home is up quite a bit from the street. Mrs. McCarthy's house is a ranch house. Any structure that is built on this lot, unless built on the exact location of the old house, which the ConCom will not allow, will be an obstruction. It is important to do the visit. Whenever the Committee schedules it, they will assure there is adequate demarcation.

**Councilor Hardy** asked with the proposed house, were there any houses in front of the proposed house that you need to go so high "to see the ocean yourself" so there's nothing obstructing the view.

**Attorney Faherty** noted there is nothing obstructing the view. The only issue is the lower elevation is three stories high. Because of the slope of the land there is a 15 ft. change in the elevation between two points. He described the home to the Councilor and noted the house was 150 long with the garage extension. On the waterfront side it is 155 to 160 ft. The home is about 10,000 square feet with a footprint on four levels.

**Councilor Ciolino** stated the Committee would conduct a site visit on Sunday morning, September 12, 2010 at 8:00 a.m. to the property with a balloon or a piece of equipment noting the actual height and stakes marking off the house footprint and take the matter up again at their Wednesday, September 22, 2010 meeting.

**This matter was continued to September 22, 2010.**

##### **5. Fishtown Horribles Parade Discussion of Possible Changes of July 3, 2011 Parade Route**

plan become a part of the application, they will do that. If they provide that plan, they could condition that on the project; and they will provide one.

**Councilor Ciolino** noted his concern that they had gone through a similar thing with a home on Atlantic Road upon completion put a "huge wall" of evergreens which blocked the view and didn't want to see anything like that happen here out of consideration for the neighborhood.

**Attorney Faherty** reiterated there is no pre-set plan, but if they wish for the applicants to submit one, they would if required.

**Attorney Mark Nestor** representing Joel and Bonnie Shelkrot, 92 Hesperus Avenue and Kerin Fenster, 86 Hesperus Avenue, agreed with Attorney Faherty that most of the homes there are relatively the same size. He stated he had pulled the building plans on Ms. Fenster's home. She had an addition done in 2006 but the height of the Fenster home is less than 30 feet and didn't have to come before this Committee. He further stated the biggest concern the abutters have is that it is 37.5 ft. but the mean elevation of the proposed home is 117 ft. If one looked at the other houses, they are along the coastline. The applicants are asking for this home to be outside the buffer zone which would be approximately 110 feet away. Ms. Fenster's home is a mean elevation of approximately 105 ft., so they're starting out with this proposed house being 12 ft. higher in elevation because it's set back, which is a concern of many of the abutters because of it being on top of a hill and all the current houses being down by the ocean. He spoke with Mrs. Fenster and others, as well as having briefly spoken with Attorney Faherty, regarding the issue of ConCom. He knew the applicants had something before ConCom regarding the yard and the pool. His suggestion to this Committee and to Attorney Faherty was that the applicants submit a formal request to go into the buffer zone with ConCom so they can move the house further down the hill which would drop the elevation of the house (keeping the same sizes of house, have the same 37.5 ft. height) thereby giving less of a silhouette for the people behind [the house]. His clients and Ms. Fenster would support any application the applicants would make to ConCom to allow them to move into the buffer zone because it would be better for them. Ms. Fenster, who is right next door, would be directly impacted and felt it is better to be closer to the water; whereas as now proposed this home at the top of the hill would overshadow her home. He contended 37.5 ft. on top of the existing grade makes it a very large house and would have a significant impact silhouette-wise. Any attempts to bring it further down the hill so there is less of a silhouette would be endorsed by the abutters.

**Councilor Verga** stated if the applicants do that and go through the process and are shut down by ConCom then what.

**Attorney Nestor** stated that he couldn't speak for Attorney Faherty, but thought they would likely come back before the Committee stating now there would a hardship because they tried and lost and say they need it where they had it originally. They would prefer it be addressed in this manner to alleviate the issues. They're complying with the setbacks but he believed the statute was vague as to the standards as to what the Board needs to do to disallow it going over 35 ft. It speaks about obstruction of views, overshadowing of properties and impairment of utilities. He felt there was a bigger obstruction of view, especially from those homes across the street on Hesperus Avenue if it is put in at its current proposed location. "Now you have a very large building."

**Attorney Faherty** rebutted stating this notion had taken him by surprise and had not had an opportunity to speak with his clients on this [suggestion]. The house that is coming down is right next to the Fenster house. His clients, by moving the house back, actually creates a bit distance and puts the new house in a more private setting from the Fenster house. Putting it further down the hill, even if it were allowed by ConCom, he suggested would put the house in a less private setting from both sides. He didn't know how putting this house further on that bank affects them (the Shelkrot's and Ms. Fenster) at all. He expressed that there would be some impact of homes across the street on Hesperus Avenue. What Attorney Nestor's clients are asking his clients to do is to incur a very significant additional cost because it will all be blasted. The site is prepared right now, slab on grade. In order to do something on that slope (down) they would have to do a lot more blasting or pour significant concrete to get it level. If they get into bedrock, it would be an enormous expense and he questioned to what benefit. He didn't feel the standard of the

ordinance is anything but clear. The standard is set, and it is up to the Committee to make that determination.

**Councilor Whynott** asked if he intended to take this suggestion to his clients.

**Attorney Faherty** asked for a recess to speak with his clients.

**The Committee recessed at 7:30 p.m.**

**The Committee reconvened at 7:36 p.m.**

**Attorney Faherty** stated his clients would not agree to move the house any further down on the property, that the construction cost, the blasting cost, would be prohibitive. Making it level would create an additional concrete base around it. It would be extremely unattractive to everybody. He stated with due respect, Ms. Fenster would like the house further away from her property. With regard to the landscaping plan, he suggested that this matter be continued to the next regularly scheduled P&D meeting so that they can have the landscaping plan available to the Committee and asked for a clarification from the Chair on what was required in that plan, that the plan will not further impair the view from the house. When the Committee says they don't want the trees taller than the house, they mean within the view corridor.

**Councilor Ciolino** stated that they would be deciduous trees, not evergreens that do not grow to be taller at maturity than 25 feet in the view corridor. This would be placed as a condition of the permit, that the plantings be deciduous trees no taller than 25 feet in the view corridor.

**Attorney Faherty** asked who had the view corridor and from where.

**Councilor Ciolino** responded that would be determined from the plans to determine that.

**Attorney Faherty** stated he would feel more comfortable with the plan to be a part of the permit which would not be subject to interpretation, as opposed to making a statement in a condition this evening. He took the view corridor he took to be from Mr. Costa's house.

**Councilor Ciolino** stated they were talking about where the house is going to be built. The house is 150 ft. long. So this would assure there would be any other obstructions this was to help protect the view in the future. If the neighbors for one reason or another say that this or that tree has gone too high, they can come before the Committee and ask for the trees to be cut. He noted the Seine Fields agreement, when he was a ward Councilor, as an example, where it was put in place that trees wouldn't be any taller than "X" height, and how that was handled obstruction with the trees being cut back at the owner's expense to ensure no further obstruction with the trees.

**This matter is continued to October 6, 2010.**

- B) Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 "Free Petition" of City Charter (Cont'd from 07/28/10)

**Councilor Ciolino** related that the Open Space Committee will make a recommendation for a location and will forward the recommendation to P&D which will be taken up at the next regularly scheduled P&D meeting; then there will be a site visit to the proposed off-leash dog park on Saturday, October 9, 2010; then it is hoped P&D will be vote upon the proposed site at their meeting of October 20<sup>th</sup>.

**This matter is continued to October 6, 2010.**

- C) COM2010-026: Request from 1907 LLC and Pavilion Mercato LLC re: BirdsEye Mixed Use Overlay District ("BMOD") Zoning Proposal (Rezoning #2010-003) (Cont'd from 06/16/10)

**This matter is continued to October 6, 2010.**

**2. PP2010-004 Installation of 300' UG Conduit re: #80 Middle Street**



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-076  
**SUBJECT:** Amend GCO Sec. 22-270 "Parking Prohibited at all Times"  
**re: Andrews Street**  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

**PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)  
"Parking Prohibited Between Certain Hours on Certain Days"**

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side ,at its intersection with Rocky Pasture Road ,in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) hand-capped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street , signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Bulman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leveret Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/1/10

## CITY COUNCIL STANDING COMMITTEE

## Ordinances &amp; Administration

Monday, August 23, 2010 – 6:30 p.m.

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

**Present:** Vice Chair, Councilor Ann Mulcahey; Councilor Steven Curcuru (Alternate); Councilor Paul McGeary (Alternate)

**Absent:** Councilor Theken; Councilor Tobey

**Also Present:** Councilor Hardy; Councilor Verga; Robert Ryan; Roslyn Frontiero; Russell Hobbs; Gail Darrell; Sandra Thoms; Bruce Maki; Damon Cummings; Carmine Gorga; Ann Rhineland; Dave Lincoln

The meeting was called to order at 6:30 p.m. Items were taken out of order.

**1. Continued Business**

- A) CC2010-026 (Hardy) Adoption of Ordinance under GCO Chap. 2, Art. V, Sec. 2-400 re: Responsibilities of designated member of their Board, Commission or Committee (Cont'd from 05/03/10)

Councilor Mulcahey announced the matter would be continued to the September 20, 2010 meeting when Linda T. Lowe, City Clerk could be in attendance.

- B) CC2010-033 (Hardy) Amend Sec. 22-292 (Fire Lanes) of the GCO by ADDING Andrews Street from Lanes Cove Seawall et. al. (Cont'd from 07/26/10)

Robert Ryan, Chair of the Traffic Commission stated at the July 29<sup>th</sup> meeting of the Commission that they voted to recommend the order that the GCO be amended adding Andrews Street, both sides from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from pole #511. They met with 10-15 residents of the affected area and Councilor Hardy. There was a question whether or not the City had jurisdiction over private ways, and they received a ruling from Suzanne Egan, General Counsel who stated they do; citing GCO Sec. 22-152 which allows the City Council the authority to designate private ways. The Commission recommended the fire lane from Lanes Cove Road to Pole #511.

Councilor McGeary asked for a definition of a fire lane.

Mr. Ryan clarified it is no parking either side. The question came about because even though you own the property opposite each other across a road, you still would not be able to park on the street. Mr. Ryan also noted they would be designating two other areas, one for vehicle parking only and another for vehicle boat/trailer parking to assure orderly parking areas right after pole #511.

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-292 (Fire Lanes) by ADDING Andrews Street, both sides, from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from pole #511 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

**MOTION:** On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Andrews Street, both sides, from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a

**point 95 feet in a northeasterly direction from pole #511 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

Mr. Ryan stated at their July 29<sup>th</sup> meeting of the Traffic Commission and subsequent to a site visit, meeting with the residents, there was much confusion – vehicles parked all over, boat trailers in the way obstructing the fire lanes to the homes at the ends of Andrews Street. The Commission felt by designating the northerly side being vehicle parking and the southerly side for vehicle boat and/or trailer parking, it would make it safer and more orderly. This leaves the middle open for a fire lane and a clear roadway to the homes there. This will make it safer and more organized. The neighbors are all in agreement with the proposed designation of the parking.

Councilor McGeary confirmed the parking of the trailers was on the side opposite from the boat ramp with Mr. Ryan.

Councilor Hardy stated this allows people to drop off their trailers and then park their vehicles on the other side so vehicles could get out. Some of the cars were being blocked in by trailers.

Russell Hobbs, 1166 Washington Street stated during that meeting there was talk of time limits on the boat trailers because they didn't want the boats to be put in for long periods of time; and wanted to know if this was proposed to be put in the ordinance, limiting parking to 24 hours.

Mr. Ryan stated they didn't have an ordinance to address a time limit. That's not to say they couldn't do it, but they would need a request for an ordinance change for that to be put in place.

Councilor McGeary stated this would be appropriate to pass this and then come back to amend the ordinance to have no overnight parking in that area.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-288 (Off Street Parking) by ADDING Lanes Cove Lot (situated at the end of Andrews Street) northerly side (Seawall side) to be designated "VEHICLE PARKING ONLY" with the southerly side (bushes) to be designated "VEHICLE BOAT AND/OR TRAILER PARKING" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

Mr. Ryan stated the following ordinance amendment was a result of the narrowness of coming down off of Langsford Street down Andrews Street heading into the Cove. Cars are parked on the right side of the street and making visibility difficult for drivers the parking on both sides making vehicle passage difficult as well.

Councilor Hardy noted it was difficult to see coming out of Lanes Cove Road and that part of Andrews Street, especially on a snowy day is hard to get momentum to the top of the hill. This will help in both directions.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Prohibited parking at all times) by ADDING Andrews Street, westerly side from its intersection with Langsford Street, in a northerly direction to its intersection with Lanes Cove Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

Councilor Hardy stated this next amendment will allow the police to take action on illegally parked cars.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Andrews Street, westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

The Committee also agreed with the recommendation of the Traffic Commission that once the above orders are physically in place that signs reinforcing the "NO PARKING" within 20 feet of the intersection be installed on both the Langsford Street and Andrews Street ends to make the intersection more visible for drivers coming out of Andrews Street by the DPW. They recommend that the DPW remove the sign. "NO PARKING HERE TO CORNER" on the southeasterly corner of Andrews Street and Langsford Street.

**Councilor McGeary** asked who ensures that the signs are removed/erected once the GCO is amended. **Dana Jorgensson**, Clerk of Committees informed the Councilors that once the City Council passes the ordinance changes, the Certificate(s) of Vote are forwarded to the DPW with true copy attested minutes showing any instructions by the Council for signage pertaining directly to those Certificate(s) of Vote out of the City Clerk's office.

**Councilor Mulcahey** added that if the Councilor wanted a sign saying, "no parking here to the corner" from a distance of 20 ft., that was simply a matter of calling the DPW and making that request.

**Councilor Hardy** also noted as long as it is in the minutes it is something she can follow up with the DPW.

- C) CC2010-034 (Hardy) Amend Sec. 22-267 (One Way Streets-Generally) of the GCO by DELETING Washington Street from Andrews Street to Butman Avenue in a northerly direction et. al and ADDING GCO Sec. 22-270 (Parking Prohibited at all times) Washington Street, southerly side in an easterly direction to Langsford Street

**Mr. Ryan** related that the Traffic Commission after discussions with Councilor Hardy and approximately 15 residents from the area, the consensus was that the requested No Parking area was too long on Washington Street. After a site visit with residents and Councilor Hardy the Traffic Commission at their July 29<sup>th</sup> meeting, they concurred that the current one way ordinance be deleted and to prohibit parking at all times on Washington Street southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street. The Traffic Commission felt that the Sunday parking on both sides of the street was making driving hazardous and hard for emergency vehicles to get through. The Commission recommended that the parking be on one side of the street. There was only one individual at the time of the site visit who did not agree with the concept.

**Councilor Mulcahey** noted an email dated 8/20/10 from Anni Melancon, 181 Washington Street and read it for the record (on file).

**Mr. Ryan** responded that the concern of the Traffic Commission were cars on a Sunday morning parked on both sides of the street, on the sidewalk making it very difficult to get through. They are recommending they prohibit parking on one side, allowing parking on the northerly side which is the church side. That way no one crosses the street; there's adequate room for emergency vehicles to pass and for residents to access their homes, rather than making it one way and having to go all the way around. This was after walking the area with residents, with only one individual who was expressing concern at that time and then with the unanimous decision of the Traffic Commission.

**Sandra Thoms**, 1174 Washington Street stated the Congregational Church had no interest in seeing that the parking is only on one side beyond McCullough Street going easterly on Washington Street.

Extending this for the entire length of Washington Street to where it meets Langsford Street wasn't a request of the church but rather the wisdom of the Traffic Commission during that site visit.

**Mr. Hobbs** stated there is an ordinance already in place (but that the signs are gone) that prohibits parking on Ms. Thoms side of the street from Leverett Street to Langsford Street from May 1 to September 15. No one could park there anyway if the signs were up. They were removed during the North Gloucester sewer project and never replaced. He would like to see the ordinance put all the way through as per the Traffic Commission now. The street will be very narrow if parking is allowed on both sides along that corridor. Noting the lack of fire protection in Lanesville, they need the security that

emergency vehicles can get through that area at any time as every second counts. There are many events that cause the streets to be blocked regularly. He felt it was very dangerous and was in full agreement with the Traffic Commission's recommendation.

**[Councilor Verga entered the meeting at 6:45 p.m. There was now a quorum of the City Council.]**

**Councilor Hardy** stated this came forward at a Ward meeting attended by approximately 60 people with two people speaking in opposition to this at the time. This came forward so that they could get emergency vehicles through as Mr. Hobbs said. They worked with the church also. The compromise was that parking would be restricted on at least one side of the street and chose the church side of the street because of many anticipated athletic use of the grounds with the installation of basketball courts and hoops. Rather than having children running to the opposite side of the street, it was better this way. Because they don't have the Bay View Fire Station open all the time, rather than having the emergency vehicles go all the way around Langsford to get there, it did not make sense. She believed it to be a good compromise.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-267 by DELETING Washington Street from Andrews Street to Butman Avenue, in a northerly direction, during church services including special functions such as funeral services and special services, with portable signs to be placed by members of the church with police to be notified for other than Sunday mornings between 9:30 a.m. and 1:00 p.m. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally), by DELETING Washington Street southerly side from Leverett Street easterly to junction of Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at All Times) by ADDING Washington Street, southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

D) CC2010-041 (Hardy) Amend Sec. 22-270 (Parking Prohibited at all Times) of the GCO by ADDING Holly Street, both sides from its intersection with Dennison Street et. al. (Cont'd from 07/26/10)

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order as presented because the roads are very narrow and the way it winds around warrants that there be no parking on both sides of Holly Street from its intersection with Dennison Street.

**Councilor Hardy** noted this was a recommendation as they were in discussion with the Traffic Commission. She had requested from the Police Department that the speed sign go up there.

**Councilor McGeary** asked how far down pole #1095 was.

**Mr. Ryan** noted pole #1095 is on Holly Street. They're asking to prohibit parking on Holly Street at its intersection with Dennison, which is about 600-700 ft, just before the very winding section of the street as you come up from the Willow Rest area.

**Councilor Hardy** asked if the prohibited parking extended to the end of Holly Street and where was that located?



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-077  
**SUBJECT:** Amend GCO Sec. 22-288 "Off street parking areas"  
 re: Andrews Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

PUBLIC HEARING 10/12/10  
 LEGAL NOTICE  
 NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)**  
 "Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side, at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemeilaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street , signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511" .

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

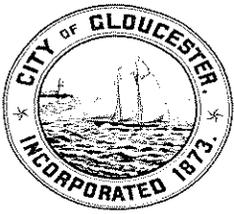
**OLD COUNTY ROAD - Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
 Linda T. Lowe, City Clerk

AD# 12359477  
 Cape Ann Beacon 10/1/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-078  
**SUBJECT:** Amend GCO Sec. 22-292 "Fire Lanes" re: Andrews Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

**PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)  
"Parking Prohibited Between Certain Hours on Certain Days"**

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side, at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Claramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street, southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/1/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-079  
**SUBJECT:** Amend GCO Sec. 22-291 "Tow Away Zones"  
re: Andrews Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

**PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)  
"Parking Prohibited Between Certain Hours on Certain Days"**

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND -  
Sec.22-287 "Disabled Veteran,  
Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) - "Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270  
"Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271  
"Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

**Sec. 22-291 "Tow Away Zones"**

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"Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/1/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-080  
**SUBJECT:** Amend GCO Sec. 22-267 "One Way Streets"  
re: Washington Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)**  
"Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side, at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemeilero Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) - "Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

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AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

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The Committee also agreed with the recommendation of the Traffic Commission that once the above orders are physically in place that signs reinforcing the "NO PARKING" within 20 feet of the intersection be installed on both the Langsford Street and Andrews Street ends to make the intersection more visible for drivers coming out of Andrews Street by the DPW. They recommend that the DPW remove the sign. "NO PARKING HERE TO CORNER" on the southeasterly corner of Andrews Street and Langsford Street.

**Councilor McGeary** asked who ensures that the signs are removed/erected once the GCO is amended. **Dana Jorgensson**, Clerk of Committees informed the Councilors that once the City Council passes the ordinance changes, the Certificate(s) of Vote are forwarded to the DPW with true copy attested minutes showing any instructions by the Council for signage pertaining directly to those Certificate(s) of Vote out of the City Clerk's office.

**Councilor Mulcahey** added that if the Councilor wanted a sign saying, "no parking here to the corner" from a distance of 20 ft., that was simply a matter of calling the DPW and making that request.

**Councilor Hardy** also noted as long as it is in the minutes it is something she can follow up with the DPW.

- C) CC2010-034 (Hardy) Amend Sec. 22-267 (One Way Streets-Generally) of the GCO by DELETING Washington Street from Andrews Street to Butman Avenue in a northerly direction et. al and ADDING GCO Sec. 22-270 (Parking Prohibited at all times) Washington Street, southerly side in an easterly direction to Langsford Street

**Mr. Ryan** related that the Traffic Commission after discussions with Councilor Hardy and approximately 15 residents from the area, the consensus was that the requested No Parking area was too long on Washington Street. After a site visit with residents and Councilor Hardy the Traffic Commission at their July 29<sup>th</sup> meeting, they concurred that the current one way ordinance be deleted and to prohibit parking at all times on Washington Street southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street. The Traffic Commission felt that the Sunday parking on both sides of the street was making driving hazardous and hard for emergency vehicles to get through. The Commission recommended that the parking be on one side of the street. There was only one individual at the time of the site visit who did not agree with the concept.

**Councilor Mulcahey** noted an email dated 8/20/10 from Anni Melancon, 181 Washington Street and read it for the record (on file).

**Mr. Ryan** responded that the concern of the Traffic Commission were cars on a Sunday morning parked on both sides of the street, on the sidewalk making it very difficult to get through. They are recommending they prohibit parking on one side, allowing parking on the northerly side which is the church side. That way no one crosses the street; there's adequate room for emergency vehicles to pass and for residents to access their homes, rather than making it one way and having to go all the way around. This was after walking the area with residents, with only one individual who was expressing concern at that time and then with the unanimous decision of the Traffic Commission.

**Sandra Thoms**, 1174 Washington Street stated the Congregational Church had no interest in seeing that the parking is only on one side beyond McCullough Street going easterly on Washington Street. Extending this for the entire length of Washington Street to where it meets Langsford Street wasn't a request of the church but rather the wisdom of the Traffic Commission during that site visit.

**Mr. Hobbs** stated there is an ordinance already in place (but that the signs are gone) that prohibits parking on Ms. Thoms side of the street from Leverett Street to Langsford Street from May 1 to September 15. No one could park there anyway if the signs were up. They were removed during the North Gloucester sewer project and never replaced. He would like to see the ordinance put all the way through as per the Traffic Commission now. The street will be very narrow if parking is allowed on both sides along that corridor. Noting the lack of fire protection in Lanesville, they need the security that

emergency vehicles can get through that area at any time as every second counts. There are many events that cause the streets to be blocked regularly. He felt it was very dangerous and was in full agreement with the Traffic Commission's recommendation.

**[Councilor Verga entered the meeting at 6:45 p.m. There was now a quorum of the City Council.]**

**Councilor Hardy** stated this came forward at a Ward meeting attended by approximately 60 people with two people speaking in opposition to this at the time. This came forward so that they could get emergency vehicles through as Mr. Hobbs said. They worked with the church also. The compromise was that parking would be restricted on at least one side of the street and chose the church side of the street because of many anticipated athletic use of the grounds with the installation of basketball courts and hoops. Rather than having children running to the opposite side of the street, it was better this way. Because they don't have the Bay View Fire Station open all the time, rather than having the emergency vehicles go all the way around Langsford to get there, it did not make sense. She believed it to be a good compromise.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-267 by DELETING Washington Street from Andrews Street to Butman Avenue, in a northerly direction, during church services including special functions such as funeral services and special services, with portable signs to be placed by members of the church with police to be notified for other than Sunday mornings between 9:30 a.m. and 1:00 p.m. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally), by DELETING Washington Street southerly side from Leverett Street easterly to junction of Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at All Times) by ADDING Washington Street, southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

D) CC2010-041 (Hardy) Amend Sec. 22-270 (Parking Prohibited at all Times) of the GCO by ADDING Holly Street, both sides from its intersection with Dennison Street et. al. (Cont'd from 07/26/10)

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order as presented because the roads are very narrow and the way it winds around warrants that there be no parking on both sides of Holly Street from its intersection with Dennison Street.

**Councilor Hardy** noted this was a recommendation as they were in discussion with the Traffic Commission. She had requested from the Police Department that the speed sign go up there.

**Councilor McGeary** asked how far down pole #1095 was.

**Mr. Ryan** noted pole #1095 is on Holly Street. They're asking to prohibit parking on Holly Street at its intersection with Dennison, which is about 600-700 ft, just before the very winding section of the street as you come up from the Willow Rest area.

**Councilor Hardy** asked if the prohibited parking extended to the end of Holly Street and where was that located?



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-081  
**SUBJECT:** Amend GCO Sec. 22-270 "Parking Prohibited at all Times"  
re: Washington Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET** - Sec. 22-273(f) "Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side, at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND** - Sec.22-287 "Disabled Veteran, Handicapped Parking"

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemeliaro Playground parking lot"

**ELM STREET** - Sec.22-284 "Service or Loading Zone"

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET** - Sec. 22-288 "Off Street Parking Areas"

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) --"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET** - Sec.22-270 "Parking Prohibited at all Times"

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET** - Sec. 22-270 "Parking prohibited at all Times"

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Poie #1095"

**LEXINGTON AVENUE** - Sec. 22-271 "Parking prohibited from May 1 - September 15"

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD** Sec. 22-265 "Turning Movements"

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/1/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-082  
**SUBJECT:** Amend GCO Sec. 22-271 "Parking Prohibited from May 1 – September 15" re: Washington Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

**PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

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"Parking Prohibited Between Certain Hours on Certain Days"**

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING – "Haskell Street on the southerly side ,at its intersection with Rocky Pasture Road ,in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 – September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

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AMEND by ADDING – "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 –September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

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AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

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AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET – Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING – "Lanes Cove Lot situated at the end of Andrews Street , signs to designate (1) the northerly side(seawall) –"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING – "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511".

AMEND by ADDING – "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

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**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 – September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

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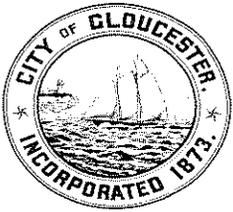
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Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/1/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010- 083  
**SUBJECT:** Amend GCO Sec. 22-270 "Parking Prohibited at all Times"  
**re: Holly Street**  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

**PUBLIC HEARING 10/12/10  
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**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-267 by DELETING Washington Street from Andrews Street to Butman Avenue, in a northerly direction, during church services including special functions such as funeral services and special services, with portable signs to be placed by members of the church with police to be notified for other than Sunday mornings between 9:30 a.m. and 1:00 p.m. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15-Generally), by DELETING Washington Street southerly side from Leverett Street easterly to junction of Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at All Times) by ADDING Washington Street, southerly side from Andrews Street in an easterly direction to its intersection with Langsford Street AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

D) CC2010-041 (Hardy) Amend Sec. 22-270 (Parking Prohibited at all Times) of the GCO by ADDING Holly Street, both sides from its intersection with Dennison Street et. al. (Cont'd from 07/26/10)

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order as presented because the roads are very narrow and the way it winds around warrants that there be no parking on both sides of Holly Street from its intersection with Dennison Street.

**Councilor Hardy** noted this was a recommendation as they were in discussion with the Traffic Commission. She had requested from the Police Department that the speed sign go up there.

**Councilor McGeary** asked how far down pole #1095 was.

**Mr. Ryan** noted pole #1095 is on Holly Street. They're asking to prohibit parking on Holly Street at its intersection with Dennison, which is about 600-700 ft, just before the very winding section of the street as you come up from the Willow Rest area.

**Councilor Hardy** asked if the prohibited parking extended to the end of Holly Street and where was that located?

**Mr. Ryan** stated their recommendation was that it ends at pole #1095 which he believed was about 600-700 feet on the northerly side of Holly Street just before the intersection with Dennison. They're starting from the other end, the narrow end right where it intersects with Dennison coming back towards Holly.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING Holly Street, both sides from its intersection with Dennison Street in a southerly direction to pole #1095 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- E) CC2010-042 (Hardy) Amend Sec. 22-291 (Tow Away Zones) by ADDING Holly Street both sides from its intersection with Dennison Street from its intersection with Dennison Street in a southerly direction to pole #1095.

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order as presented. The Commission also recommended if this order is passed that the City Clerk forward a request to the Gloucester Police Department for a preliminary study to be done and then forwarded to the MassHighway district office.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Holly Street, both sides from its intersection with Dennison Street in a southerly direction to pole #1095 AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- F) CC2010-043 (Hardy) Ordered that the Speed Limit on Holly Street from its intersection with Dennison Street in a southerly direction to Pole #1095 be posted at 20 m.p.h.

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting and after speaking with Councilor Hardy, to approve the order amending it to read for the entire length of Holly Street in both directions. Mr. Ryan added that if you do not see a sign posted, then it is automatically 30 m.p.h. speed limit. It was noted that requests for changes of a speed limit once approved by the Council then are referred to the Police Department for a preliminary study and then go to Mass Highway's district office for approval.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that the Speed Limit on Holly Street for its entire length be posted at 20 m.p.h. in both directions.**

- G) CC2010-047 (Curcuru) Amend Sec. 22-270 (Parking Prohibited at all Times) of the GCO by ADDING from #5 Wells Street to intersection of Beacon Street (Cont'd from 07/12/10)

**Mr. Ryan** reported that the Traffic Commission recommended at their July 29, 2010 meeting to approve the order and that there be no parking on both sides with of Wells Street with one sign installed on pole #5078 pointing towards Beacon Street and another sign in front of 5 Wells Street also point towards Beacon Street or "NO PARKING EITHER SIDE" signs be used and placed where appropriate. This is for safety reasons to prohibit parking on both sides especially with trash trucks trying to get there. The Committee discussed the no parking signage in order to clarify the order further. It was also recommended that there be signage for "No Parking from Here to Corner" be placed 20 feet from the intersection on either side of Wells Street. Presently there is a "No Parking" sign on the corner with an



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-084  
**SUBJECT:** Amend GCO Sec. 22-291 "Tow Away Zone"  
re: Holly Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)**  
"Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side, at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Claramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Bulman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street, southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/1/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-085  
**SUBJECT:** Amend GCO Sec. 22-271 "Parking Prohibited from May 1 – September 15" re: Lexington Avenue  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

PUBLIC HEARING 10/12/10  
 LEGAL NOTICE  
 NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)**  
 "Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side, at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 – September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 – September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street, southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 – September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
 Linda T. Lowe, City Clerk

AD# 12359477  
 Cape Ann Beacon 10/1/10

arrow. Mr. Ryan also recommended that the signage for the street itself with the following motion contain "No Parking Either Side" signage where appropriate.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-270 (Parking Prohibited at all Times) by ADDING No parking on BOTH SIDES of Wells Street with "NO PARKING EITHER SIDE" signs, where appropriate, for both sides of the street. AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING from #5 Wells Street to its intersection with Beacon Street on both sides AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- H) CC2010-048 (Verga) Amend Sec. 22-270 (Resident Sticker Parking Only) of the GCO by ADDING areas of Lexington Avenue/Shore Road (Cont'd from 07/12/10)

Mr. Ryan reported that Councilor Verga had discussed with him as well as with the Traffic Commission that there is a problem on Shore Road and Lexington Avenue. Going down towards the water, people are parking on Lexington and Shore Road making it difficult for residents to leave their driveways due to other vehicles obstructing them. In order to control the situation, it was the Traffic Commission's recommendation at their July 29, 2010 meeting to approve the order to state "RESIDENTIAL STICKER PARKING ONLY be amended to be SEASONAL May 1 – Sept. 15, Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road). In discussion with the Councilor, they suggested making it seasonal, giving the residents of the area some relief. The whole idea was to restrict out-of-town vehicle parking during the summer months.

Councilor Verga noted when this came through originally to O&A, the residents who attended the meeting submitted photographs of Winnebagos, literally coming in caravan, arriving 8:00 a.m. or 9:00 a.m., staying all day in the area, all from out of state. There were updated shots which he forwarded to the Committee members showing the congestion of RV's continuing to date. He believed it was a fair thing making it resident sticker parking only on a seasonal basis to alleviate tremendous congestion. Noting the summer was winding down, he wondered if perhaps at Council it could be done on an emergent basis to be effective for the final days of the season.

Councilor Hardy noted the previous emergency orders for some of the recent Lanesville street, the necessary signage had yet to go as they had to be ordered and had only just been received in by the DPW.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-271 (Parking Prohibited from May 1 to September 15- Generally) by ADDING Lexington Avenue both sides from its intersections with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

Mr. Ryan clarified for the Committee that by designating the area as a tow away zone that if a vehicle was in violation, whatever the ordinance was, resident sticker parking on a seasonal basis or otherwise, that the vehicles in violation of the ordinance governing the parking there would then be able to be ticketed and then towed.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-291 (Tow Away Zone) by ADDING Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction (towards Shore Road) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- I) CC2010-049 (Verga) Amend Sec. 22-287 (Disabled veteran, handicapped parking) of the GCO re: Lexington Avenue (Cont'd from 07/26/10)

**Councilor Verga** asked that this order go through as soon as possible. The handicapped person's mother recently emailed informing him that this person's mobility was rapidly deteriorating. This would literally mean moving a sign two spaces up from where it is currently located on the street. It will make a huge difference for this person.

**Councilor Hardy** suggested that since the Traffic Commission was meeting in three days, on August 26<sup>th</sup>, that the Committee could add the wording, "pending the Traffic Commission's recommendation" so that it could be addressed for advertising and get it going to the Council for public hearing.

**Mr. Ryan** stated they have looked at it and didn't see any problem, pending their affirmation at their Thursday meeting to approve the order. He confirmed it was a matter of moving the space up and making it more convenient and accessible for the individual.

**MOTION: On motion by Councilor McGeary, seconded by Councilor Curcuru the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the Gloucester Code of Ordinances Sec. 22-287 (Disabled veteran, handicapped parking) by DELETING Lexington Avenue westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road for a distance of twenty-two (22) feet in a northerly direction and further by ADDING Lexington Avenue westerly side beginning at a point one hundred fifty (150) feet from its intersection with Shore Road for a distance of approximately twenty-two (22) feet more or less, in a northerly direction pending the Traffic Commission's recommendation and FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

A recess was called at 7:44 p.m.

[Councilor Verga left the meeting at 7:48 p.m. There was no longer a quorum of the City Council.]  
The Committee reconvened at 7:49 p.m.

- J) CC2010-052 (Mulcahey) Amend Sec. 22-284 (Service or Loading Zones) re: 6 Elm Street (Cont'd from 07/26/10)

There being no recommendation from the Traffic Commission, the Committee continued the matter to September 20, 2010.

- K) COM-33: Letter from Citizen Group "Who Decides" (Continued from 07/12/10)

**Councilor Mulcahey** noted that the Committee had received language from General Counsel as to a possible ordinance for the protection of the public water supply for the City of Gloucester and shared it with the Citizen Group members of "Who Decides" in attendance at the meeting. She read as follows:

*"Section 1. Purpose*

*In recognition of the City of Gloucester's ownership of its public water supply and infrastructure and growing pressures to privatize the infrastructure, this ordinance is*



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-086  
**SUBJECT:** Amend GCO Sec. 22-291 "Tow Away Zone" re: Lexington Avenue  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 8/23/10

**PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)**  
**"Parking Prohibited Between Certain Hours on Certain Days"**

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side, at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "In an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemeliaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street, southerly side from Andrews Street easterly to its intersection with Langford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

**By Vote of the City Council  
Linda T. Lowe, City Clerk**

AD# 12359477  
Cape Ann Beacon 10/1/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-087  
**SUBJECT:** Amend GCO Sec. 22-284 "Service or Loading Zone"  
 re: Elm Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING:** O&A 9/20/10

PUBLIC HEARING 10/12/10  
 LEGAL NOTICE  
 NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET** - Sec. 22-273(f) "Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side, at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Claramitaro/Gemellaro Playground parking lot"

**ELM STREET** - Sec.22-284 "Service or Loading Zone"

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET** - Sec. 22-288 "Off Street Parking Areas"

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511".

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET** - Sec.22-270 "Parking Prohibited at all Times"

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street, southerly side from Andrews Street easterly to its intersection with Langford Street"

**HOLLY STREET** - Sec. 22-270 "Parking prohibited at all Times"

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE** - Sec. 22-271 "Parking prohibited from May 1 - September 15"

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD** Sec. 22-265 "Turning Movements"

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
 Linda T. Lowe, City Clerk

AD# 12359477  
 Cape Ann Beacon 10/1/10

**Councilor Hardy** stated she will be meeting with Michael Hale, DPW Director, Mr. Grace and Mr. Foley the following day at the DPW regarding this matter. She will have more information shortly.

**This matter is continued to October 18, 2010.**

- D) CC2010-052 (Mulcahey) Amend Sec. 22-284 (Service or Loading Zones) of the GCO re: 6 Elm Street (Cont'd from 08/23/10)

**Larry Ingersoll, Co-Chair of the Traffic Commission** stated at their August 26, 2010 meeting, the Commission recommended that the Order be approved as amended after speaking to the owner of the Common Crow and Councilor Mulcahey. He explained the particulars of the measurements to the Committee. He noted this vote was not unanimous. Mr. Bertolino was concerned that this was a loss of yet another parking space, but the rest of the Commission disagreed and passed the motion to recommend the order.

The Councilors all agreed this loading zone was appropriate to the area.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the GCO Sec. 22-284 (Service or Loading Zones) to create a loading zone at the beginning of Elm Street at its intersection with Main Street (across from #6 Elm Street) approximately 20 feet from the intersection of Main Street on the easterly side, northerly direction, for a distance of 40 feet (to the entrance of Cameron's rear lot) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- E) CC2010-053 (McGeary) Amend GCO Sec. 22-265 Re: Old County Rd. restricting turns onto Eastern Avenue

**Mr. Ingersoll** stated at their August 26, 2010 meeting of the Traffic Commission recommended that CC2010-053 to amend the GCO Sec. 22-265 (Turning Movements) as relates to Old County Road to prohibit right turns onto Old County Road from the rear of the property of 168 Eastern Avenue and was approved as amended at their August 26, 2010 meeting.

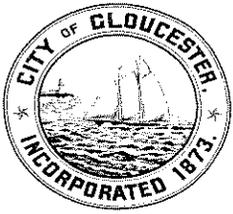
**Councilor Hardy** asked for a diagram of the area to be available for the Council at the public hearing.

**Councilor McGeary** explained he understood the concern of residents in the area was that people taking a right onto Old County Road would find themselves on a dead-end street and be turning to return to exit out at Old County Road and Eastern Avenue. This was to force people to make a left in order to not turn onto a dead end.

**MOTION: On motion by Councilor Verga, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed. 1 (Curcuru) recused, to recommend to the City Council to amend the GCO Sec. 22-265 (Turning Movements) by ADDING restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- F) CC2010-054 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 21 Main Street

**Mr. Ingersoll** noted that at the August 26, 2010 meeting of the Traffic Commission amended the order to read: Main Street, one (1) handicapped parking space in the vicinity of #21, near the Mystery Train. However, after discussion and speaking to Councilor Mulcahey, the Traffic Commission tabled the matter until businesses in the area could be consulted before again taking this matter up. Mr. Ingersoll had



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-088  
**SUBJECT:** Amend GCO Sec. 22-265 "Turning Movements"  
re: Old County Road  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 9/20/10

**PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)  
"Parking Prohibited Between Certain Hours on Certain Days"**

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side ,at its intersection with Rocky Pasture Road ,in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street , signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD - Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/1/10

**Councilor Hardy** stated she will be meeting with Michael Hale, DPW Director, Mr. Grace and Mr. Foley the following day at the DPW regarding this matter. She will have more information shortly.

**This matter is continued to October 18, 2010.**

- D) CC2010-052 (Mulcahey) Amend Sec. 22-284 (Service or Loading Zones) of the GCO re: 6 Elm Street (Cont'd from 08/23/10)

**Larry Ingersoll, Co-Chair of the Traffic Commission** stated at their August 26, 2010 meeting, the Commission recommended that the Order be approved as amended after speaking to the owner of the Common Crow and Councilor Mulcahey. He explained the particulars of the measurements to the Committee. He noted this vote was not unanimous. Mr. Bertolino was concerned that this was a loss of yet another parking space, but the rest of the Commission disagreed and passed the motion to recommend the order.

The Councilors all agreed this loading zone was appropriate to the area.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend the GCO Sec. 22-284 (Service or Loading Zones) to create a loading zone at the beginning of Elm Street at its intersection with Main Street (across from #6 Elm Street) approximately 20 feet from the intersection of Main Street on the easterly side, northerly direction, for a distance of 40 feet (to the entrance of Cameron's rear lot) AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- E) CC2010-053 (McGeary) Amend GCO Sec. 22-265 Re: Old County Rd. restricting turns onto Eastern Avenue

**Mr. Ingersoll** stated at their August 26, 2010 meeting of the Traffic Commission recommended that CC2010-053 to amend the GCO Sec. 22-265 (Turning Movements) as relates to Old County Road to prohibit right turns onto Old County Road from the rear of the property of 168 Eastern Avenue and was approved as amended at their August 26, 2010 meeting.

**Councilor Hardy** asked for a diagram of the area to be available for the Council at the public hearing. **Councilor McGeary** explained he understood the concern of residents in the area was that people taking a right onto Old County Road would find themselves on a dead-end street and be turning to return to exit out at Old County Road and Eastern Avenue. This was to force people to make a left in order to not turn onto a dead end.

**MOTION: On motion by Councilor Verga, seconded by Councilor Theken, the Ordinances & Administration Committee voted 2 in favor, 0 opposed. 1 (Curcuru) recused, to recommend to the City Council to amend the GCO Sec. 22-265 (Turning Movements) by ADDING restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- F) CC2010-054 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 21 Main Street

**Mr. Ingersoll** noted that at the August 26, 2010 meeting of the Traffic Commission amended the order to read: Main Street, one (1) handicapped parking space in the vicinity of #21, near the Mystery Train. However, after discussion and speaking to Councilor Mulcahey, the Traffic Commission tabled the matter until businesses in the area could be consulted before again taking this matter up. Mr. Ingersoll had



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-089  
**SUBJECT:** Amend GCO Sec. 22-270.1 "Resident Sticker Parking Only"  
 re: Haskell Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** O&A 09/20/10

**PUBLIC HEARING 10/12/10  
 LEGAL NOTICE  
 NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)  
 "Parking Prohibited Between Certain Hours on Certain Days"**

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side ,at its intersection with Rocky Pasture Road in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street , signs to designate (1) the northerly side(seawall) -'Vehicle Parking Only' and (2) the southerly side -'Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511".

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/11/10

suggested the space be in front of Valentino's Restaurant. There was a concern raised of not having it too close to the former St. Peter's Club.

The Councilors asked Mr. Ingersoll to look more carefully at the area, particularly to the way that is to the side of Virgilio's. This would be a possible place for a handicapped parking space at the top of the way. There was a question as to whether the way was owned by the City; and the Committee also asked that the information as to that way's ownership be clarified.

**This matter was continued to the October 18, 2010 meeting of O&A.**

- G) CC2010-055 (Mulcahey) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 287 Main St.

**Mr. Ingersoll** noted that at the August 26, 2010 meeting of the Traffic Commission amended the order to read: Main Street, one (1) handicapped parking space in the vicinity of #287. The Commission expressed their concern about the number of meters that are being eliminated with every handicap space and loading zone that is requested and approved for the downtown area.

The Committee felt this matter should be tabled to have another look taken at the immediate area, in particular the Main Street lot in that area. The City Clerk would look into the ownership of that lot. It was suggested this lot would help alleviate parking issues in that area.

**The matter was continued to the October 18, 2010 meeting of O&A.**

- H) CC2010-056 Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: Arnold Way

**Mr. Ingersoll** noted that the requestor or their representative for this handicapped space was unable to attend their August 26<sup>th</sup> meeting. At the request of Councilor McGeary the matter was tabled by the Traffic Commission to their September 23, 2010 meeting.

**The matter was continued to the October 18, 2010 meeting of O&A.**

**Councilor Mulcahey entered the meeting at 6:16 p.m. Councilor Verga stepped away as an acting alternate.**

- I) CC2010-057 Amend GCO Sec. 22-273f (Parking prohibited between certain hours on certain days) and Sec. 22-270.1 (Resident sticker parking only) re: Haskell Street

**Mr. Ingersoll** stated at the August 26, 2010 meeting of the Traffic Commission that the order was amended to be more reflective of what Councilor McGeary was intent upon accomplishing for his constituents in that area. Therefore, the order was amended and the motions before the Committee were what they came up with to satisfy all parties.

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-273f (Parking Prohibited between certain hours on certain days) by DELETING Haskell Street, on the southerly side from its intersection with Rocky Pasture Road between May 1 and September 15, annually from 9:00 a.m. to 5:00 p.m. on Saturdays, Sundays and Holidays AND TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION:** On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec 22-270-1 (Resident Sticker Parking Only) ) Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND TO ADVERTISE FOR PUBLIC HEARING.

**MOTION:** On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO by ADDING: Sec 22-271 (Parking Prohibited Between May 1 – September 15), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND FURTHER ADVERTISE FOR PUBLIC HEARING.

**MOTION:** On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO by ADDING: Sec 22-273 (Parking Prohibited Between Certain Hours on Certain Days), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND FURTHER ADVERTISING FOR PUBLIC HEARING.

K) CC2010-059 (Theken) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 2 Harvard Street, one handicapped space (Continued from 08/23/10)

Mr. Ingersoll stated at the August 26, 2010 meeting of the Traffic Commission there was a communications mix up between the Commission and the applicant and had to table the matter until their September meeting.

This matter was continued to the October 18, 2010 meeting of O&A.

L) CC2010-060 (Mulcahey) Amend GCO Sec. 22-287(Disabled veteran, handicapped parking) re: Ciaramitaro/Gemellaro Playground (Continued from 08/23/10)

**MOTION:** On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped space at the last parking space on the easterly side of the playground parking lot (closest to house) at the Ciaramitaro/Gemellaro Playground at Fort Square in or around # AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

M) CC2010-015 (Ciolino/Mulcahey) Amend GCO Sec. 290 "Parking meter zone-Off Street Parking Areas" re: Manuel F. Lewis Street (Continued from 06/14/2010)

Ms. Lowe explained to the Committee that since the last time Manuel F. Lewis Street was in front of the Committee she researched all the Code of Ordinance references to Manuel F. Lewis Street and the Manuel F. Lewis off-street parking lot in order to straighten out the matter as to what was already on the books. It is Manuel F. Lewis Street not Road and the GCO needs correction. The Committee had wanted to amend the section on off street parking areas, 22-288. That parking lot is one of the designated off-street parking lots located around the Rose Baker Senior Center building. The Code of Ordinances refers



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-090  
**SUBJECT:** Amend GCO Sec. 22-271 "Parking prohibited between May 1 – September 15" re: Haskell Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** O&A 09/20/10

PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
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**HASKELL STREET** - Sec. 22-273(f)  
"Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side ,at its intersection with Rocky Pasture Road ,in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND** -  
Sec.22-287 "Disabled Veteran, Handicapped Parking"

AMEND by ADDING - "One(1) handi-capped parking space at the last parking space on the easterly side of the Claramitaro/Gemellaro Playground parking lot"

**ELM STREET** - Sec.22-284 "Service or Loading Zone"

AMEND by ADDING "Elm Street begining at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET** - Sec. 22-288 "Off Street Parking Areas"

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street , signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford Street in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET** - Sec.22-270  
"Parking Prohibited at all Times"

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING -- "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langford Street"

**HOLLY STREET** - Sec. 22-270 "Parking prohibited at all Times"

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE** - Sec. 22-271  
"Parking prohibited from May 1 - September 15"

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD** Sec. 22-265  
"Turning Movements"

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/1/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-091  
**SUBJECT:** Amend GCO Sec. 22-273(f) "Parking prohibited between certain hours certain days" re: Haskell Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** O&A 09/20/10

**PUBLIC HEARING 10/12/10  
LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)  
"Parking Prohibited Between Certain Hours on Certain Days"**

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side ,at its intersection with Rocky Pasture Road ,in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND -  
Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street , signs to designate (1) the northerly side(seawall) -"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511".

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford Street in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270  
"Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271  
"Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

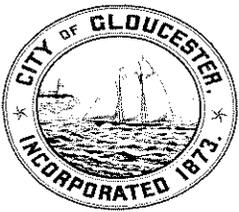
**OLD COUNTY ROAD Sec. 22-265  
"Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
Linda T. Lowe, City Clerk

AD# 12359477  
Cape Ann Beacon 10/11/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-0092  
**SUBJECT:** Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking"  
 re: Haskell Street  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE:** O&A 09/20/10

PUBLIC HEARING 10/12/10  
 LEGAL NOTICE  
 NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET - Sec. 22-273(f)**  
 "Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING - "Haskell Street on the southerly side at its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 - September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING - "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 -September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE -PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET - Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING - "Lanes Cove Lot situated at the end of Andrews Street, signs to designate (1) the northerly side(seawall) - "Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING - "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET - Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING - "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 - September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street, southerly side from Andrews Street easterly to its intersection with Langford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING - "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 - September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING - "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
 Linda T. Lowe, City Clerk

AD# 12359477  
 Cape Ann Beacon 10/11/10



# GLOUCESTER CITY COUNCIL 2010 PUBLIC HEARING

**PUBLIC HEARING NUMBER:** PH2010-093  
**SUBJECT:** Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking"  
 re: Ciaramitaro/Gemellaro Playground (Fort Square – Playground)  
**DATE OPENED:** 10/12/10  
**CONTINUED TO:**  
**CONTINUED FROM:**  
**COMMITTEE MEETING** O&A 9/20/10

PUBLIC HEARING 10/12/10  
 LEGAL NOTICE  
 NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on **TUESDAY, October 12, 2010** at 7:00 p.m. in the Fred J. Kyroutz Auditorium, City Hall relative to proposed changes to Gloucester Code of Ordinances, Chapter 22 entitled "Traffic and Motor Vehicles" as follows:

**HASKELL STREET – Sec. 22-273(f)**  
 "Parking Prohibited Between Certain Hours on Certain Days"

AMEND by DELETING all language on Haskell Street.

**Sec.22-270-1 "Resident Sticker Parking Only"**

AMEND by ADDING – "Haskell Street on the southerly side at its intersection with Rocky Pasture Road in an easterly direction to its intersection with Mt. Pleasant Avenue, between May 1 – September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-271 "Parking Prohibited between May 1-September 15"**

AMEND by ADDING – "Haskell Street on the southerly side from its intersection with Mt. Pleasant Avenue between May 1 –September 15 from 9am to 5pm on Saturdays, Sundays, and holidays"

**Sec.22-273(f) "Parking prohibited between certain hours on certain days"**

AMEND by ADDING (after the words Rocky Pasture Road) "in an easterly direction to its intersection with Mt Pleasant Avenue"

**FORT SQUARE –PLAYGROUND - Sec.22-287 "Disabled Veteran, Handicapped Parking"**

AMEND by ADDING - "One(1) handicapped parking space at the last parking space on the easterly side of the Ciaramitaro/Gemellaro Playground parking lot"

**ELM STREET – Sec.22-284 "Service or Loading Zone"**

AMEND by ADDING "Elm Street beginning at its intersection with Main Street on the easterly side, northerly direction for 40 feet"

**ANDREWS STREET - Sec. 22-288 "Off Street Parking Areas"**

AMEND by ADDING – "Lanes Cove Lot situated at the end of Andrews Street , signs to designate (1) the northerly side(seawall) –"Vehicle Parking Only" and (2) the southerly side "Vehicle Boat and/or Trailer Parking"

**Sec.22-292 "Fire Lanes"**

AMEND by ADDING "Andrews Street ,

both directions from its intersection with Lanes Cove Road, in a northeasterly direction, to its end, at a point 95 feet in a northeasterly direction from Pole #511"

**Sec.22-291 "Tow Away Zones"**

AMEND by ADDING – "Andrews Street both sides from its intersection with Lanes Cove in a northeasterly direction, to its end both sides, from its intersection with Lanes Cove Road in a northeasterly direction to its end at a point 95 feet in a northeasterly direction from Pole#511"

AMEND by ADDING – "Andrews Street westerly side from its intersection with Langsford in a northerly direction to its intersection with Lanes Cove Road"

**Sec. 22-270 "Parking Prohibited at all Times"**

AMEND by ADDING - "Andrews Street westerly side from its intersection with Langsford Street in a northerly direction to its intersection with Lanes Cove Road"

**WASHINGTON STREET – Sec.22-270 "Parking Prohibited at all Times"**

AMEND by ADDING "Washington Street from Andrews Street to its intersection with Langsford Street"

**Sec.22-267 "One Way Streets"**

AMEND by DELETING – "Washington Street from Andrews street to Butman Avenue in a northerly direction during church services and special functions"

**Sec.22-271 "Parking Prohibited from May 1 – September 15"**

AMEND by DELETING "Washington Street southerly side from Leverett Street, easterly to junction of Langsford Street"

**Sec.22-270 "Parking prohibited at all Times"**

AMEND by ADDING "Washington Street , southerly side from Andrews Street easterly to its intersection with Langsford Street"

**HOLLY STREET - Sec. 22-270 "Parking prohibited at all Times"**

AMEND by ADDING- "Holly Street, both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**Sec.22-291 "Tow Away Zone"**

AMEND by ADDING – "Holly Street ,both sides from its intersection with Dennison Street in a southerly direction to Pole #1095"

**LEXINGTON AVENUE - Sec. 22-271 "Parking prohibited from May 1 – September 15"**

AMEND by ADDING "Lexington Avenue both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road "

**Sec. 22-291 "Tow Away Zones"**

AMEND by ADDING - "Lexington Avenue from both sides from its intersection with Cliff Avenue and Oakes Avenue in a southerly direction toward Shore Road"

**OLD COUNTY ROAD Sec. 22-265 "Turning Movements"**

AMEND by ADDING – "Restricting or prohibiting right turns onto Old County Road near rear property entrance of 168 Eastern Avenue onto Old County Road"

At the Public Hearing, all interested persons will have the opportunity to be heard

By Vote of the City Council  
 Linda T. Lowe, City Clerk

AD# 12359477  
 Cape Ann Beacon 10/1/10

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec 22-270-1 (Resident Sticker Parking Only) ) Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO by ADDING: Sec 22-271 (Parking Prohibited Between May 1 – September 15), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND FURTHER ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO by ADDING: Sec 22-273 (Parking Prohibited Between Certain Hours on Certain Days), Haskell Street, on the southerly side, from its intersection with Rocky Pasture Road, in an easterly direction to its intersection with Mount Pleasant Avenue, between May 1 – September 15 generally, from 9am to 5pm on Saturdays, Sundays and Holidays AND FURTHER ADVERTISING FOR PUBLIC HEARING.**

- K) CC2010-059 (Theken) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) re: 2 Harvard Street, one handicapped space (Continued from 08/23/10)

Mr. Ingersoll stated at the August 26, 2010 meeting of the Traffic Commission there was a communications mix up between the Commission and the applicant and had to table the matter until their September meeting.

**This matter was continued to the October 18, 2010 meeting of O&A.**

- L) CC2010-060 (Mulcahey) Amend GCO Sec. 22-287(Disabled veteran, handicapped parking) re: Ciaramitaro/Gemellaro Playground (Continued from 08/23/10)

**MOTION: On motion by Councilor Curcuru, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped space at the last parking space on the easterly side of the playground parking lot (closest to house) at the Ciaramitaro/Gemellaro Playground at Fort Square in or around # AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- M) CC2010-015 (Ciolino/Mulcahey) Amend GCO Sec. 290 "Parking meter zone-Off Street Parking Areas" re: Manuel F. Lewis Street (Continued from 06/14/2010)

Ms. Lowe explained to the Committee that since the last time Manuel F. Lewis Street was in front of the Committee she researched all the Code of Ordinance references to Manuel F. Lewis Street and the Manuel F. Lewis off-street parking lot in order to straighten out the matter as to what was already on the books. It is Manuel F. Lewis Street not Road and the GCO needs correction. The Committee had wanted to amend the section on off street parking areas, 22-288. That parking lot is one of the designated off-street parking lots located around the Rose Baker Senior Center building. The Code of Ordinances refers