

City of Gloucester City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930
Telephone 508-281-9722 Fax 508-281-8472

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, October 20, 2010 – 6:30 p.m.
1st Fl. Council Conference Rm. – City Hall

AGENDA

1. *Continued Business:*

- A) 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 10/14/10)
- B) Creation of a Gloucester Dog Park Petition, pursuant to Sec. 9-1 “Free Petition” of City Charter (Cont’d from 10/06/10)
- C) SCP2010-012: Kondelin Road #16, GZO Sec. 5.13 PWSF (Cont’d from 09/22/10)
- D) SCP2010-013: Rogers Street #127, GZO Sec. 5.13 PWSF (Cont’d from 09/22/10)
- E) SCP2010-014: Cherry Street #32 (O’Maley Middle School), GZO Sec. 5.22 Wind (Cont’d from 09/22/10)
- F) Petition of Residents re: 85-89 Bass Avenue: Report by Building Inspector (Continued from 07/28/2010)

2. *PP2010-005: Installation of J.O. Guy Stub Pole #3-84 and Anchor and Guy re: Tufts Lane*

3. *SCP2010-015 Kirk Road #9, Lowlands Permit, Sec. 5.5.4 Lowlands (To be continued to 11-04-10)*

4. *CC0210-074 (Verga) Permitting process for use of City Property*

COMMITTEE

Councilor Joseph Ciolino, Chair
Councilor Robert Whynott, Vice Chair
Councilor Greg Verga

Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk’s Office, City Hall

CC: Mayor Kirk
Jim Duggan
Brian Tarr
Gregg Cademartori
Mike Hale/Mark Cole
Brian Tarr

**CITY COUNCIL STANDING COMMITTEE
PLANNING & DEVELOPMENT**

October 20, 2010

DOCUMENTATION PREVIOUSLY ON FILE:

1. Unfinished Business:

All back-up documentation can be found on file at the City Clerk's office or on line on the City's website under City Council Standing Committee Agenda packets for that date noted on each item from it's continuation date.

NOTE: Any outsized lot maps or plans regarding Special Council Permits are on file in the City Clerk's Office and are not able to be reproduced for the purposes of Committee agenda packet.

STAR OF THE SEA CORP.
85-89 Bass Avenue
Gloucester, MA 01930
978-491-9013

CITY CLERK
GLOUCESTER, MA
10 OCT 12 AM 11:47

October 12, 2010

City of Gloucester
City Council
Dale Avenue
Gloucester, MA 01930

Attn: Ms. Linda Lowe, City Clerk

Dear Ms. Lowe,

Please find attached hereto Star of the Sea Plaza Plan showing new modifications requested to original Permit issued by the Gloucester City Council pertaining to said real estate located at 85-89 Bass Avenue.

The attached Plan shows the previously approved scheme of the said property with the requested modifications superimposed in color or boldness in order that the approved plan and the changes of the modified plan may be clearly discerned.

The modification herewith requested alter the approved plan limitedly, but improves the old Plan by showing a compromised landscaping scheme which is the culmination of the combined effort of City Councilors Members of the Planning and Development Committee, the Owner, and interested neighbors.

This requested modification pertains only to the East end of the Plaza property from the Condominium driveway on the extreme Easterly boundary of the property to the Easterly facade of the existing (main) building. No other modification is requested to any other parts of the property at 85-89 Bass Avenue.

The modification requested includes the emplacement of sufficient arborvitae trees, six (6) to seven (7) feet on center, planted in a constructed raised bed defined as a Cape Cod berm, adjacent to the Bass Avenue sidewalk, beginning at the Easterly egress of the property to the ingress-egress on the Westerly side of the Cape Cod berm to be constructed. The amount of trees to be planted will be determined by the length of the berm once constructed in order that the trees will be planted six (6) to seven (7) feet on center. The two (2) signs that presently exist on the

property which are in the area in which the berm is to be constructed, shall be moved. In their stead, One (1) sign will be constructed at the Westerly end of said berm. The painted lines along the parking spaces adjutant to said berm will be extended to accommodated parking repositioned due to the construction of said berm. Additionally, the parking area at the inner portion of the parking lot shall be repositioned for ease of maneuverability of drivers. All of the above modifications are graphically shown on the revised Plan of said property dated 9-21-10.

If you have any questions, please communicate with me.

Sincerely yours,

A handwritten signature in cursive script that reads "Anthony Giacalone".

Anthony Giacalone

nationalgrid

PP 2018-005

CITY CLERK
GLOUCESTER, MA
10 SEP 16 AM 10:29

August 12, 2010

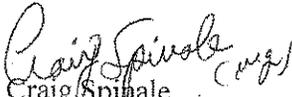
City Council
City Hall
Gloucester, MA 01930

Enclosed please find the following:

One (1) copy of Petition and three copies of Order for the installation of a J.O. Guy Stub Pole # 3-84 and Anchor and Guy in Tufts Lane, Gloucester, MA.

If granted, please retain your copy and return the others to this company.

Sincerely,


Craig Spivale
Supervisor Distribution Design
Tel: 1-978-725-1601

CS/mg

Enclosures

314

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Malden, MA August 12, 2010

To the City Council
Gloucester, MA

NATIONAL GRID AND VERIZON NEW ENGLAND, INC.

request permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way:

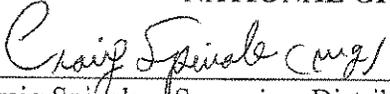
TUFTS LANE - Installation of one (1) J.O. Guy Stub Pole # 3-84, Anchor and Guy

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked National Grid And Verizon New England, Inc. WR# 8800963 Dated 08/09/10.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID

BY 
Craig Spizale - Supervisor Distribution Design

VERIZON NEW ENGLAND, INC.

BY 
E. Everette Bryan - Manager, Right of Way

214

ORDER FOR POLE AND WIRE LOCATIONS

To the City Council
City of Gloucester, MA

Malden, Massachusetts August 12, 2010

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that National Grid be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to as requested in petition of said Company dated the 12th day of 2010.

All construction under this order shall be in accordance with the following conditions: -

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked – National Grid No.8800963 Dated 08/09/10 filed with this order. There may be attached to said poles not to exceed 15 wires and 2 cables and all of said wires and cables shall be placed at a height of not less than 20 feet from the ground.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereupon under this order:

TUFTS LANE - Installation of one (1) J.O. Guy Stub Pole# 3-84, Anchor and Guy.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the
ity of _____, Massachusetts, held on the
day of _____ 2010.

City Clerk

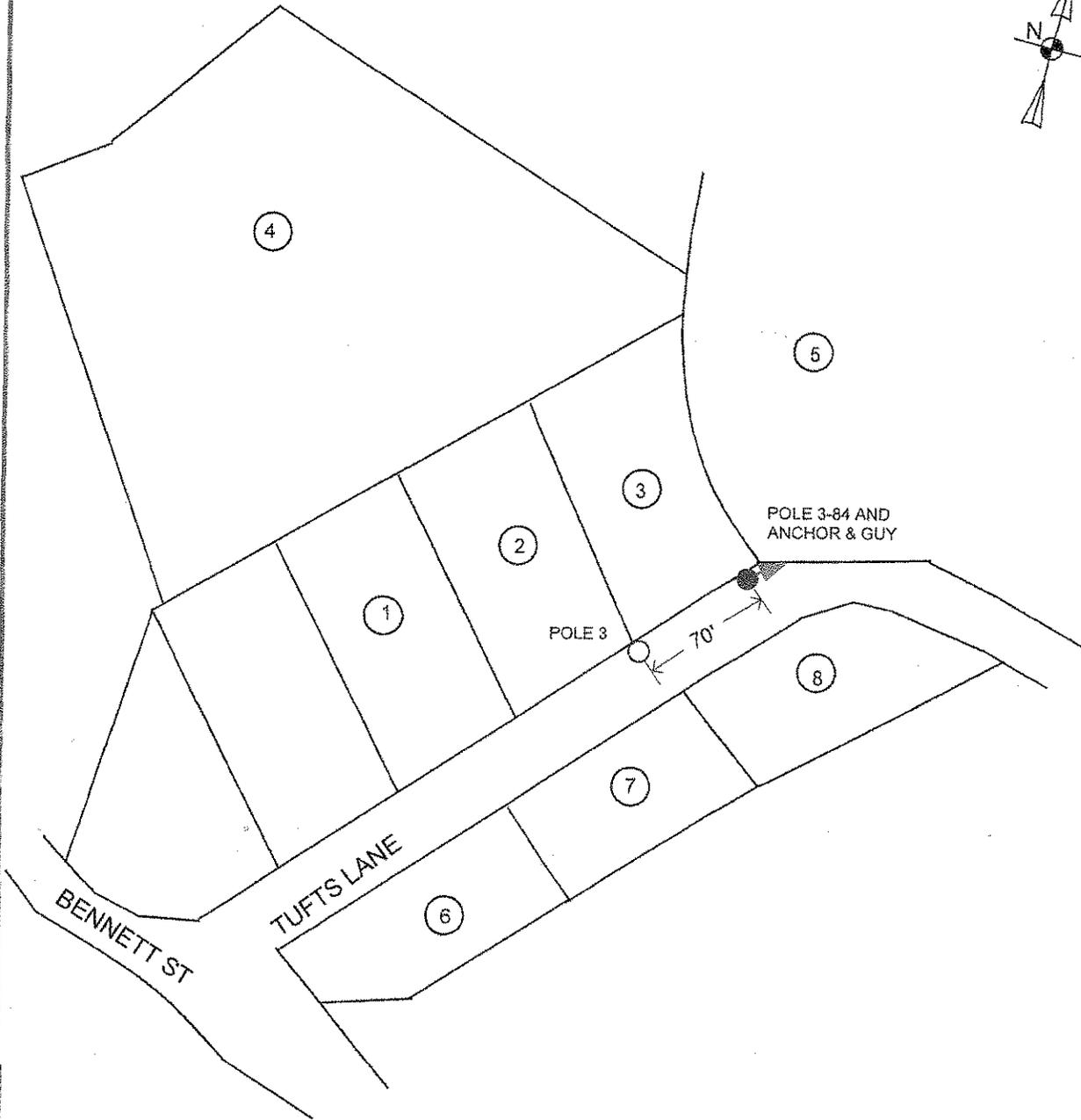
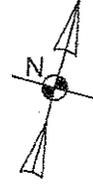
Massachusetts

2010

Received and entered in the records of location orders of the City of
Book _____ Page _____

Attest:

City Clerk



ELECTRIC DISTRIBUTION CONSTRUCTION PETITION

nationalgrid and Verizon

- PROPOSED POLE LOCATION
- EXISTING POLE LOCATION
- ➔ ANCHOR AND GUY LOCATION

SKETCH TO ACCOMPANY A PETITION FOR THE INSTALLATION OF A JOINT OWNED GUY STUB POLE # 3-84 AND ANCHOR AND GUY IN TUFTS LANE, GLOUCESTER, MA, 01930

PAGE 1 OF 2

WR# 8800963

DRAWING NOT TO SCALE DISTANCES ARE APPROXIMATE

Date: 08/09/2010 Drawn By: M.E.M. Approved By:

ABUTTERS LIST:

1. MAP 115 - L68
MICHAEL LAPENNA
6 TUFTS LN
GLOUCESTER, MA 01930
2. MAP 115 - L69
JAMES A. PEPE & JUDITH H. MITCHELL
8 TUFTS LN
GLOUCESTER, MA 01930
3. MAP 115 - L70
SHEILA M. & JOSEPH A. NEVES
10 TUFTS LN
GLOUCESTER, MA 01930
4. MAP 115 - L56
JEREMIAH NICASTRO & LISA LEAHY
10R TUFTS LN UNIT 1
GLOUCESTER, MA 01930
5. MAP 125 - L71
DAVID J. TUFTS
7A HUTCHINS CT
GLOUCESTER, MA
C/O 2959 ANDREWS DR
ATLANTA, GA 30305
6. MAP 115 - L76
DOMENIC A. & JUDITH M. FRANCIS
1 TUFTS LN
GLOUCESTER, MA 01930
7. MAP115 - L77
DOMINIC M. SANFILIPPO & LISA A. KANGAS
3 TUFTS LN
GLOUCESTER, MA 01930
8. MAP 115 - L43
JOSIA JAMES BERTOLINO
5 TUFTS LN
GLOUCESTER, MA 01930



CITY OF GLOUCESTER

GLOUCESTER, MASSACHUSETTS - 01930

City of Gloucester Special Council Permit - Application

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

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.

| | |
|---|------------------------------------|
| City of Gloucester - Action | |
| Fees | <u>\$350.00 CMR 2523</u> <i>pm</i> |
| 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: [Signature]
 Name (Signature) see attached authorization form
 Address 9 Kirk Road, Gloucester
 Telephone 508 783 1575

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

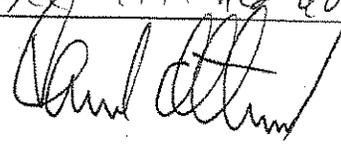
Address of Representative: 6 Sargent Street, Gloucester

Tel. #: Days 282 6014 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: MAP 101 LOT 52
 Abutters To Parcel...

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 | 35 HODGKINS ST | 101 48 | 35 HODGKINS ST GLOUCESTER MA 01930 |
| 2 | 101 49 | | |
| SOUZA ALISON G TR | 3 KIRK RD | 101 49 | 3 KIRK RD GLOUCESTER MA 01930 |
| 3 | 101 50 | | |
| DAVIS LISA TR MOODY 1990 TR | 5 KIRK RD | 101 50 | C/O BILL & R MOODY 5 KIRK RD GLOUCESTER MA 01930 |
| 4 | 101 51 | | |
| BAYLIES ANN LOUISE & BENJAMIN S TBYE | 7 KIRK RD | 101 51 | 7 KIRK RD GLOUCESTER MA 01930 |
| 5 | 101 52 | | |
| SILVA DENNIS & DONNA | 9 KIRK RD | 101 52 | 9 KIRK RD GLOUCESTER MA 01930 |
| 6 | 101 53 | | |
| RIVERDALE MILL ASSOCIATES | 11 KIRK RD | 101 53 | C/O R DELTORCHIO 41 HODGKINS ST GLOUCESTER MA 01930 |
| 7 | 101 54 | | |
| DEAN SHIRLEY A | 10 KIRK RD | 101 54 | 10 KIRK RD GLOUCESTER MA 01930 0000 |
| 8 | 101 55 | | |
| BURGESS L INGRID | 8 KIRK RD | 101 55 | C/O QUILEN KAREN 13 KENT SQ BROOKLINE MA 02446-6937 |
| 9 | 101 56 | | |
| CIOGLINO VIRGINIA R | 6 KIRK RD | 101 56 | 6 KIRK RD GLOUCESTER MA 01930 |
| 10 | 101 57 | | |
| CIARCIA STEVEN A | 37 HODGKINS ST | 101 57 | 21 CRESTWOOD RD TOLLAND CT 06084 0000 |
| 11 | 101 58 | | |
| WOODRUFF ANITA L TR | 39 HODGKINS ST | 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

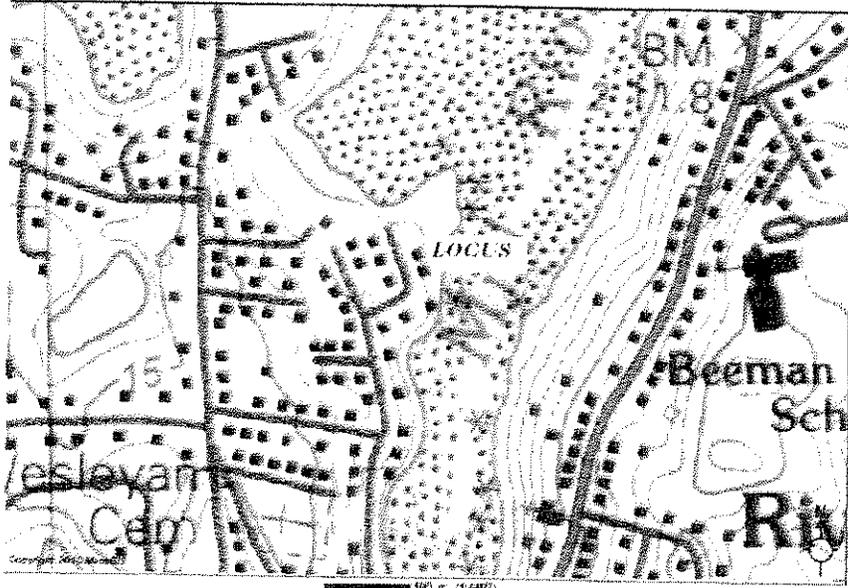
| Abutter | Street Address | Parcel No. | Mailing Address |
|--------------------------------------|----------------|------------|---------------------------------------|
| 12 DEL TORCHIO RUSSELL TBYE & TOR | 41 HODGKINS ST | 101 59 | 41 HODGKINS ST GLOUCESTER MA 01930 |
| 13 GLOUCESTER CITY OF | 11A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

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

OCT 04 2010

Shawn Dutton

SUPPORTING MATERIAL
9 KIRK ROAD DOCK APPLICATION



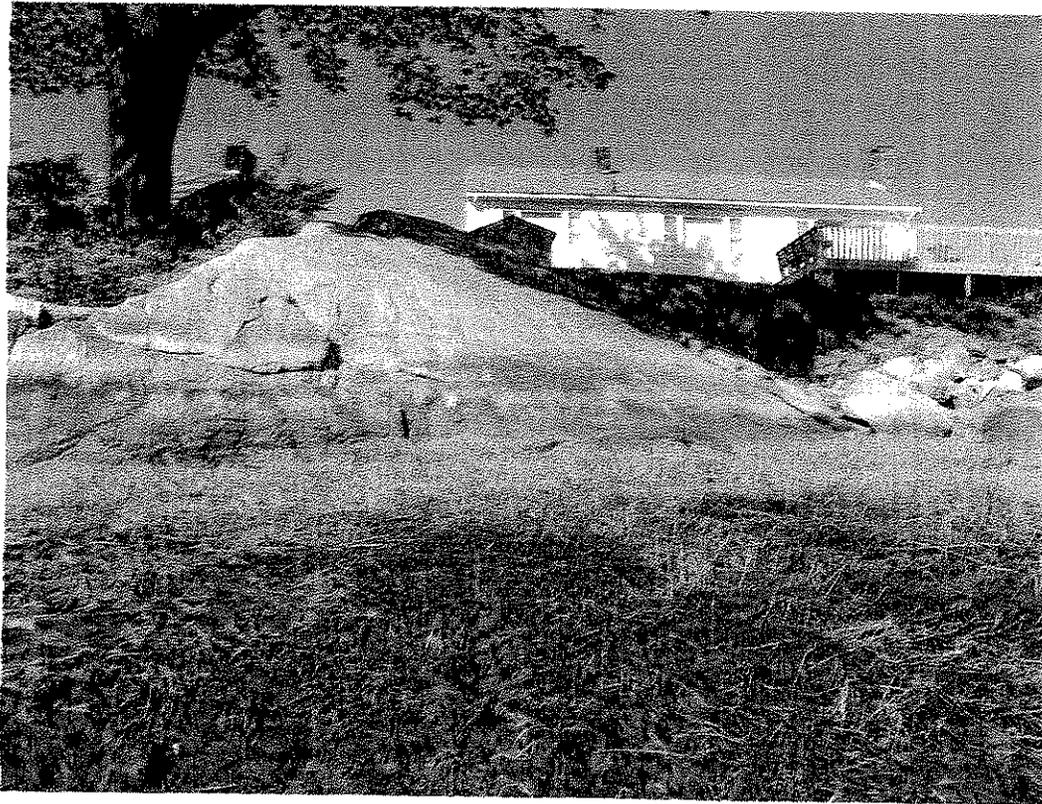
USGS MAP



AERIAL VIEW



DOCK PREVIOUSLY LOCATED AT PROPERTY



VIEW FROM MILL RIVER TOWARDS HOUSE TO BE SERVED BY DOCK

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.

Sincerely,

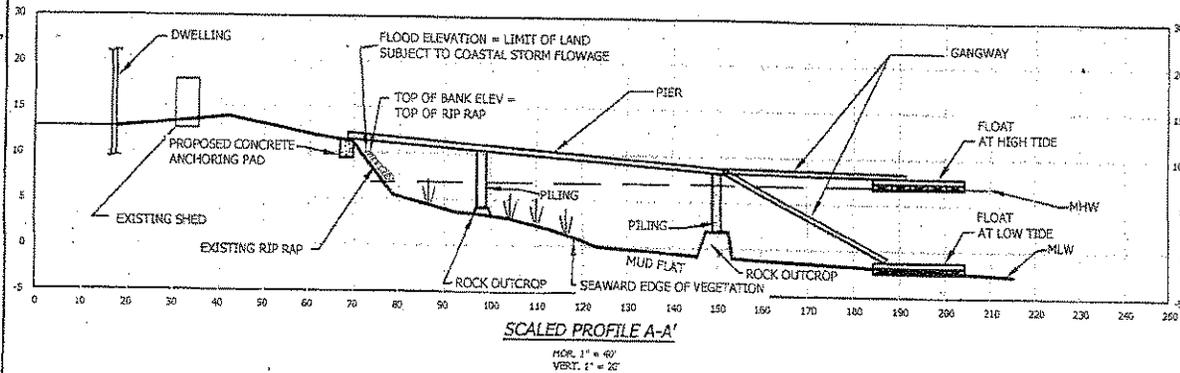
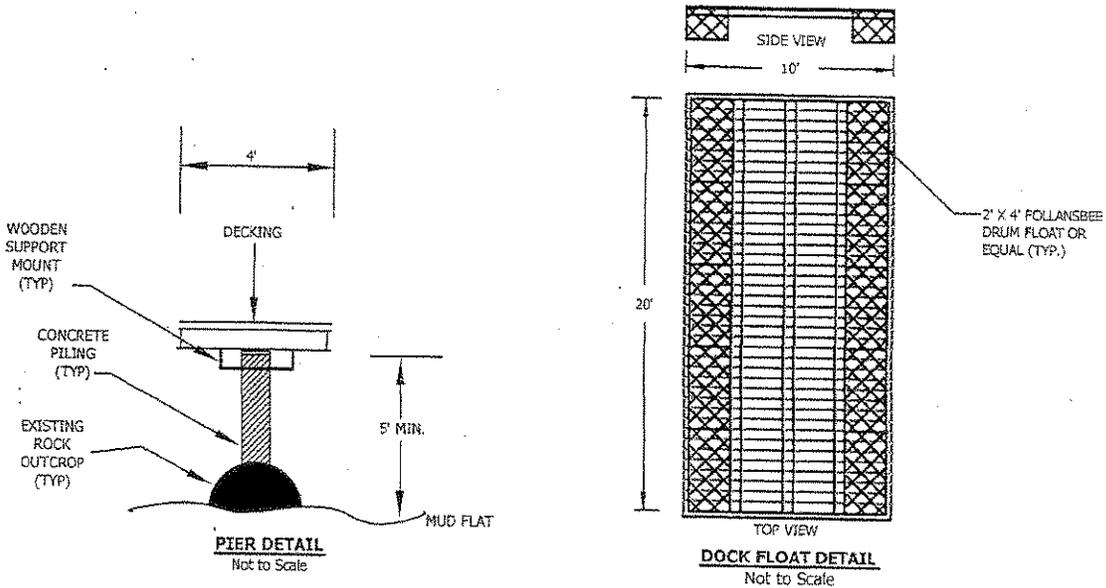


Daniel G. Ottenheimer
President

cc: MassDEP

6 Sargent Street, Gloucester, Massachusetts 01930-2719
Telephone 978-282-0014 ♦ Fax 978-282-1318
info@millriverconsulting.com ♦ www.millriverconsulting.com

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



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 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:

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

Please check all that apply:

- 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 MASS DEP 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 _____ of the further sum of _____ dollars and zero cents (\$ _____ .00)
Applicant Amount

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

11/1/2000
Date

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

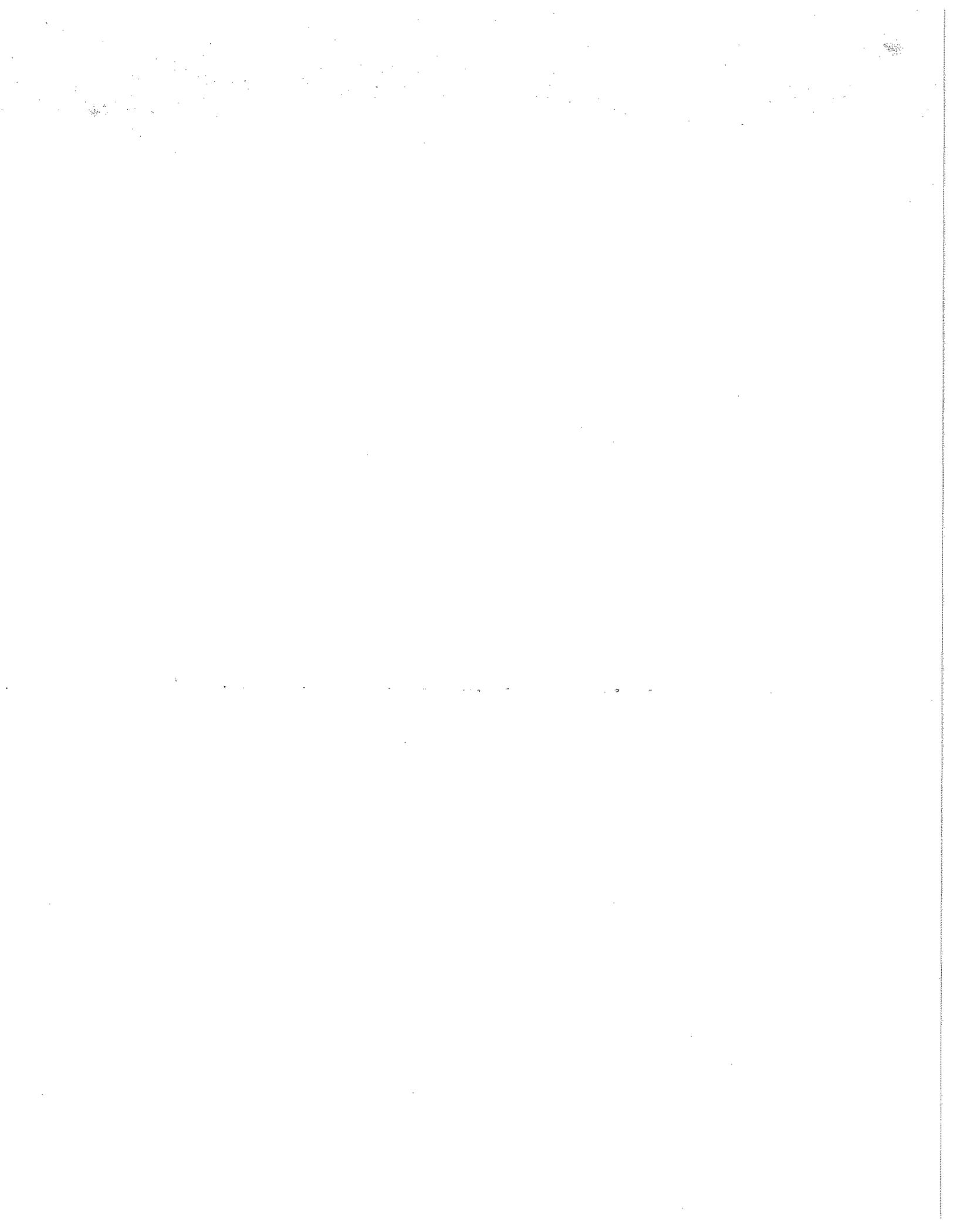
**Notice of License Application pursuant to M. G. L. Chapter 91
Waterways License Application Number X234974
Dock, Ramp and Float at 9 Kirk Road, Gloucester.**

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.



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

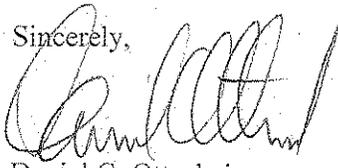
Councilors,

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.

Sincerely,



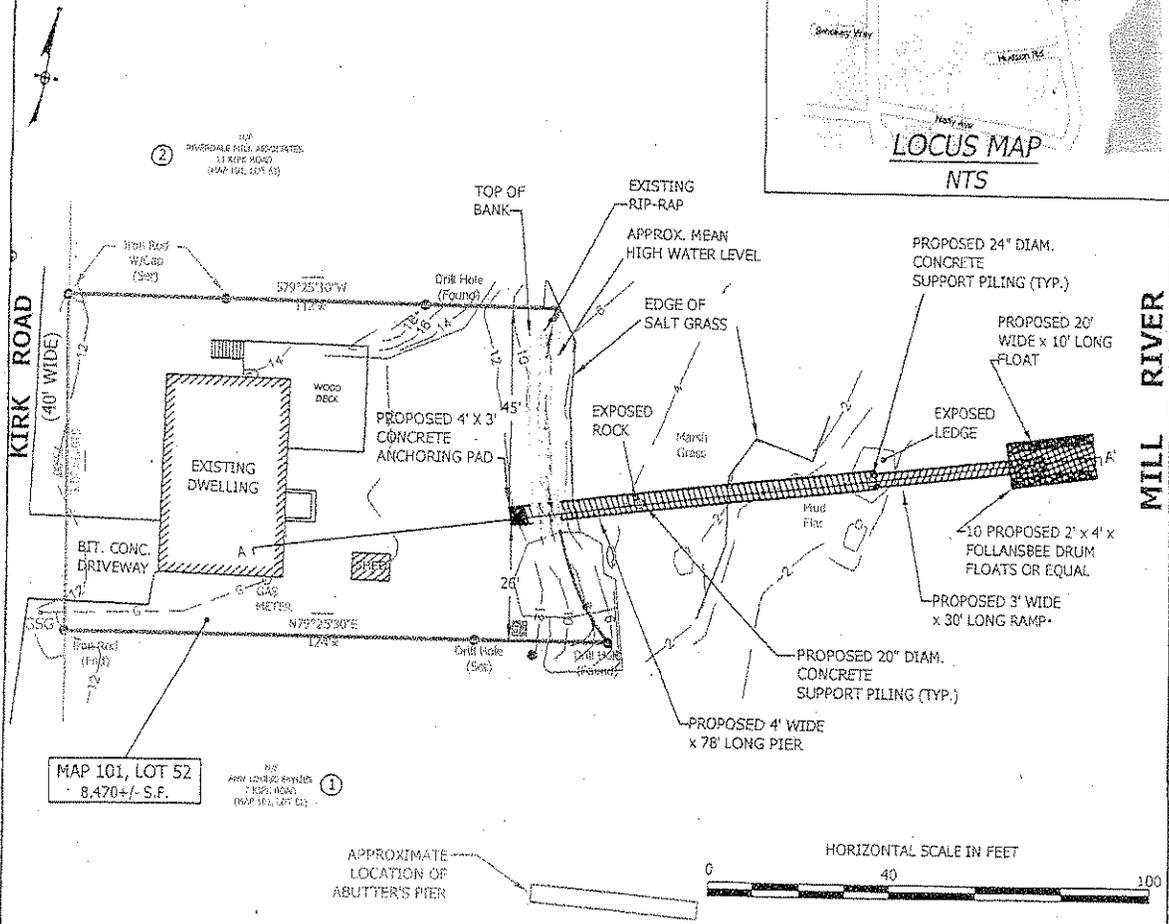
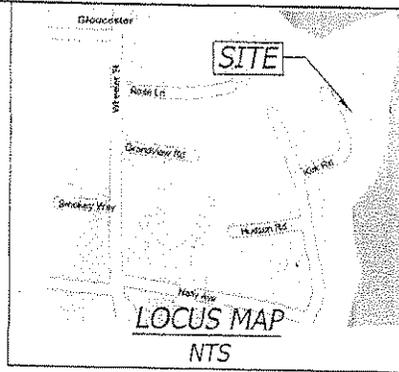
Daniel G. Ottenheimer
President

cc: MassDEP

6 Sargent Street, Gloucester, Massachusetts 01930-2719
Telephone 978-282-0014 ♦ Fax 978-282-1318
info@millriverconsulting.com ♦ 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 #185388

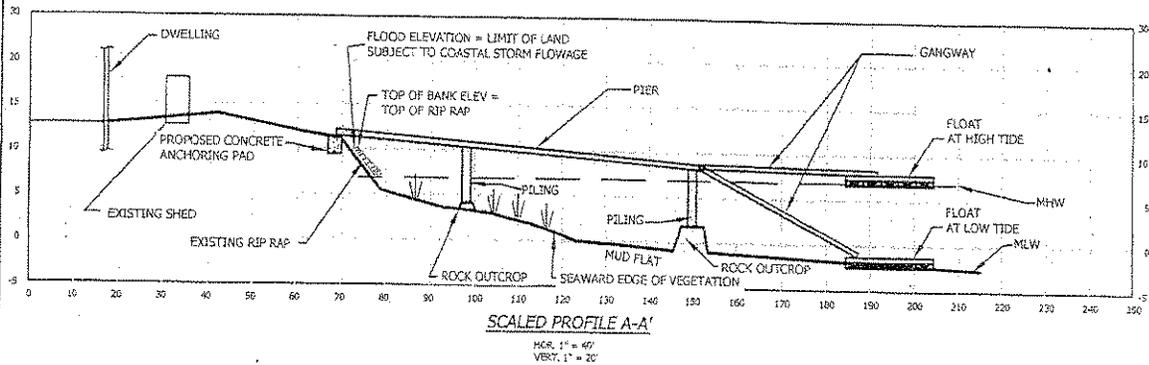
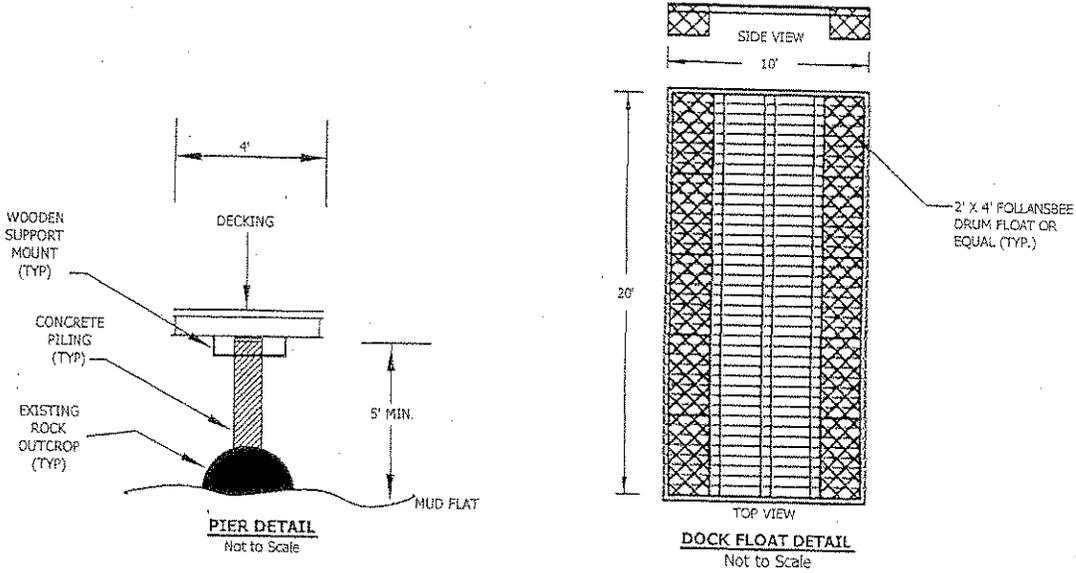


Purpose: Simplified Licensing
 Adjacent Property Owners:
 1. Ann Baylies
 7 Kirk Road, Gloucester
 2. Riverdale Mill Associates
 11 Kirk Road, Gloucester

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:
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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 MASS DEP 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**

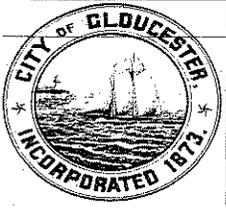
**Notice of License Application pursuant to M. G. L. Chapter 91
Waterways License Application Number X234974
Dock, Ramp and Float at 9 Kirk Road, Gloucester.**

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.



**CITY OF GLOUCESTER 2010
CITY COUNCIL ORDER**

| | |
|-------------------|--------------------|
| ORDER: | #CC2010-074 |
| Councillor | Greg Verga |

| | |
|----------------------------------|-----------------|
| DATE RECEIVED BY COUNCIL: | 10/12/10 |
| REFERRED TO: | O&A |
| FOR COUNCIL VOTE: | |

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