

GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS

TUESDAY, August 8, 2017

7:00 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2017-015

MEETINGS ARE RECORDED



FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

Recognition of Gloucester Little League Williamsport all-star team and coaches, for placing second in the state championship game

CONFIRMATION OF NEW APPOINTMENTS

Fisheries Commission	David Leveille	(TTE 02/14/20)
Mariners Medal Committee	Vito Calomo	(TTE 02/14/18)
Mariners Medal Committee	Thomas Ellis	(TTE 02/14/19)
Mariners Medal Committee	Capt. Arthur Sawyer, Jr.	(TTE 02/14/20)
Mariners Medal Committee	Stefan Edick	(TTE 02/14/21)

CONSENT AGENDA

ACTION

- **CONFIRMATION OF REAPPOINTMENTS**

- **MAYOR'S REPORT**

1. Memorandum from Clean Energy Commission re: Boosting Participation in Gloucester Green Program (Info Only)
2. Ad-hoc Recreational Marijuana Task Force flyer with dates of upcoming Council Ward Informational meetings (Info Only)
3. Press release from Fire Chief re: "Fill the Boot" Campaign to benefit the Muscular Dystrophy Association (Info Only)

- **COMMUNICATIONS/INVITATIONS**

1. Memorandum from Planning Board re: Initiation of Zoning Amendments to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments" (Refer P&D & PB)

- **INFORMATION ONLY**

- **APPLICATIONS/PETITIONS**

1. Special Events Application: Request to hold Halloween Festival on October 29, 2017 at City Hall (Refer P&D)
2. SCP2017-011: Colburn Street #1, Map 157, Lots 72 & 39, GZO Sec. 3.1.6(b) and Sec. 3.2 for a building height in excess of 35 feet (Refer P&D)

- **COUNCILLORS ORDERS**

1. CC#2017-027 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" and Ch. 22 Sec. 22-291 "Tow-away zones" re: Fort Square #46 (O&A & TC)
2. CC#2017-028 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" – "Fort Square" by DELETING "Commercial Street" in its entirety after the words, "eastern boundary of #10" and by ADDING "Fort Square" (O&A & TC)
3. CC#2017-029 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" – "Fort Square" by DELETING "to the Merrimack-Essex pole 1917 and/or" in its entirety after the words "southeasterly and easterly" and ADDING "to the" before the words "westerly boundary of number 26." (O&A & TC)
4. CC#2017-030 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" – "Fort Square" be amended by DELETING "Fort Square, southerly side, from the southern boundary of #29, south and easterly to the catchbasin at the easterly side westerly entrance of Cape Ann Fisheries." (O&A & TC)
5. CC#2017-031 (Cox): Amend GCO Ch. 22, Sec. 22-290 "Same-off-street parking areas" re: Fort Square
6. CC#2017-032 (Cox): Amend GCO Ch. 22, Sec. 22-292 "Fire Lanes" re: Commercial Street (O&A & TC)
7. CC#2017-033 (Cox): Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING "Prospect Street, parking prohibited on the northerly side of Prospect Street from its intersection with Friend Street in a westerly direction to Taylor Street, from utility pole #976 to #978" (O&A & TC)

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

1. City Council Meeting: 7/25/2017 (Approve/File)
2. Standing Committee Meetings: B&F 8/3/2017 (under separate cover), O&A 7/31/2017, P&D 8/2/2017 (Approve/File)

STANDING COMMITTEE REPORTS

ACTION

B&F 8/3/2017, O&A 7/31/2017, P&D 8/2/2017

Individual items from committee reports may be consolidated into a consent agenda

SCHEDULED PUBLIC HEARINGS

- 1. PH2017-029: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.8.3, 1.5.3(c), and 5.7 "Major Project" and 5.27 "Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities" (TBC 8/22/17)
- 2. PH2017-035: Amend GZO by ADDING Section 1.5.4.1 "Zoning Administrator" and AMEND Sections 1.8.1, 1.8.2, 1.8.8, 2.2.1, and 2.3.1 accordingly; and AMEND Section V to add a new section 5.29 "Certain Pre-Existing Multi-Family Use" (TBC 8/22/17)
- 3. PH2017-037: Local adoption of MGL Ch. 272, §80F which prohibits giving live animals as prizes or awards

FOR COUNCIL VOTE

- 1. Decision to Adopt: SPC2017-007: Main Street #63, Map 7, Lot 34, GZO Sec. 3.2.2 to decrease the minimum open space and lot area requirement for the conversion of office space on the 2nd and 3rd floors into apartments (FCV)

UNFINISHED BUSINESS

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

Update of the Council on Aging Board by City Council Representative, Councillor Valerie H. Gilman

COUNCILLOR'S REQUESTS TO THE MAYOR

ROLL CALL – Councillor Valerie H. Gilman



City Clerk

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

NEXT REGULAR CITY COUNCIL MEETING, August 22, 2017

Minutes filed in City Clerk's Office of other Boards and Commissions July 22, 2017 thru August 3, 2017

Bd. of Assessors 7/31/17; Bd. of Health 5/4/17, 6/1/17; City Hall Restoration Commission 7/10/17; Sawyer Free Library 6/26/17; Traffic Commission 7/27/17;

NOTE: The Council President may rearrange the Order of Business in the interest of public convenience.

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

City Hall
Nine Dale Avenue
Gloucester, MA 01930
GLOUCESTER, MA

2017 AUG -3 PM 3: 28



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

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

TO: City Council
FROM: Sefatia Romeo Theken, Mayor
DATE: August 3rd, 2017
RE: Mayor's Report for the August 8th, 2017– City Council Meeting

INFORMATION ONLY

- **Enclosure 1** is a memo from Chairwoman Candace Wheeler of the Clean Energy Commission with an update on the National Grid program via Mass Save with a request to the City Council for deeper promotional support in awareness of Gloucester Green programs, including home energy audit goals, which will return monies to Gloucester for Community Development if enough households participate.
- **Enclosure 2** is a flyer produced by the Ad-hoc Recreational Marijuana Taskforce detailing upcoming Council Ward meetings being hosted throughout August designed to share the latest legal, health and law enforcement updates, with the main goal remaining to listen to the will of the citizens and determinations of recreational marijuana policies.
- **Enclosure 3** is a press release from Fire Chief Eric Smith regarding upcoming campaigns by the department to benefit muscular dystrophy through the annual "Fill the Boot" efforts throughout the month of August, aiming to raise at least \$10,000.00 from donors.

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Sefatia Romeo Theken, Mayor

INFORMATION ONLY

ENCLOSURE 1

To: Gloucester City Council
From: Gloucester Clean Energy Commission
Re: Boosting Participation in Gloucester Green Program
Date: July 31, 2017

Dear City Councillors:

In the Spring of 2017, the City of Gloucester was selected by National Grid to participate in a community initiative to reduce the city's carbon footprint. The goal is to reduce fuel and electricity consumption by increasing residential energy efficiency.

The first step toward this goal is a free energy assessment that identifies insulation, lighting, weather sealing, and other opportunities that could make a difference in that particular home.

With the information from the efficiency assessment, the resident can access subsidies for various improvements and equipment that will save them money on electric and fuel bills while helping the city reach energy efficiency goals and earn funds for more efficiency progress.

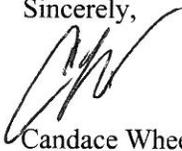
The Gloucester Clean Energy Commission and Gloucester Community Development Department jointly launched a campaign to encourage City residents to take advantage of free home energy efficiency assessments provided through the Mass Save program and National Grid. National Grid will award the city up to \$41,000 for renewable energy purposes depending on the number of free energy assessments carried out in Gloucester in 2017. National Grid has publicized the program through bill stuffers, a postcard mailing, and advertisements in the Gloucester Daily Times.

We have been working on many initiatives to inform Gloucester residents about this program, including appearances at the Sustainability Fair, the Wind Turbine Festival, the Forum on Energy Efficiency, the Maritime Gloucester 104.9 FM radio event, and the Farmer's Market. We also created a Gloucester Green website and maintain a social media presence through Facebook. Mayor Theken was kind enough to post a video of the energy assessment performed in her own home, which demonstrated the process beautifully. Cape Ann TV posted a video of the entire Energy Efficiency Forum featuring panelists from several local energy efficiency companies and organizations on options available for renters and owners to improve the energy efficiency of their homes.

We feel that it would be very valuable to the success of this initiative if the City Councilors could assist us by publicizing the program to their email lists of constituents and at any upcoming Ward meetings. This program is an opportunity for residents to get something for free, for the city to get funds for promoting energy efficiency, and for all of us to continue to support our Green Community.

We ask that the Councilors discuss this proposal and let the Clean Energy Commission know if we can get started on materials and coordinate with you on emailings and events to provide information to constituents on this exciting program. Please feel free to contact me or Matt Coogan at Community Development with any questions.

Sincerely,



Candace Wheeler, Chairman, Clean Energy Commission
candacepwheeler@gmail.com
978-281-3566



ENCLOSURE 2

HOW DO YOU FEEL ABOUT MARIJUANA IN GLOUCESTER?

CITY OF GLOUCESTER

Recreational Marijuana Taskforce

Mayor Sefatia Romeo Theken
Gloucester City Council & School Committee
Gloucester Department Leaders from:
*Police, Health, Building Inspector, City Clerk,
Legal, & Community Development.*



Where will edibles be sold?

What's the difference between medical & recreational regulations?



WARD INFORMATIONAL MEETINGS

with Legal Updates, Law Enforcement & Health Info
City Leaders Want **YOUR** Community Feedback!

NEIGHBORS, PARENTS, TEENS, BUSINESS OWNERS, ELECTED OFFICIALS & ALL COMMUNITY MEMBERS ARE INVITED TO JOIN WARD & AT LARGE CITY COUNCILORS AT ANY OF THE FIVE WARD MEETINGS:

Sun. August 13th, 6PM
Ward 2 & 3 Meeting
Legion Hall - 8 Washington St.

Tues. August 15th, 6PM
Ward 4-2 Meeting
Lanesville CC- 8 Vulcan St.

Weds. August 16th, 6PM
Ward 1 Meeting
E. Glo Elementary - 8 Davis St.

Thur. August 17th, 6PM
Ward 5 Meeting
Magnolia Library - 1 Lexington St.

Mon. August 21st, 6PM
Ward 4-1 Meeting
United Methodist Church - 436 Washington



Public Health



CITY OF GLOUCESTER
www.Gloucester-MA.gov
978-281-9700

ENCLOSURE 3

Gloucester Fire
Department

Eric Smith, Fire Chief

8 School St.
Gloucester, MA 01930



FOR IMMEDIATE RELEASE

Wednesday, Aug. 2, 2017

Contact: John Guilfoil
Phone: 617-993-0003
Email: john@jgpr.net

**Gloucester Firefighters to Participate in
“Fill the Boot” Campaign to Benefit the
Muscular Dystrophy Association**



The Gloucester Firefighters Union will participate in the Fill the Boot campaign to benefit the Muscular Dystrophy Association. (Courtesy Photo Gloucester Fire Department)

GLOUCESTER — Chief Eric Smith is pleased to announce that the Gloucester Fire Department will be collecting donations for the Muscular Dystrophy Association (MDA) throughout August.

Members of the Gloucester Firefighters Union will partake in the annual Fill the Boot campaign, which is part of a national donation drive where firefighters across the country take to their local streets in an effort to “fill their boots” for the MDA.

In Gloucester, firefighters will begin collecting donations on Aug. 12, setting up around 9 a.m. on Western Avenue at Middle Street.

To best ensure they reach their goal of raising more than \$10,000, firefighters will be asking community members to contribute to the MDA throughout the month. Residents can expect to see them on Western Avenue on Aug. 20 and Aug. 24 as well.

“The Gloucester Fire Department has been participating in the Fill the Boot campaign for decades and every year we hope to be able to donate a little more to the Muscular Dystrophy Association,” said Firefighter Jim Hannon, the Gloucester Firefighters Union’s MDA coordinator. “I’m incredibly proud of our department for being involved and for the community of Gloucester for donating to this worthy cause each year.”

About Fill the Boot Campaign:

MDA’s spirited Fill the Boot campaign is an honored tradition in which thousands of dedicated firefighters hit the streets or storefronts asking pedestrians, motorists, customers and other passersby to make a donation to MDA, using their collective strength to help kids and adults live longer and grow stronger.

Fill the Boot donations benefit MDA’s shared mission to find research breakthroughs across diseases, care for kids and adults from day one, and empower families with services and support in hometowns across America.

In 2016, more than 100,000 firefighters participated in Fill the Boot events across the country and raised over \$24 million.

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Gloucester Firefighters work to raise money for children like Sebastian Hanson, front row center. Back row, left to right: Chief Eric Smith and Firefighter Ryan Goodwin. Front row, left to right: Firefighter Jim Hannon, Firefighter Joseph DeSalvo, Capt. Joseph Aiello and Firefighter Mike Chipperini. (Courtesy Photo Gloucester Fire Department)

A message from the Gloucester Fire Department

Unsubscribe | Manage subscription
John Guilfoil Public Relations LLC
8 Prospect St.
Georgetown, MA 01833
617-993-0003

City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
Planning Board

RICHARD NOONAN
Chairman
planning@gloucester-ma.gov

2017 JUL 27 PM 3:34
CITY CLERK
GLOUCESTER, MA

Date: July 27, 2017
To: City Council
From: Planning Board
Re: Initiation of Zoning Amendments to the Gloucester Zoning Ordinance
Section VI Definitions – Recreational Marijuana Establishments
Section 5.31 Temporary Moratorium on Recreational Marijuana Establishments and

Given the identified public health and safety concerns, and uncertainty in the current laws and regulations governing potential recreational marijuana establishments, at a regularly scheduled meeting held on July 20, 2017, in accordance with Section 1.11.2 of the Gloucester Zoning Ordinance, the Planning Board voted unanimously (5-0) to recommend to the City Council the enactment of a Temporary Moratorium on Recreational Marijuana Establishments as provided for in the following proposed amendments to the Gloucester Zoning Ordinance:

- (1) By Adding a new definition to GZO Section VI for Recreational Marijuana Establishments
- (2) By Adding a new section, Section 5.31 Temporary Moratorium on Recreation Marijuana Establishments, which would prohibit the establishment of a Recreational Marijuana Establishment on a temporary basis through December 31, 2018.

The following is the full text of the proposed ordinances

Definition proposed to be added to Section VI Definitions:

RECREATIONAL MARIJUANA ESTABLISHMENT: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business, subject to regulation under Chapter 94G of the Massachusetts General Laws (MGL c. 94G); provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Recreational Marijuana Establishment.

Section 5.31 Temporary Moratorium on Recreation Marijuana Establishments

Section 5.31.1 Purpose.

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes. The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Ordinance, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment") as defined by MGL c. 94G, is not specifically addressed in the Gloucester Zoning Ordinance. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of Recreational Marijuana Establishments raise novel legal, planning, public health and public safety issues, and the City requires time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of Recreational Marijuana Establishments and other uses related to the regulation of recreational marijuana. The City adopts this temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments so as to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the City and to amend the Gloucester Zoning Ordinance in a manner consistent with sound land use planning, and the goals and objectives of the community.

5.31.2 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018, or six months from the date that final regulations are issued by the Cannabis Control Commission, whichever date is later. At any point prior to the referenced timeframes the City Council may amend the Zoning Ordinance to regulate Recreational Marijuana Establishments and terminate the moratorium. During the moratorium period, the City shall undertake a planning process to address the potential impacts of recreational marijuana use in the City, consider the regulations established by the Cannabis Control Commission regarding Recreational Marijuana Establishments and related uses, and shall consider amending the Gloucester Zoning Ordinance in response to these new issues.

CITY CLERK
GLOUCESTER, MA

2017 AUG -3 PM 2:44 CITY OF GLOUCESTER - SPECIAL EVENTS PERMIT

NAME OF EVENT: HALLOWEEN FESTIVAL DATE OF EVENT: OCTOBER 29, 2017

Special Events

Permitting is required for all types of special events taking place in the City of Gloucester. A "Special Event" is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and granted a special event permit. Furthermore, special events are also governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the **City Clerk** first to arrange to be placed on the Special Events Advisory Committee agenda. The applicant **must complete** a Special Events Application form in advance which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations for the following: all American with Disabilities Act (ADA) accessibility; pedestrian and fire access; dimensions of stages & tents; type of equipment or generators and the placement of any vendors and any portable toilet facilities; site plan/map must be 8-1/2 x11 inches and be legible – capable of copy reproduction;
- If the site of the event is privately owned, a letter from the landlord or property owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list **all** rides & games;
- If this is the "first year" for your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is to be used. Vendors will need state or city vending license before date of event and Health Department approvals unless they are excluded under state laws or regulations;
- Certificate of Insurance Listing City as the insured (Certificate Holder).

The applicant is to submit the completed permit form (download at: Gloucester-ma.gov or available in City Clerk's Office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations (non-profit organizations must submit a 501(c) (3) form with application), \$50.00 for-profit organizations, at the City Clerk's Office. At that time, an appointment for review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk in order to begin the approval process. **All first time applicants must file completed application and permitted at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing deadlines may result in denial of the application.**

Some applicants will appear before the Council's Planning & Development Committee who will give the applicant a list of conditions which **must** be met. If the completed application doesn't require P&D Committee approval, then the application including the checklist should be considered complete upon the applicant's appearance before the Special Events Advisory Committee.

Joanne M. Senos, City Clerk
Gloucester City Hall, 9 Dale Avenue
Gloucester, MA 01930
PHONE: 978-281-9720x8
EMAIL: jsenos@gloucester-ma.gov

Hours of Service:
Monday through Wednesday: 8:30 a.m.-4:00 p.m.
Thursday: 8:30 a.m. to 6:30 p.m.
Friday: 8:30 a.m. to 12:30 p.m.

Completed copy filed: Date: 8-3-17 Initial: JMS Copy to Applicant: Date: _____ Initial: _____
Fee Paid: \$ n/a

Revised: 01/27/17

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

City Clerk's Office: 978-281-9720 Fax: (978) 282-3051

Name and Type of Event Myr's Halloween Festival

1. Date: October 29, 2017 Time: from 1 to 4

Rain Date: N/A Time: from _____ to _____

2. Location: City Hall Dale Avenue

3. Description of Property & Name of Owner: _____
Public Private _____

4. Name of Organizer: Roseanne Cody City Sponsored Event: Yes No _____
Contact Person: same
Address: 23 Stanwood Pike Telephone: 978-335-0755
E-Mail: rcody13@gmail.com Cell Phone: _____
Day of Event Contact & Cell Phone: same
Official Web Site: _____

5. Are street closures required: Yes _____ No _____ If yes, where: Dale Ave.

6. Number of Attendees Expected: 300 Number of Participants Expected: _____

7. Is the Event Being Advertised? _____? Where: facebook/News paper

7. (a) Is there a fee charged for tickets/attendance for event participation? Yes _____ No _____ List all fees if yes.

8. What Age Group is the Event Targeted to? 1-14 and adults for supervision

9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No Who? _____
Attach a copy of the notification to the abutters to this application.

10. Are you or Profit Organization: _____ Non-Profit Organization: Who will benefit financially from this event? _____

Activities: (Please check where applicable) Subject to Licenses & Permits from Relevant City Departments:

A. Vending: Food Beverages Alcohol _____ Goods _____ Total No. of Vendors* _____
(*Local or State license required)

B. Entertainment: (Subject to City's Noise Ordinance) Live Music _____ DJ Radio/CD _____
Performers _____ Dancing _____ Amplified Sound _____ Stage

C. Games/Rides: Adult Rides _____ Kiddie Rides _____ Games Raffle (requires City permit*) _____
Other: _____ Total No. _____

Name of Carnival Operator (requires permit and inspection of rides): _____
Address: _____
Telephone: _____

D. Tents: _____ Yes _____ No If yes, how many _____ What are the tent sizes: _____ (May require permits)

E. Clean Up: No. of additional trash receptacles required N/A No. of additional recycling receptacles required N/A
(To be provided by and removed by applicant at their expense.)

F. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)
No.: N/A standard No.: _____ ADA accessible

FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY

PARADE _____

ROAD RACE _____

WALK-A-THON _____

1. Name, land line & cell phone number of contact person on the ground Day of Event:

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:

3. Locations of Water Stops (if any): _____
4. Will Detours for Motor Vehicles be required? _____ If so, where and what length of time:
- 4A. Are street closures required? _____ (This is determined by the Police Department)
Where? _____

5. Start Location & Time for Participants: _____
6. Dismissal Location & Time for Participants: _____
7. Number of Participants: _____
8. Additional Parade Information:
 - Number of Floats: _____
 - Location of Viewing Stations: _____

 - Are Weapons Being Carried (If "Yes", Police approval may be required): Yes: __ No __

 - Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: __ No __
8. Name and Address of Insurer: _____
9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

NAME OF EVENT: Halloween Festival DATE OF EVENT: 10-29-17

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE:** Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.

Approvals Required: Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of
Dept. Head/
Designee

Notes by Department Head or Designee

- | | |
|------------|---|
| <u>KEB</u> | 1. Special Events Advisory Committee _____ |
| _____ | 2. Planning & Development Committee _____ |
| <u>AMU</u> | 3. Gloucester Police Department _____
Is Police Detail Required? <u>Volunteer</u> No. of Details _____
Traffic, Parking & Transportation _____ Street Closure: <u>YES</u> |
| <u>AV</u> | 4. Health Department _____ |
| <u>BF</u> | 5. Building Inspector <u>Inspector prior required</u> |
| <u>SH</u> | 6. Electrical Inspector _____ |
| <u>MC</u> | 7. Department of Public Works: <u>would like layout of event prior to event</u>
Use of City Property: Yes/No Location if yes: <u>CITY NAME</u> Permits: _____ |
| <u>FD</u> | 8. Gloucester Fire Department _____
Is a Fire Detail Required? <input checked="" type="checkbox"/> No. of Details <u> </u> EMS <input type="checkbox"/> Use of Propane: <input type="checkbox"/>
(Attach EMS Memo) |
| _____ | 9. Licensing Commission (includes vendors) (Through City Clerk: _____) |
| _____ | 10. Licensing Board (Alcohol): _____ |
| <u>cej</u> | 11. Harbormaster: _____ |
| _____ | 12. Tourism: _____ |

The Departments or Committees listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

Roseanne Cody
Signature of Applicant

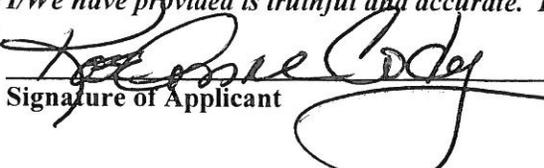
Aug 1 2017

RESPONSIBILITIES OF APPLICANT

1. All members of the organizing committee and performers/concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application or revocation of permits.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission. Concessions using tents must have Building Inspector approval.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. **All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**
8. The applicant **shall indemnify and hold harmless the City of Gloucester and its employees** from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. The applicant is responsible for any damage to public property caused by the event. Applicant shall also provide a **Certificate of Insurance** at the time of approval by the Special Events Advisory Committee.
10. **The City of Gloucester reserves the right to deny the application at any time.**

I/We fully understand and agree to all the terms set forth in this application. The information that I/We have provided is truthful and accurate. I/We accept all responsibility related to this event.

Signature of Applicant

 _____ August 2, 2017



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS 01930

CITY CLERK
GLOUCESTER, MA
2017 JUL 27 PM 5:58

CITY OF GLOUCESTER
Special Council Permit - Application

October 02, 2017
(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)
3.1.6(b) Special Permit for Building Heights in Excess of Section 3.2 Limits - Building Heights in Excess of 35 ft - City Council

Applicant's Name: Sam Avola

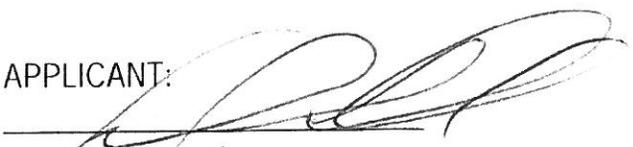
Owner's
Name: Jean O' Gorman
(if different from applicant)

Location: 1 Colburn Street Map # 157 Lot # 72 & 39
(Street Address)

Zoning Classification: R-20

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

City of Gloucester - Action	
Fee: \$350.00	
City Clerk (received):	<u>7-27-17</u>
City Council (received):	_____
Public Hearing (ordered)	_____
Public Hearing (opened):	_____
Public Hearing (closed):	_____
Final Decision:	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

APPLICANT: 
Name (Signature)

9 Trueman Drive, Malden, MA 02148
Address
321-228-4761
Telephone

Certified for completeness:
Building Inspector: [Signature] Date: 7/27/17
Planning Director: [Signature] Date: 7/26/17

Section 1.8.3 (Use additional sheets, if necessary)

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

This project would provide a duplex housing unit on land that has sat vacant for 50 years. The site has been over-run by invasive trees, brush, and vines. It has become a dumping ground for trash, auto parts, and building waste. Developing the site will remove this dumping ground and provide an aesthetically pleasing landscape. It will add significantly to the tax base.

2. Traffic flow and safety:

Access to the site will be through a single drive at the Northwest corner of the property onto Washington Street. Sight line visibility exceeds 300 feet in each direction. A Curb Cut Permit from MassHighway will be required.

3. Adequacy of Utilities and other public services:

There are pressure sewer and an 8-in. Water main on Colburn Street. Both have more than adequate capacity. Natural gas ends at the property line on Washington Street. Electrical and communications utilities are overhead services. They will be connected to the proposed building via underground conduit if allowed.

4. Neighborhood character and social structure:

The neighborhood is a mixture of housing types. The neighborhood character is comprised of long time residents with independence and community pride. This proposed project will not adversely effect the Neighborhood character.

5. Qualities of the natural environment:

The natural environment is dominated moderate to heavy tree stands. Overflow from the Klondike Reservoir feeds a nearby pond. The open ocean of Hodgkins Cove and Essex Bay dominate the westerly landscape. Significant changes to the natural environment will not result from this project.

6 Potential fiscal impact:

The duplex building will generate significant tax revenues. We estimate the assessed value at \$1,000,000.

Application for Special Permit

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

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

Name: Sam Avola

Address: 91 Truman Drive, Malden, MA 02148

Tel.# Days 321-228-4761 Evenings 321-228-4761

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

2. Owner, if other than applicant:

Name: Jean O' Gorman

Address: 7 Avenida Vista Grande B7-127, SANTA FE, NM 87508

Tel.# Days _____ Evenings _____

3. Property:

Street address: 1 COLBURN STREET

Assessor's Map: 157 Lot: 72 &39

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

So. Essex Registry

Deed recording: Book 6313 Page 370

Plan recording: Plan # _____

Property is located in the R-20 zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section 3.2 of the Zoning Ordinance/By-Law

which authorizes the Building Commissioner to permit

a building height of 38-ft above the average existing grade

Detailed explanation of request:

The entire building lot is within Land Subject to Coastal Storm Flowage (LSCSF). The latest FEMA maps, dated July 16, 2014 delineates the site as a Zone VE (El. 20), requiring that the lowest structural member of the dwelling be a minimum of 2-ft above the Flood Zone (El. 22). The Massachusetts office of Coastal Zone Management (CZM) has strongly recommended that the structure be raised an additional 2-ft (bottom of lowest structural member El. 24). To meet those recommendations, the first floor would be 10-ft above existing grade and the total height would be 38-ft.

5. Evidence to support grant of special permit:

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

The building design conforms to the requirements of FEMA and CZM. The Gloucester Zoning Ordinance requires compliance with MGL Chapter 40A and other Federal and State requirements. The Gloucester Zoning Ordinance's purpose is to promote and enhance the health, safety, convenience, quality of life, and welfare of it's citizens. Further the purpose of the Zoning Ordinance is to encourage the appropriate use of land throughout the City.

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

The special permit request will allow the project proponents to meet all of the other provisions of the Gloucester Zoning Ordinance, including front, rear and side yard setbacks from adjacent properties and street lines, lot coverage lot width, and lot area. The project will also meet all additional federal and state requirements.

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: Frederick J. Geisel, PE

Address of Representative: 15 Steep Hill Drive, Gloucester, MA 01930

Tel. # Days 978-281-8160 Evenings 978-290-1781

Relationship of representative to owner or equitable owner:

Consulting Engineer

**ADDENDUM TO
PURCHASE & SALE AGREEMENT**

SELLER: Jean O’Gorman

BUYER: Sam Avola

PROPERTY: 1 Colburn Street, Gloucester, MA & 929 Washington Street, Gloucester, MA

DATE: January 30, 2017

The BUYER and SELLER hereby agree to further amend the Purchase & Sale Agreement dated March 10, 2016 and amended on June 24, 2016, 2016 as follows:

- 1) The time for performance set forth in Paragraph 8 of the Purchase & Sale Agreement shall be extended to on or before seven (7) days after Buyer receives a building permit for the attached plans from the City of Gloucester pursuant to 10 of Rider A thereto.

All other terms and conditions in the Purchase and Sale agreement shall remain the same

<i>Jean O’Gorman</i>	dotloop verified 01/31/17 12:08AM EST XSWJ-QZRT-F81B-VGMZ
----------------------	---

SELLER: Jean O’Gorman

<i>Samuel Avola</i>	dotloop verified 01/30/17 5:15PM EST 79CB-SEME-1HVQ-DSIP
---------------------	--

BUYER: Sam Avola

Project Narrative – 1 Colburn Street

PROJECT DESCRIPTION:

The project site is formerly flowed tidelands that were filled between 1851 and 1879. The land was previously used to cut, house and process granite from nearby quarries. After the granite processing ended, the land was a site of a restaurant. The restaurant burned down in the late 1960's and was never rebuilt. In the 1990's the site was used as a staging area for the construction of the North Gloucester sewers.

The site is currently a largely level site with invasive trees, brush and grasses.

The project applicant proposes to construct a duplex dwelling on a single lot that is comprised of the joining of parcel 157-72 and 157-39 which are currently separate lots. The duplex building will be constructed on pile supported foundations, raised above the Flood Zone. The Flood Zone is VE20. To provide reasonable headroom and vehicular access, the lowest structural member will be at elevation 24, which is 4 feet above the 100-yr flood zone elevation.

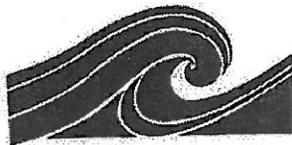
The construction period for all construction is not expected to exceed one year. Site construction impacts will be less than the typical site work as the site has been largely leveled and there are few substantial trees in the building site areas. Construction impacts will be typical of the construction of residential housing.

Infrastructure impacts will be well adsorbed by the City of Gloucester. Water and sewer services have been recently constructed within the past 25 years, are available on Colburn Street, and have sufficient reserve capacity for these minor additional demands. Electrical, telephone, cable, and natural gas services are easily accessible and with sufficient capacities.

Only a small area of the buffer zone will be involved in the construction – grading and construction of a turn-around area, a dual sewer trench for the two small diameter septic effluent pumps and two water service lines to Colburn Street.

The building site is limited by Waterways restrictions that require no building within 100-ft of the current high tide line at the Hodgkins Cove inlet.

The closest neighboring house on 927 Washington Street has a first elevation of approximately 25, which is equal to this proposed dwelling. Views from 927 Washington Street to Hodgkins Cove and Essex Bay will not be adversely affected by the proposed building. All neighbors on Quarry Street are at a significantly higher elevation and therefore their views will not be adversely affected.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
251 Causeway Street, Suite 800, Boston, MA 02114-2136
(617) 626-1200 FAX: (617) 626-1240

MEMORANDUM

TO: Matthew A. Beaton, Secretary, EEA
ATTN: Alex Stryisky, MEPA Unit
FROM: Bruce Carlisle, Director, CZM
DATE: October 24, 2016
RE: EEA-15590, Colburn Street Condominiums; Gloucester

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Expanded Environmental Notification Form (EENF), noticed in the *Environmental Monitor* dated September 7, 2016, and recommends that the following comments are addressed in the scope for the Environmental Impact Report (EIR).

Project Description

The proposed project includes the construction of two duplex dwellings on lots at 1 Colburn Street and 3 Colburn Street in Gloucester. The building footprints at 1 and 3 Colburn Street are approximately 2050 sf and 2250 sf, respectively, plus front porches and rear decks, and will be raised above the floodplain on pile-supported foundations. The project also includes driveways and utility connections.

Project Comments

Land Subject to Coastal Storm Flowage

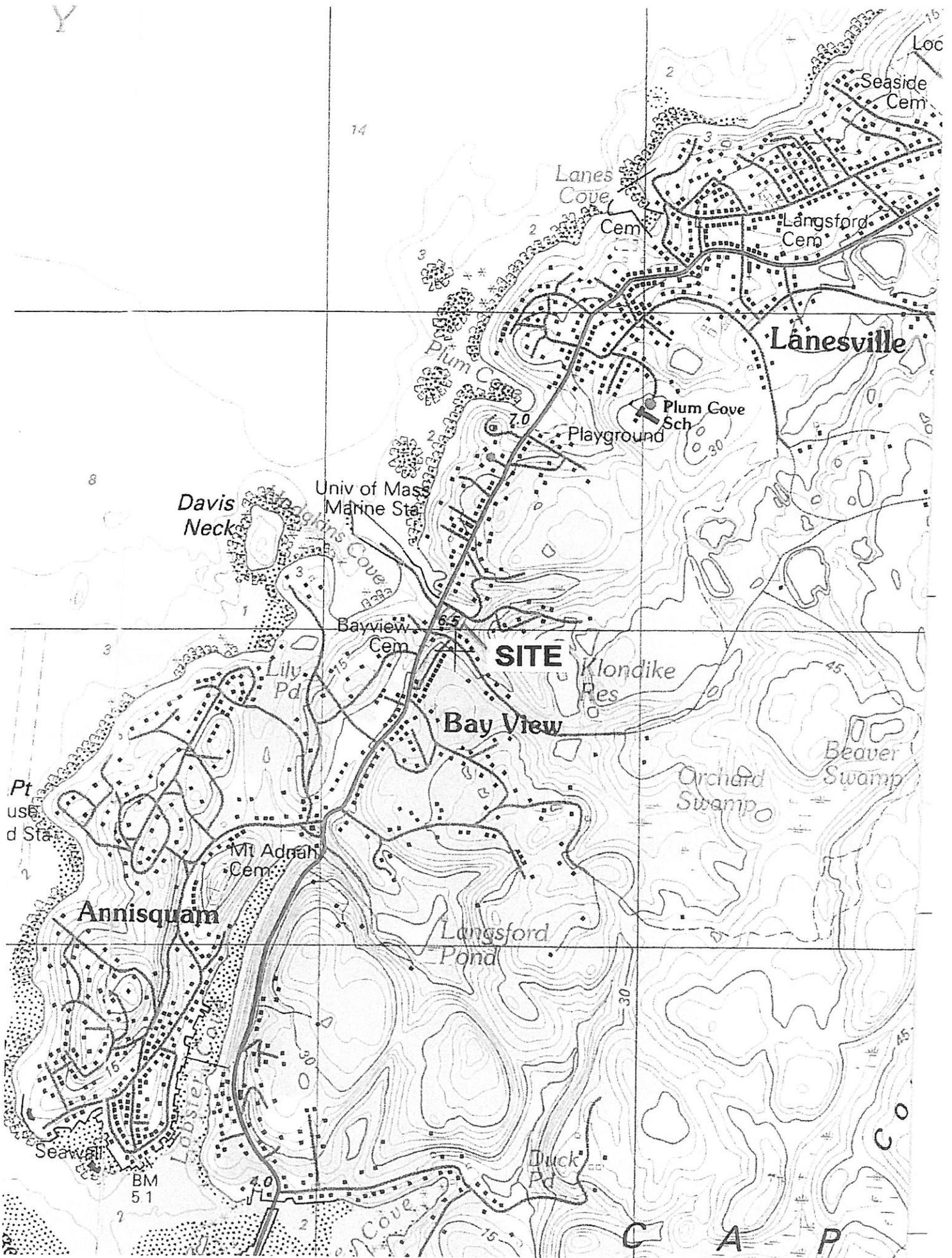
As noted in the ENF, the entire site proposed for development is within Land Subject to Coastal Storm Flowage (LSCSF). The FEMA Flood Insurance Rate Map (FIRM) for this site (Map No. 25009C0316G), dated July 16, 2014 delineates the site as a Zone VE (el 20). LSCSF reduces storm damage and flooding by diminishing and buffering the high energy effects of storms. The physical characteristics of the floodplain, such as topography, permeability, and vegetation are critical for determining how effective an area is in slowing down moving water and in protecting areas within and landward of these zones from storm damage and flooding. Areas of vegetative cover and pervious areas provide surfaces that can detain, absorb, slow or evaporate waters.

As discussed with the proponent on site at the MEPA site visit on October 14, 2016, CZM recommends that impervious features on the sites are minimized, that pervious alternatives to the proposed driveway paving are considered, and landscaping is utilized to maximize the natural features of the floodplain. Impervious areas, fill, and structures that are not elevated above the floodplain can channelize flood waters, which increase their velocity and could exacerbate storm damage impacts on this and adjacent properties.

Climate change and sea level rise

Given the site's existing vulnerability to flooding, CZM recommends that the project be designed to accommodate the potential for flood levels resulting from sea level rise conditions. The predicted flood elevation shown on the current FIRM does not account for any sea level rise. To address these concerns, as discussed at the MEPA site visit, CZM recommends that the proponent include at least two feet of additional elevation for the lowest structural member of the structures.





Y

74

Loc

Lanesville

SITE

Bay View

Annisquam

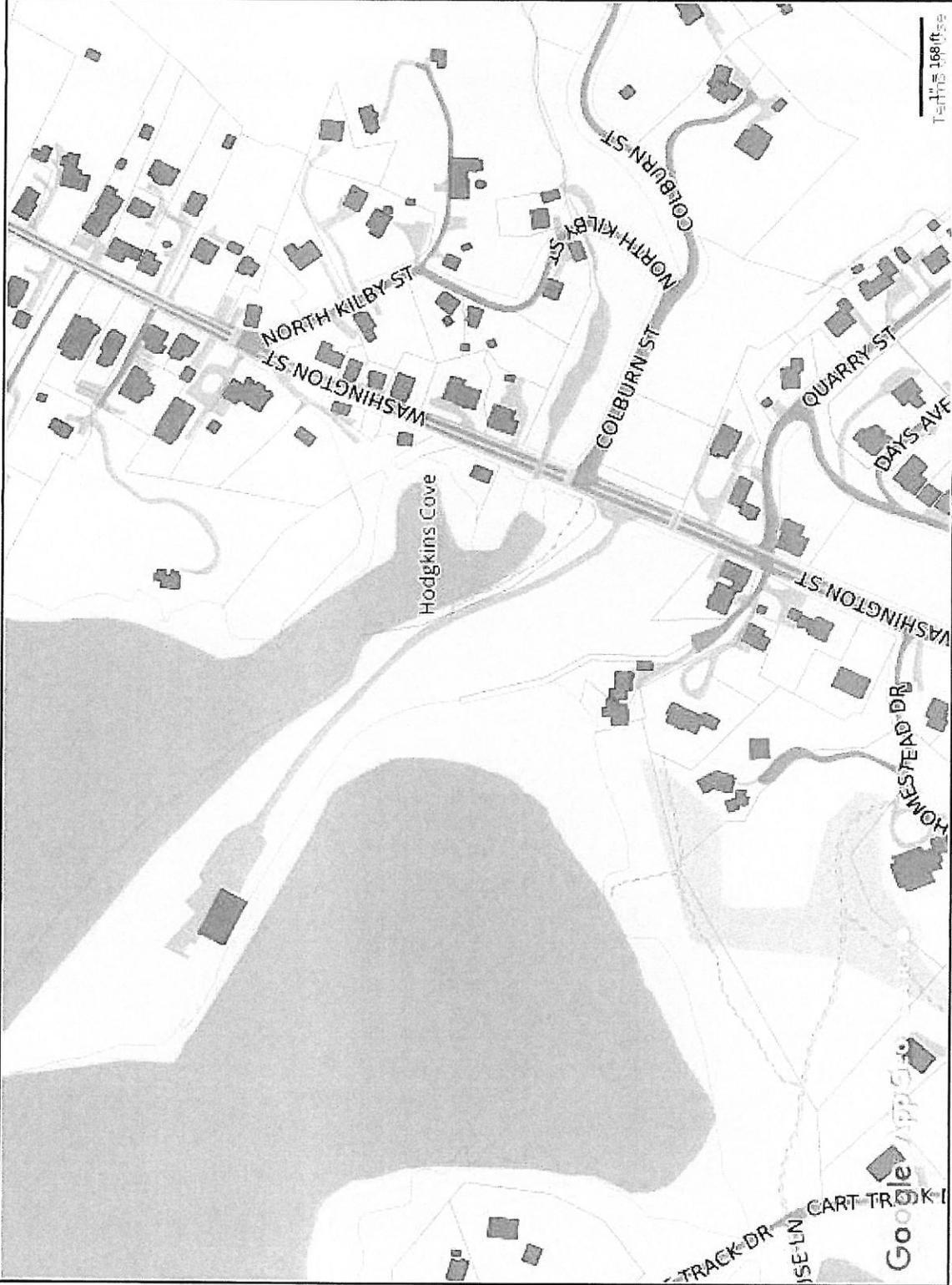
C A P

Pt
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BM
51

C O

Colburn St



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Gloucester, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 1/15/2016
Properties updated 01/15/2016

168 ft



City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 157-72

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 157 Lot 72 as further shown on the attached map dated 7/7/2017.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
157-72 OGORMAN JEAN B	1 COLBURN ST	157-72	OGORMAN JEAN B 7 AVENIDA VISTA GRANDE B7-127 SANTA FE, NM 87508
157-73 OGORMAN JEAN B	3 COLBURN ST	157-73	OGORMAN JEAN B 7 AVENIDA VISTA GRANDE B7-127 SANTA FE, NM 87508
157-46 AUDITORE ANTHONY J TR C/O SATO HARUZO	5R COLBURN ST	157-46	AUDITORE ANTHONY J TR C/O SATO HARUZO 2627 12TH ST FL 2 ASTORIA, NY 11102
157-38 HUMPHREY GEORGE P & MICHELE A	5 COLBURN ST	157-38	HUMPHREY GEORGE P & MICHELE A 5 COLBURN ST GLOUCESTER, MA 01930
157-41 MCCARRISTON LINDA J	16 QUARRY ST	157-41	MCCARRISTON LINDA J 16 QUARRY ST GLOUCESTER, MA 01930
157-40 RYAN REGINA H & MONTGOMERY JAMES D	925 WASHINGTON ST	157-40	RYAN REGINA H & MONTGOMERY JAMES D 925 WASHINGTON ST GLOUCESTER, MA 01930
157-67 CUSICK HARRY J C/O FAISON KAREN N	927 WASHINGTON ST	157-67	CUSICK HARRY J C/O FAISON KAREN N 927 WASHINGTON ST GLOUCESTER, MA 01930
157-39 OGORMAN JEAN B	929 WASHINGTON ST	157-39	OGORMAN JEAN B 7 AVENIDA VISTA GRANDE B7-127 SANTA FE, NM 87508
139-2 MASS COMM OF TRUSTEES UNIV OF MASS	932 WASHINGTON ST	139-2	MASS COMM OF TRUSTEES UNIV OF MASS 926 WASHINGTON ST GLOUCESTER, MA 01930
157-27 GLOUCESTER CITY OF CITY HALL	933 WASHINGTON ST	157-27	GLOUCESTER CITY OF CITY HALL 9 DALE AVE GLOUCESTER, MA 01930



City of Gloucester Abutters Report

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Abutters to Parcel: Map-Lot-Unit 157-72

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 157 Lot 72 as further shown on the attached map dated 7/7/2017.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
139-3 GLOUCESTER CITY OF	940 WASHINGTON ST	139-3	GLOUCESTER CITY OF 940 WASHINGTON ST GLOUCESTER, MA 01930

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

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

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

7/7/2017



City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 157-72

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

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 157 Lot 72 as further shown on the attached map dated 7/7/2017.

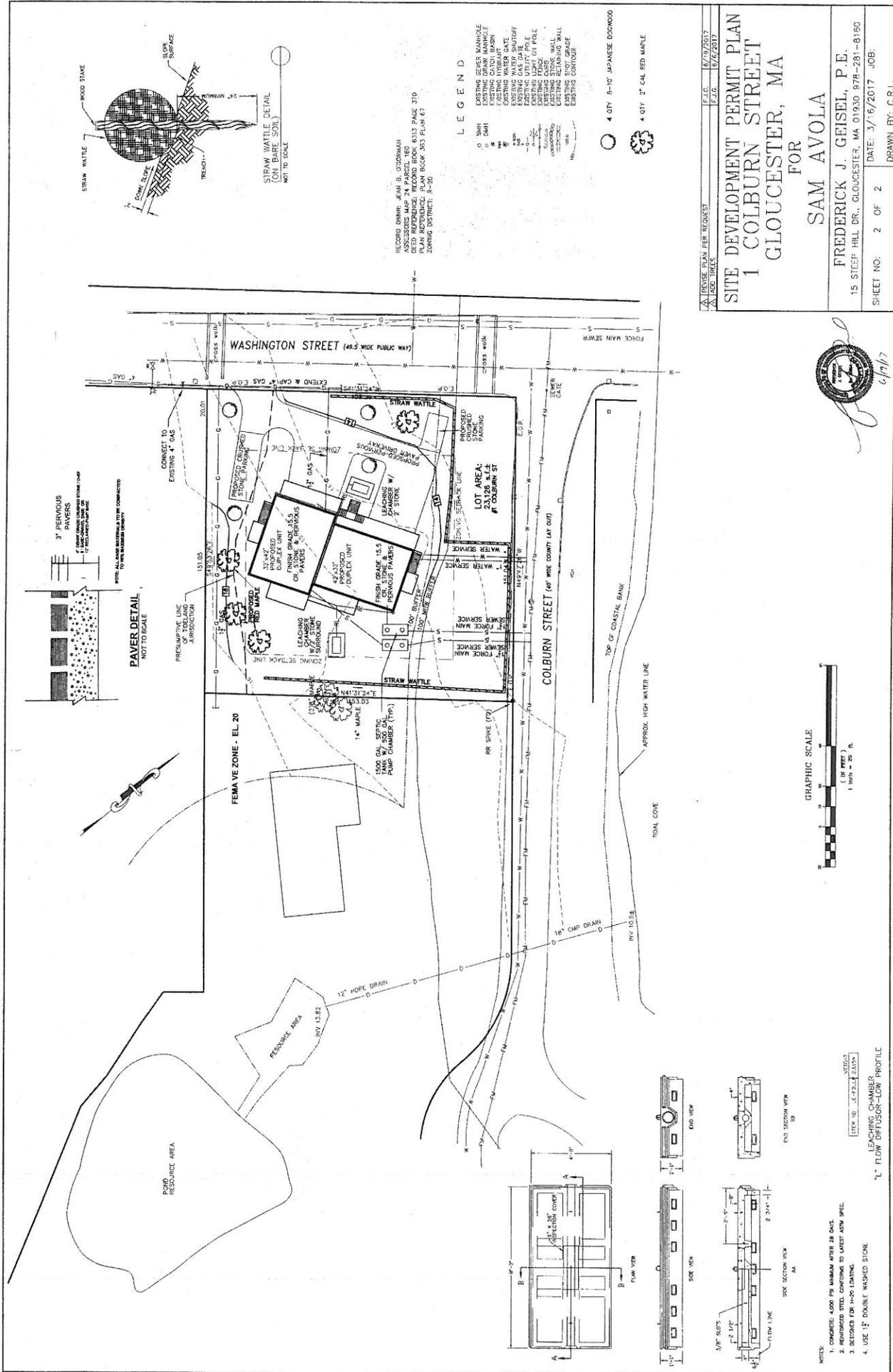
ABUTTER

STREET ADDRESS

PARCEL NO.

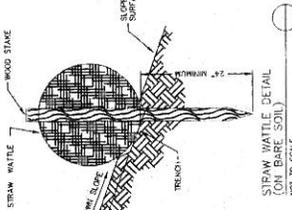
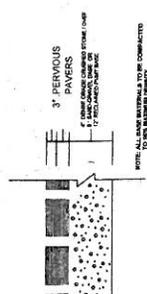
TAX BILL ADDRESS





RECORD OWNER: SHAM B. O'DORMAN
 ASSessor'S MAP 24 PARCEL 180
 PLAN REFERENCE: PLAN BUCK 303 PLAN 67
 ZONING DISTRICT: R-20

- LEGEND**
- 3" SWH EXISTING SEWER MANHOLE
 - 6" SWH EXISTING DRAIN MANHOLE
 - 12" SWH EXISTING HYDRANT
 - 12" SWH EXISTING WATER SAUTOFF
 - 12" SWH EXISTING GAS GATE
 - 12" SWH EXISTING LIGHT CH. POLE
 - 12" SWH EXISTING DRAIN
 - 12" SWH EXISTING RETAINING WALL
 - 12" SWH EXISTING FOOT GRADE
 - 12" SWH EXISTING CURB
 - 4 QTY 8"-10" JAPANESE DOGWOOD
 - 4 QTY 2" CAL RED MAPLE

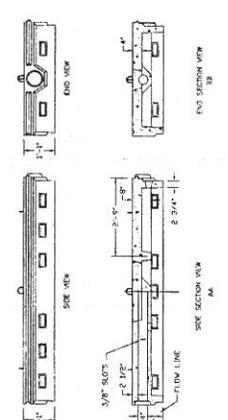


REVISE PLAN PER REQUEST
 F.I.C. 6/13/2017
 F.D.C. 6/6/2017

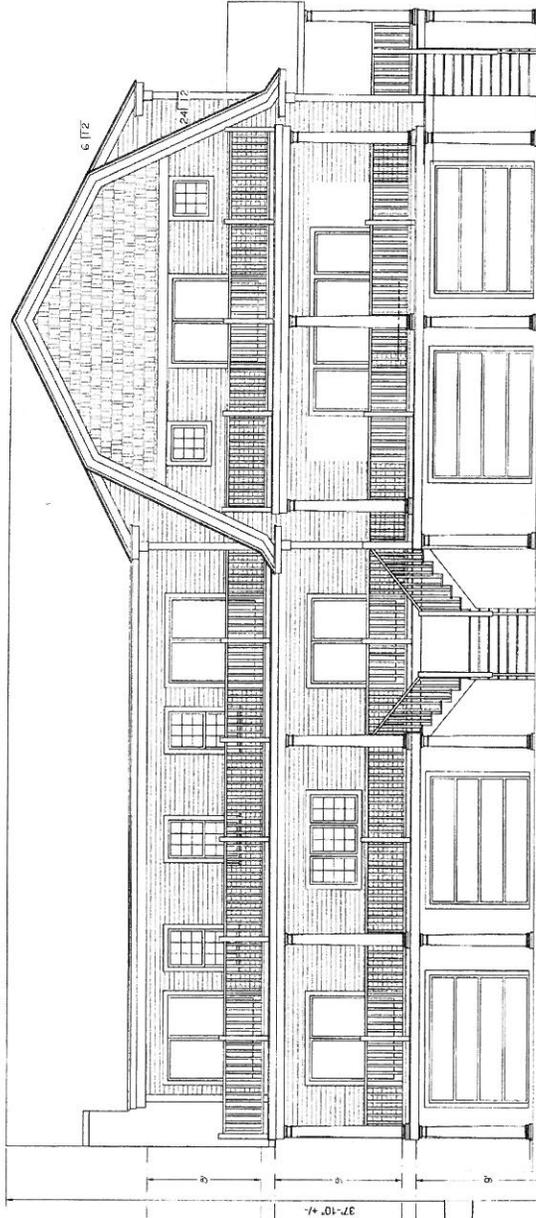
SITE DEVELOPMENT PERMIT PLAN
1 COLBURN STREET
FOR
SAM AVOLA

FREDERICK J. GEISEL, P.E.
 15 STEEP HILL DR., GLOUCESTER, MA 01930. 978-281-8190

SHEET NO: 2 OF 2
 DATE: 3/7/2017 JOB:
 DRAWN BY: C.R.L.



- NOTES:**
1. CONCRETE: 4000 PSI MINIMUM AFTER 28 DAYS
 2. REINFORCED STEEL: CONFORMS TO LATEST ASTM SPEC.
 3. BESTIUM FOR H-20 LOADING.
 4. USE 1" DOUBLE WASHED STONE
- LEACHING CHAMBER
 TYPICAL FLOW DIFFUSOR-LAY PROFILE

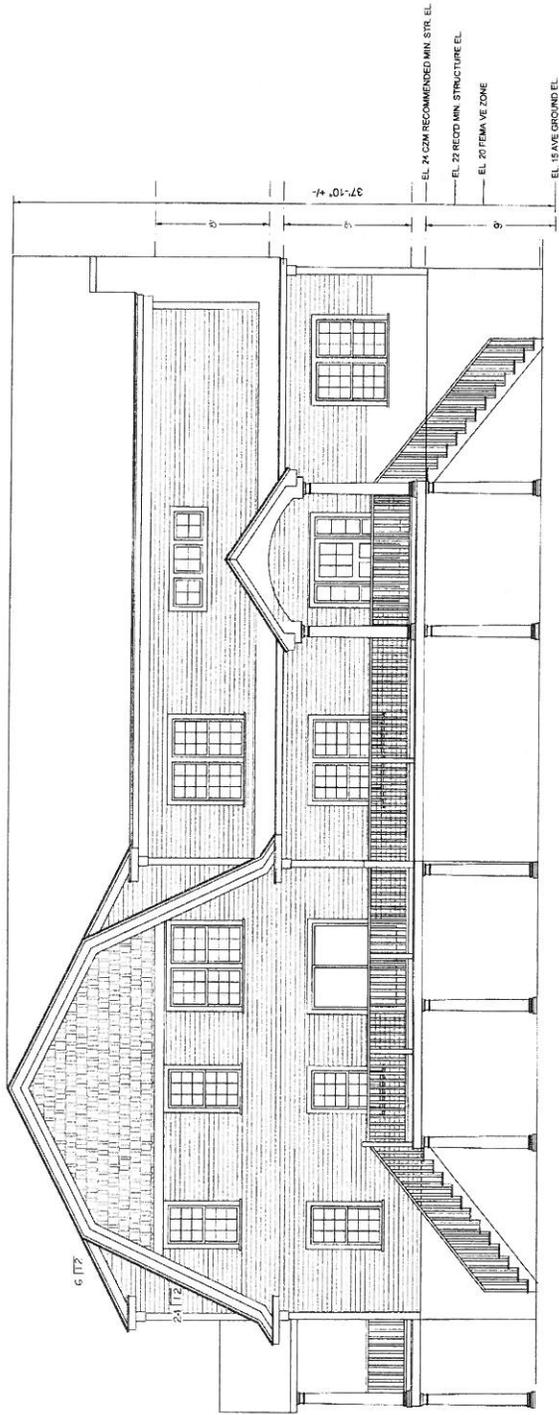


FRONT ELEVATION
1/4" = 1'-0"

EL. 24 CEM. RECOMMENDED MIN. STR. EL.
 EL. 22 RECD. MIN. STRUCTURE EL.
 EL. 20 FEMA VE. ZONE
 EL. 14 AVE. GROUND EL.

DRAWN BY:
 J. J. MACHANE
 56 KESGHT AVE.
 BRADFORD, MA. 01835
 (978)374-6719





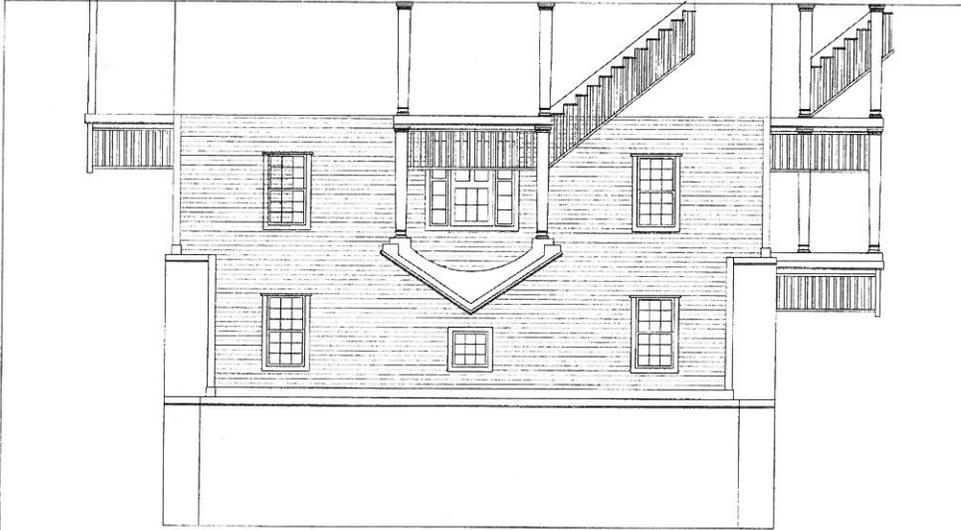
REAR ELEVATION
1/4" = 1'-0"

EL. 24.00M RECOMMENDED MIN. STR. EL.
 EL. 22.00M MIN. STRUCTURE EL.
 EL. 20.00M FEMAVE ZONE
 EL. 18.00M GROUND EL.

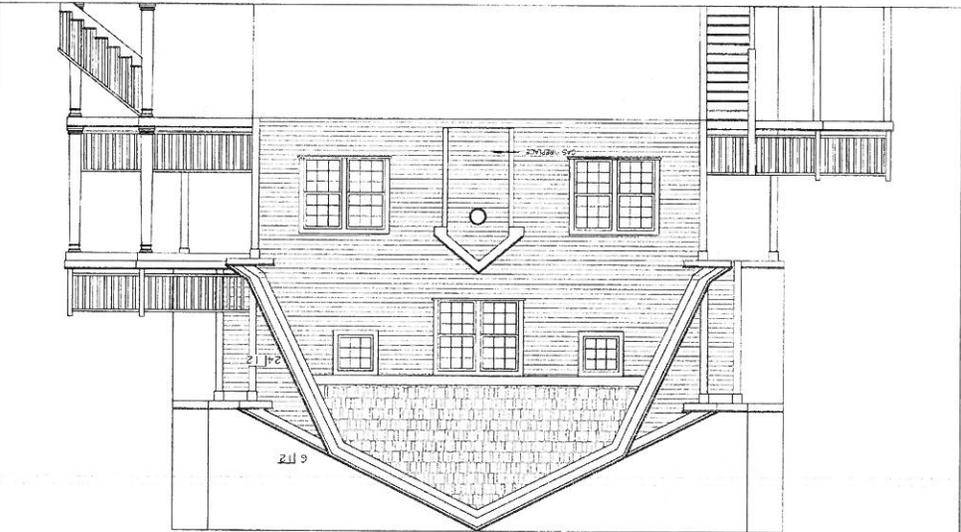
DRAWN BY: J. MCNEIL
 50 KESWICK AVE
 BRADFORD, MA. 01835
 (978) 374-5719



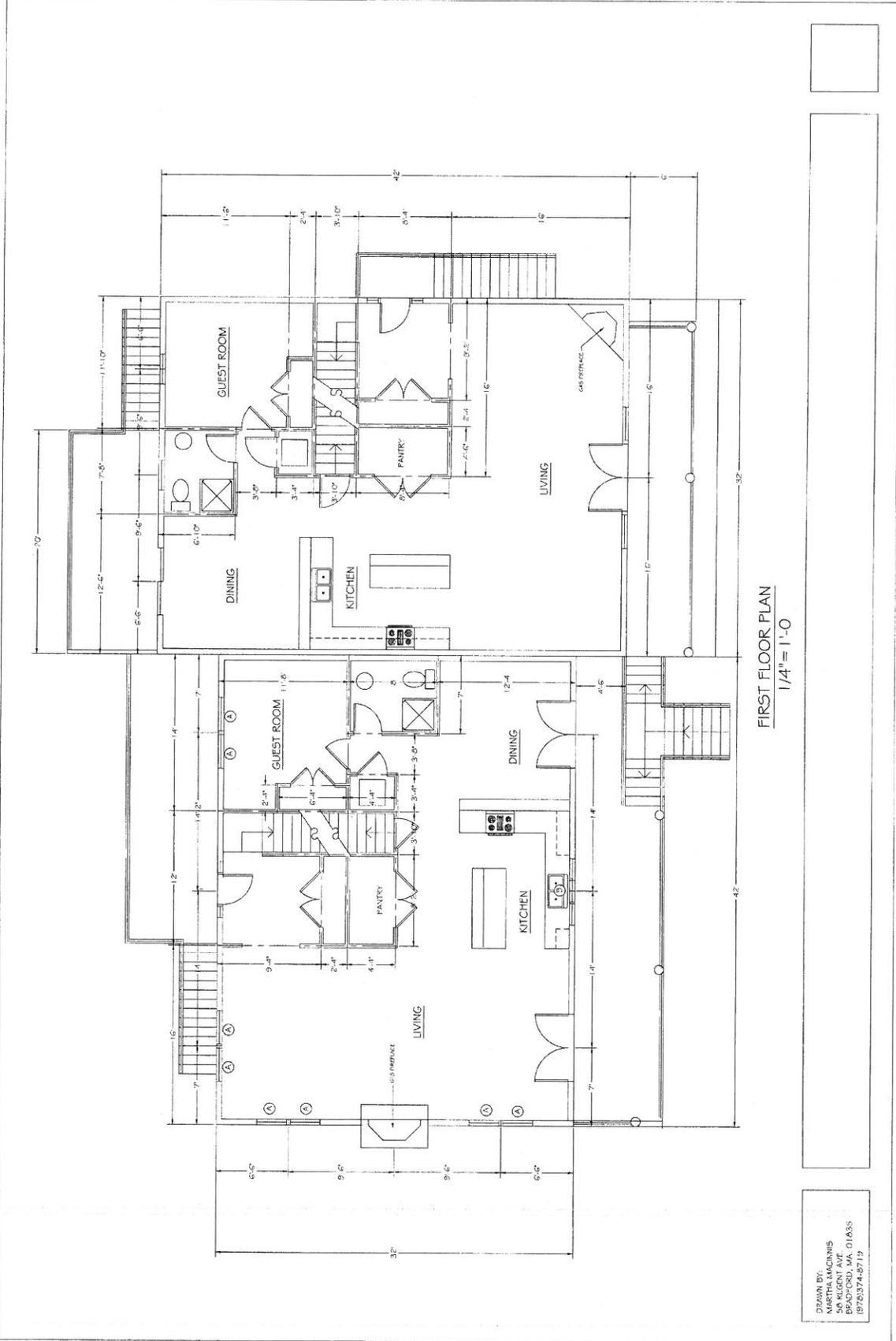
RIGHT SIDE ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"

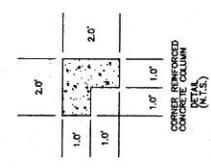
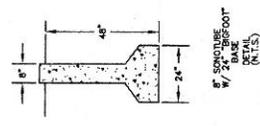
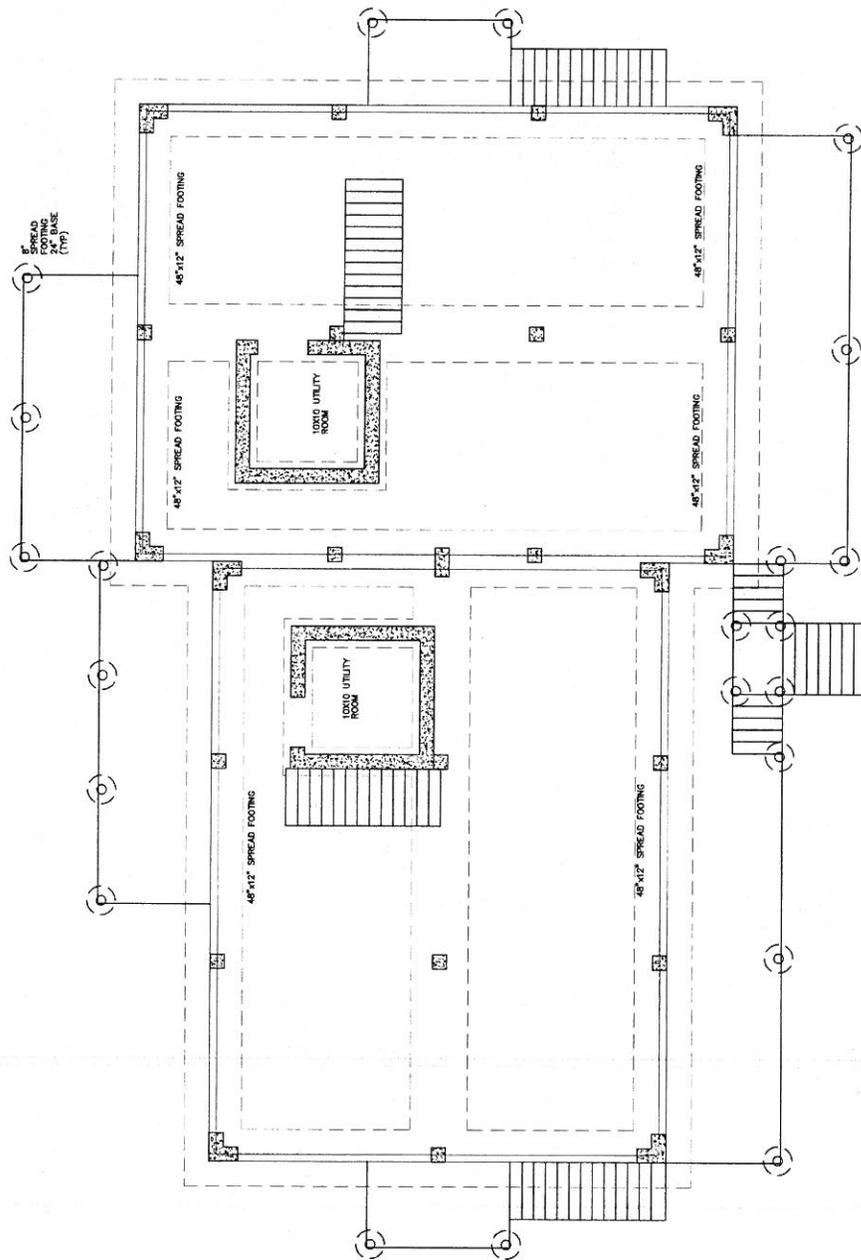


DRAWN BY:
MICHAEL J. LUCAS
500 BECON AVE.
BRADFORD, MA. 01835
(978) 374-0719



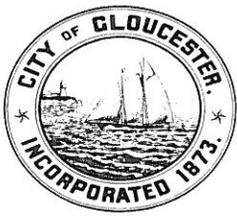
FIRST FLOOR PLAN
1/4" = 1'-0"

DESIGNED BY
MARSHA MACINNIS
500 KILGENT AVE.
DEAD-CRUI, MA. 01A35
(978)374-8719



FOUNDATION PLAN
 1 COLBURN STREET
 GLOUCESTER, MA
 FOR
 SAM AVOLIA
 FREDERICK J. GEISEL, P.E.
 15 STEEP HILL DR., GLOUCESTER, MA 01930 978-281-8160
 SHEET NO: 4A OF 8 DATE: 3/16/2017 JOB:
 DRAWN BY: L.J.B./F.J.G.

FOUNDATION PLAN
 SCALE 1/4" = 1'-0"



CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER

ORDER: CC#2017-027
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/08/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, Sec. 22-270 “Parking prohibited at all times” – “Fort Square” be **amended** by **DELETING** “Fort Square, from the western boundary of #46 to the eastern boundary of number 46 to a point 22 feet southerly from the northern boundary of number 46, being the southerly side and the westerly side” in its entirety.

FURTHER ORDERED that Gloucester Code of Ordinances Chapter 22, Sec. 22-291 “Tow-away zones” – “Fort Square” be **amended** by **ADDING** “Fort Square, from the western boundary of #46 to the eastern boundary of number 46 to a point 22 feet southerly from the northern boundary of number 46, being the southerly side and the westerly side”.

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-028
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/08/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, Sec. 22-270 "Parking prohibited at all times" – "Fort Square" be **amended** by **DELETING** "Commercial Street" in its entirety after the words "eastern boundary of #10" and by **ADDING** "Fort Square".

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

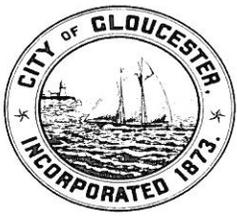
ORDER: CC#2017-029
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/08/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, Sec. 22-270 “Parking prohibited at all times” – “Fort Square” be amended by **DELETING** “to the Merrimack-Essex pole 1917 and/or” in its entirety after the words “southeasterly and easterly” and **ADDING** “to the” before the words “westerly boundary of number 26.”

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

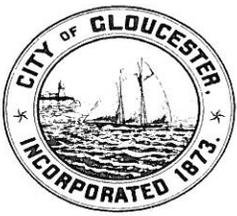
ORDER: CC#2017-030
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/08/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Ordinances and Administration Standing Committee consider whether the Gloucester Code of Ordinances Chapter 22, Section 22-270 “Parking prohibited at all times” – “Fort Square” should be amended by **DELETING** “Fort Square, southerly side, from the southern boundary of #29, south and easterly to the catchbasin at the easterly side westerly entrance of Cape Ann Fisheries”.

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-031
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/08/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Ordinances and Administration Standing Committee consider whether the Gloucester Code of Ordinances Chapter 22, Sec. 22-290 “Same – off-street parking areas” be amended by **DELETING** “Fort Square, from midnight to 6:00 a.m., beginning at a point on the northerly side from #26 Fort Square to a point 20 feet from the corner of Fort Square, and then from a point 20 feet on the westerly side of #46 Fort Square to a point 20 feet from its intersection with Commercial Street”.

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

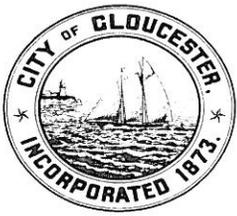
ORDER: CC#2017-032
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/08/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22, Section 292 “Fire Lanes” be **amended** by **DELETING** “Commercial Street, northeasterly side from a point at the southeasterly corner of the intersection with Fort Square (pole #3707) at the entrance to Ocean Crest Fisheries to a point southeasterly there from the length of the concrete wall with the sign to be facing south towards the ice company” and **ADDING** “Commercial Street, easterly side, from its southerly intersection with Fort Square beginning at the southeasterly corner (pole #3707) to a point 100 feet in a southerly direction (across from pole #5166).

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-033
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/08/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22 “Traffic”, Section 22-270 “Parking prohibited at all times” be **amended** by **ADDING** “Prospect Street, parking prohibited on the northerly side of Prospect Street from its intersection with Friend Street in a westerly direction to Taylor Street, from utility pole #976 to #978”.

FURTHER ORDERED that the matter of amendments to Section 22-270 “Parking prohibited at all times” be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox
Ward 2 Councillor

GLOUCESTER CITY COUNCIL MEETING

Tuesday, July 25, 2017 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O'Hara; Councilor Joseph Orlando, Jr.

Absent: None.

Also Present: Grace Poirier; Jim Destino; John Dunn; Amit Chhayani; Tony Gross; Harbormaster T. J. Ciarmetaro; Capt. Chad Johnson; Chris Sicuranza; Matt Coogan

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

Council President Ciolino noted that **Grace Poirier**, Assistant City Clerk, was sitting in for City Clerk, Joanne Senos for the first time and welcomed her to the Council meeting.

Flag Salute & Moment of Silence.**Oral Communications:**

Joel Favazza, 28 Middle Street, called attention to a safety issue at 20 Middle Street, an area with high pedestrian traffic to and from Angle Street. There is no crosswalk from that corner to Middle Street, he said. He advised that the options are to go to the Joan of Arc statue to go down to Western Avenue to cross Middle Street which is inconvenient and utilized infrequently. He said whether correct or not, there is a "No Parking" sign on that side of the street not striped or enforced which creates another hazard for those pedestrians crossing the road from that side of Middle Street to Angle Street. He requested that the Administration ask that the DPW and Traffic Commission look to potentially install a crosswalk to connect to Angle Street and have the "No Parking" area he indicated be striped to give pedestrians a better line of vision on the street.

Presentations/Commendations:

1 of 1: Commendation of Christian Dagley for his lifesaving actions on April 29, 2017

Mayor Sefatia Theken was joined at the podium by Harbormaster T. J. Ciarmetaro and Tony Gross, Waterways Board Chair. She read her mayoral citation in honor of Christian Dagley's heroic effort rescuing two adults and a child in a small overturned boat at the mouth Annisquam River on April 2017 in 40 degree weather and was a dangerous situation. She said this exemplifies Mr. Dagley's bravery, courage and instinct to save. She offered her congratulations and gratitude on behalf of the citizens of Gloucester.

Council Vice President Steven LeBlanc then read the City Council citation in Mr. Dagley's honor of his bravery in rescuing three people from the Annisquam River. He said that he and Mr. Dagley grew up together and had known each other for a long time. He said he expected such actions from Mr. Dagley who would go to any length to save someone. He pointed out that other Gloucester boaters should take their lead from Mr. Dagley by always keeping an eye and ear out for anything or anyone who may be positioned in harm's way. He said Mr. Dagley was there at the right time to take lifesaving actions and a family enjoys their lives today because of him. He expressed the Council's appreciation for his heroic actions.

Mr. Dagley offered his thanks to the Mayor, City Council and the Waterways Board along with all his family and friends who were present. He said that he's "just a good ol' Gloucester boy," and anyone in his place would have done the same thing. He expressed his love of the ocean, and while he was supposed to be a fifth generation fisherman but ended up a landscaper he was, "doing just fine."

The Council recessed at 7:10 p.m. in order to congratulate Mr. Dagley personally, and reconvened at 7:15 p.m.

New Appointments:

Capital Improvement Advisory Board

Jason Hakes

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted in favor, 0 opposed, to recommend that the City Council appoint Jason Hakes to the Capital Improvement Advisory Board, TTE 02/14/20.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Jason Hakes to the Capital Improvement Advisory Board, TTE 02/14/20.

Clean City Commission Beverly Low

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Beverly Low to the Clean City Commission, TTE 02/14/20.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Beverly Low to the Clean City Commission, TTE 02/14/20.

Tourism Commission

Catlin A. Pszeny (Cont'd from 06/19/17)

TTE 02/14/18

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Catlin A. Pszeny to the Tourism Commission, TTE 02/14/18.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint Catlin A. Pszeny to the Tourism Commission, TTE 02/14/18.

Zoning Board of Appeals

H. Sage Walcott (to full member)

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint H. Sage Walcott as a full member to the Zoning Board of Appeals, TTE 02/14/20.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to appoint H. Sage Walcott as a full member to the Zoning Board of Appeals, TTE 02/14/20.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
 - **MAYOR'S REPORT**
1. New Appointments:

Mariners Medal Committee	TTE 02/14/18	Vito Calomo	(Refer O&A)
Mariners Medal Committee	TTE 02/14/19	Thomas Ellis	(Refer O&A)
Mariners Medal Committee	TTE 02/14/20	Capt. Arthur Sawyer, Jr.	(Refer O&A)
Mariners Medal Committee	TTE 02/14/21	Stefan Edick	(Refer O&A)
Fisheries Commission	TTE 02/14/20	David Leveille (from alternate to full mbr.)	(Refer O&A)
 2. Memorandum from Acting Community Development Director re: Council acceptance of Community Development Block Grants (CDBG) & HOME funds allocations (Refer B&F)
 3. Memorandum from General Counsel re: request to pay FY17 invoices with FY18 funds (Refer B&F)
 4. Memorandum from CFO re: request to repurpose balance of funds in Loan Authorization 2013-003 (amended 3/28/17) (Refer B&F)
 5. Draft template of presentation to be given by the Recreational Marijuana Task Force at Councilors' Ward meetings (Info Only)
 6. Invitation to City Employees & City Council to the Fishing Partnership 'Sea to Supper' event on August 24, 2017 (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 1. Communication from the Mass. State Lottery Commission to City Council re: installation of KENO monitors (Info Only)
 - **APPLICATIONS/PETITIONS**
 1. Special Events Permit: Request to hold the Fishbox Derby, September 17, 2017 (Refer P&D)
 2. SCP2017-010: Pine Street #10 & #14, Maps 219 & 230, Lots 133 & 118, GZO Sec. 5.2 Earth Fill & Removal (Refer P&D)
 3. RZ2017-001: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential to EB (Extensive Business) (Refer P&D & Planning Board)

• **COUNCILORS ORDERS**

1. CC2017-022 (Cox): Amend GCO Ch. 22, Sec. 22-277 "One-hour parking-Generally" re: Washington Street (Refer O&A)
 2. CC2017-023 (Memhard): Amend GCO Ch. 22, Sec. 22-267 "One-way streets-Generally" re: Williams Court (Refer O&A, TC, Police Chief, Fire Chief & DPW Director)
 3. CC2017-024 (Gilman): Request the Recreational Marijuana Task Force recommend their next step to City Council in response to the legalization of recreational marijuana and that this be reviewed and discussed at the Aug. 22, 2017 City Council Mtg. (Info Only)
 4. CC2017-025 (Cox): Request O&A review and recommend the matter of prohibiting the use of polystyrene food and beverage containers or serving items from food establishments if the packaging takes place on the premises of food establishment and recommend whether an ordinance on food & beverage containers be adopted (Refer O&A)
 5. CC2017-026 (Cox): Request O&A review and recommend the matter of regulating the use of plastic and paper checkout bags and recommend whether an ordinance regulating the use of plastic and paper checkout bags should be adopted (Refer O&A)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 07/11/17 (Approve/File)
 2. Standing Committee Meetings: B&F 07/20/17, O&A 07/17/17, P&D 07/19/17 (Approve/File)

Items to be added/deleted from the Consent Agenda:

By unanimous consent of the City Council the Consent Agenda was accepted as presented.

Committee Reports:

Budget & Finance: July 20

Councilor Orlando declared under MGL Ch. 268A that he had a conflict of interest in the next matter, as his office is handling a matter concerning the Stage Fort Park Playground and stepped away from the dais. **Council President Ciolino** advised under MGL Ch. 268A that he was a member of the Gloucester Rotary Club, and past president, but that it wouldn't influence his decision on the next matter.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 favor, 0 opposed, 1 (Orlando) recused, to recommend that the City Council under MGL c. 44, §53A-1/2 accept a donation of children's playground equipment: wooden truck, climbing post and Pagoda Bells, valued at \$10,504 from the Gloucester Rotary Club for the purpose of the improvement of the Stage Fort Park playground area.

DISCUSSION:

Councilor Memhard said that through the continuing generosity of the Gloucester Rotary Club they are making yet another donation to the city with their on-going investment in the Stage Fort Park children's playground nearing \$300,000 in total.

Council President Ciolino asked that the Assistant City Clerk write a letter of thanks to the Rotary Club for their generous donation.

MOTION: On a motion by Councilor Memhard, seconded by Councilor LeBlanc, the City Council voted 8 favor, 0 opposed, 1 (Orlando) recused, under MGL c. 44, §53A-1/2 to accept a donation of children's playground equipment: wooden truck, climbing post and Pagoda Bells, valued at \$10,504 from the Gloucester Rotary Club for the purpose of the improvement of the Stage Fort Park playground area.

Councilor Orlando returned to the dais.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, Sec. 53A a pass-through grant from the Centers for Disease Control and Prevention Office to the Massachusetts Department of Public Health Bureau of Community Health and Prevention, Mass in Motion Municipal Wellness and Leadership Initiative Grant for \$120,000 (FY18: \$40,000; FY19: \$40,000; FY20: \$40,000) to support an environment on Cape Ann that supports physical activity and provides access to healthy foods. The Federal portion of the grant is \$60,000 and the State portion is \$60,000.

DISCUSSION:

Councilor Memhard expressed his thanks to Stephen Winslow, Senior Project Manager with Community Development Department who is responsible for the city obtaining this grant. He said the grant total has actually increased over the previous grant funding. He recounted that this is part of a long-term commitment by the city towards healthful programs for all its citizens.

Council President Ciolino noted that Mr. Winslow's position is funded by grants, and this grant will constitute approximately half of his salary. Mr. Winslow, he said, has and continues to actively pursue and successfully obtained grants for the benefit of the city.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, Sec. 53A a pass-through grant from the Centers for Disease Control and Prevention Office to the Massachusetts Department of Public Health Bureau of Community Health and Prevention, Mass in Motion Municipal Wellness and Leadership Initiative Grant for \$120,000 (FY18: \$40,000; FY19: \$40,000; FY20: \$40,000) to support an environment on Cape Ann that supports physical activity and provides access to healthy foods. The Federal portion of the grant is \$60,000 and the State portion is \$60,000.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council accept under MGL c. 44, §53A a Federal Clean Vessel Act Pumpout Boat Grant for \$11,000 from the U.S. Department of the Interior passed through Massachusetts Division of Marine Fisheries for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks and portable toilets.

DISCUSSION:

Councilor Memhard explained this is an annual federal grant passed through the Mass. Division of Marine Fisheries for the Clean Vessel Act which supports the maintenance of the City's pump out boat and now helps to supports the new shoreside pump out facilities. He noted this accounts for the slight increase in the grant amount over last year's grant award. **Council President Ciolino** said this is an annual grant that helps to keep the city's harbor clean, and is money well spent. He said it is hoped this grant will continue to fund these activities.

MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed to accept under MGL c. 44, §53A a Federal Clean Vessel Act Pumpout Boat Grant for \$11,000 from the U.S. Department of the Interior passed through Massachusetts Division of Marine Fisheries for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks and portable toilets.

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, Sec. 53A accept a Mass. Department of Energy Resources-Green Communities Competitive Grant for \$207,443 for the purpose of retro-commissioning projects at Gloucester High School (\$91,671.43), the O'Maley Innovation Middle School (\$85,860.26) and the Beeman Elementary School (\$29,911.31) which will also receive an Energy Management System installation. This grant has no City match funding requirements and the grant contract end date is through May 31, 2018.

DISCUSSION:

Councilor Memhard explained that this is the fourth grant received through the state Green Communities program; a program the city has been a member of since it was declared a Green Community by the state in 2010, and this was a competitive grant round. The city applied for \$207,443 and received the full amount. This grant funding will cover the total cost for retro-commissioning the High School, the O'Maley Innovation Middle School and Beeman Elementary School, which additionally will receive an Energy Management Control System installation. He noted that the O'Maley and High Schools already have the control system in place. This retro-commissioning is expected to yield efficiencies in the mechanical systems of these schools that will not only be energy saving, but cost saving to the city. Additionally, the city is anticipating rebates for this work from National Grid of approximately \$40,000.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, Sec. 53A a Mass. Department of Energy Resources-Green Communities Competitive Grant for \$207,443 for the purpose of retro-commissioning projects at Gloucester High School (\$91,671.43), the O'Maley Innovation Middle School (\$85,860.26) and the Beeman Elementary School (\$29,911.31) which will also receive an Energy Management System installation. This grant has no City match funding requirements and the grant contract end date is through May 31, 2018.

Ordinances & Administration: July 17

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council forward a letter to MassDOT accompanied by the Traffic Commission Speed Study and the Certificate of Vote of the City Council to approve a speed limit of 20 mph on Hartz Street.

DISCUSSION:

Councilor Memhard, who's Council Order prompted this Council action, explained that Hartz Street is a narrow street with cars parking on both sides in a dense residential neighborhood. The street is also a heavily used cut through between Eastern and Bass Avenues. He reported that a Traffic Commission speed study was conducted which revealed there were substantial excess of speed by vehicles and a high volume of traffic on Hartz Street. He explained the request is to reduce the speed limit for the safety of the residents which is done through MassDOT.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to forward a letter to MassDOT accompanied by the Traffic Commission Speed Study and the Certificate of Vote of the City Council to approve a speed limit of 20 mph on Hartz Street.

COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Ordinances & Administration Committee voted 0 in favor, 3 opposed, to AMEND the City Council Rules of Procedure Rule #4 "Public Hearings" subsection C "Presentations from Proponents" and subsection D "Presentation from Opponents" by ADDING the following to each subsection: "Public testimony should be consistent with the public hearing matter. Speakers should refrain from commenting on character, whether positive or negative."

DISCUSSION:

Councilor Gilman explained that there as a good conversation in O&A on her request to amend the Council's Rules of Procedure to add specific language to be able to request people stick to the matter at hand, in this case a special permit, as opposed to have a lengthy discourse on the applicant's character whether positive or negative. She had asked of the Committee that there be a conversation at this Council meeting to see if there was any interest in tightening the Rules of Procedure language.

Councilor LeBlanc said the discussion at O&A brought forward that it is the responsibility of the Council President to bring speakers back to the topic at hand when they become off topic. He said at times character of the applicant is important, but that if straying from the merits of the matter by the speaker becomes solely about character, especially in the negative, it should behoove not only the Council President to stop that discourse, but the rest of the Council to intervene by calling a Point of Order. He expressed there are times when it is good to learn about someone's character, especially their positive contributions to the community. He thanked Councilor Gilman for her efforts to bring this matter forward so that the Council is once again aware of what options are available to them in such situations.

Councilor Orlando said there have been situations where people are coming regularly before the Council for permittings, and there has been an issue in the past with a person's character called into question. He pointed out that kind of thing needs to be addressed, such as promises not kept. The sentiment of civil discourse already is covered under the Council Rules of Procedure he said, but he added that in his legal work, they do take the credibility of the person as a factor in a decision-making process.

Councilor Cox advised that Councilor Gilman had indicated at O&A that once she brought this matter forward to Council for a conversation she would withdraw her Council Order, and asked if the Councilor would withdraw her Order now. **Councilor Gilman** then asked the Council to permit her to withdraw her Council Order.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of the Council Order CC2017-020 (Gilman) to AMEND the City Council Rules of Procedure Rule #4 "Public Hearings" subsection C "Presentations from Proponents" and subsection D "Presentation from Opponents, without prejudice

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval without prejudice.

DISCUSSION:

Councilor LeBlanc explained that at O&A it was learned there is a pre-existing state law that disallows giving away living creatures as prizes at events and that the fine is \$100 per animal. Councilor O'Hara asked that his Council Order be withdrawn as it is already state law which would come forward at another Council meeting for public hearing and subsequent adoption. **Councilor Orlando** questioned whether this referred-to state law was necessary to be adopted by the Council. **Council President Ciolino** confirmed with the Assistant City Clerk that the adoption of the state law was necessary as well as amending the Code of Ordinances to complete the action.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval without prejudice.

Councilor Gilman offered a suggestion that Rowan Trainor, a youngster living on Chapel Street who attended the O&A Committee meeting in order to attest to her experience of receiving a goldfish as a prize at Fiesta that died three days later. She asked that the Assistant City Clerk send Ms. Trainor a note thanking her for her willingness to take up her civic duty in participating at the O&A Committee public meeting.

Councilor O'Hara explained that Ms. Trainor is his daughter and recounted that the goldfish was in a plastic bag on a very hot day, and she was trying to save the fish's life. He said that there were people whose children had received the same goldfish as a prize and many were trying to do the same thing by going to a local pet store to give their fish a proper home and purchase supplies. He said when Rowan's fish, whom she named "Sparkles," died it was traumatic for her and that experience was what prompted his Council Order. He said the pet store employees advised that had the fish lived it could have grown up to a foot because in fact it wasn't a goldfish but a carp. He said Sparkles has been replaced with a domestic fish and everyone is happy. He thanked his fellow Councilors for their understanding and assistance.

Councilor LeBlanc expressed concern that if in fact these fish were carp and any were dumped into the local estuaries, marshes or other city waterways that local authorities should be notified because carp are an invasive species.

Council President Ciolino said it is good the Council will be legislating corrective action in order to prevent such things from happening again.

Councilor Cox advised that as the Ward Councilor she dealt with this issue immediately with the Chair of the St. Peter's Fiesta Committee and assured that this will not happen again.

Planning & Development: July 19

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-014 (Memhard) Request that private way known as Starknaught Heights be accepted by the City as a public way, and that the name of the street be included in the city's list of public ways without prejudice.

DISCUSSION:

Councilor Lundberg said that Councilor Memhard had requested to withdraw his Council Order in order to get the proper paperwork done for the acceptance of Starknaught Heights as a city street. He advised this is a procedural matter for Councilor Memhard. **Councilor Memhard** explained even after a road has been paved through

betterment project or otherwise, to have the road taken public requires some detailed engineering plans, title work. He noted that the last roadway taken by the city as a public way was St. Anthony's Lane in 2011 which had recent subdivision plans on file with the city -- prior to that there had only been two other public road takings in the prior 12 years. He said it is an uphill climb for residents to have their private roads accepted as public ways and does take time and proper documentation.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2017-014 (Memhard) Request that private way known as Starknought Heights be accepted by the City as a public way, and that the name of the street be included in the city's list of public ways, without prejudice.

Scheduled Public Hearings:

1. **PH2017-032: SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 35, GZO Sec. 1.9, Sec. 1.10.1(a), Sec. 2.4.4(a) & 3.1.6(b) for a non-conforming residence on a non-conforming lot, and a building height in excess of 35 feet (To be withdrawn)**

Councilor Orlando stepped away from the dais.

This public hearing is opened at 7:46 p.m.

Council President Ciolino announced that the application pertaining to SCP2017-008 Sleepy Hollow Road #28, a letter was filed by the applicant's attorney asking that the matter be withdrawn; therefore, this matter is rendered moot.

This public hearing is closed at 7:46 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 3, GZO Sec. 1.9; Sec. 1.10.1(a)1; Sec. 2.4.4(a) and 3.1.6(b) for a non-conforming residence on a non-conforming lot and a building height in excess of 35 feet without prejudice.

DISCUSSION: None.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Orlando) absent, to permit the withdrawal of SCP2017-008: Sleepy Hollow Road #28, Map 257, Lot 3, GZO Sec. 1.9; Sec. 1.10.1(a)1; Sec. 2.4.4(a) and 3.1.6(b) for a non-conforming residence on a non-conforming lot and a building height in excess of 35 feet without prejudice.

Councilor Orlando returned to the dais.

2. **PH2017-035: Amend GZO by ADDING Section 1.5.4.1 "Zoning Administrator" and AMEND Sections 1.8.1, 1.8.2, 1.8.8., 2.2.1 and 2.3.1 accordingly; and AMEND Sec. V to add new Section 5.29 "Certain Pre-Existing Multi-Family Use" (TBC 08/08/2017)**

This public hearing is opened at 7:48 p.m.

Council President Ciolino opened the public hearing and continued it to August 8, 2017 noting that the matter was still under discussion with the Planning & Development Committee.

This public hearing is continued at 7:48 p.m.

3. **PH2017-036: Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" re: Magnolia Avenue**

This public hearing is opened at 7:48 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:49 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."

DISCUSSION:

Councilor Nolan explained that this is action is to help with the parking areas on Magnolia Avenue with the abundance of teenagers drinking, fishing and swimming in a public reservoir. He advised there have been several fires over the past several years from unattended campfires and that this will make it easier for police actions to be taken to control the situation.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-291 "Tow-away zones" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to AMEND GCO Ch. 22, Sec. 22-291 "Tow-away zones" by ADDING: "Magnolia Avenue on both sides for a distance of 2,500 feet from the MBTA Train Station Bridge in a southeasterly direction towards Magnolia."

For Council Vote:

1. Special Speed Regulation #7954 from MassDOT re: Riverview Road

Councilor LeBlanc said that the speed limit, confirmed by MassDOT, will now be 15 mph on Riverview Road for its entirety. Thanking Councilor Gilman for bringing this matter forward, he noted that in this particular area of his ward, Ward 3, that Councilor Gilman's ward, Ward 4, overlaps. He said Riverview Road is narrow with no sidewalks with many children walking that street, and this was a matter of public safety.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, opposed, to adopt pursuant to MGL c. 90, §18, Special Speed Regulation #7954 to impose the following speed limits in which motor vehicles may be operated on Riverview Road as follows:

Riverview Road - Eastbound

Beginning at the end of one way travel on Riverview Road, thence easterly on Riverview Road: 0.31 miles at 15 miles per hour ending at the junction of Wheeler Street; the total distance being 0.31 miles.

Riverview Road - Westbound

Beginning at the junction of Wheeler Street, thence westerly on Riverview Road: 0.73 miles at 15 miles per hour ending at the end of one way travel on Riverview Road; the total distance being 0.73 miles.

2. Correction to June 7, 2017 Planning & Development Committee Minutes and June 27, 2017 City Council Minutes pursuant to SCP2017-007: Main Street #63

Councilor Lundberg explained that SCP2017-007: Main Street #63 was taken up by the P&D Committee on June 7, 2017, the motion to recommend the granting of the Special Council Permit had a typographical error in the ninth line where the words “lot area” should have read, “open space.” As a result, those minutes need amending as follows:

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to amend the minutes of the Planning & Development Committee meeting dated June 7, 2017 page 1 of 2, ninth line of the “COMMITTEE RECOMMENDATION” by striking the words “lot area” and adding “open space ...”

3. Correction to June 27, 2017 City Council Minutes pursuant to SCP2017-007: Main Street #63

Councilor Lundberg advised there was a typographical error in the motion for SCP2017-007: Main Street #63 in the P&D minutes, and as a result there needs to be a correction to the Committee Recommendation carried through from the June 7 minutes and the Motion of the Council in the minutes of its June 27, 2017 City Council meeting as follows:

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to amend the minutes of the City Council meeting dated June 27, 2017 page 16 of 18 in the ninth line of the “COMMITTEE RECOMMENDATION” by striking the words “lot area” and adding “open space” and to strike the words “lot area” and adding “open space” in the ninth line of the “MOTION” shown on page 17 of 18 of the same City Council minutes.

4. Proposed City Council Resolution re: Natural Gas Leaks and the Consumer

Councilor O’Hara declared a conflict of interest under MGL Ch. 268A he would step away from the dais as he is in business as a vendor for National Grid. **Councilor Orlando** declared a conflict of interest under MGL Ch. 268A advising that his law firm is involved in several lawsuits against National Grid and stepped away from the dais.

Councilor Gilman introduced Ellen Leaman, 16 Great Hill Road, and Marsha Hart, 2 Fremont Street, initiators and advocates for the Resolution pursuant to Natural Gas Leaks and the Consumer. With the permission of the Chair, **Ms. Hart** then read a statement (on file) recounting how she and Ms. Leaman became concerned about the issue of leaking and unaccounted for gas, distributing information on the subject and proposed state legislation. She noted meeting with the Clean Energy Commission; Public Works Director, Mike Hale; the Mayor, contacted City Councilors. She expressed appreciation of the knowledge base, ongoing Green Community initiatives, and the DPW’s “proactive work” with city streets and gas leak issues. Through her and Ms. Leaman’s research they found that gas leaking is harmful to humans and vegetation and is part of the problem of “escalating climate change.” She put forward that there was little incentive for gas companies to fix leaks and that the expense of leaking and unaccounted for gas is passed onto the consumer. This resolution highlights the issue and encourages the state legislature to take action. It was advised that Sen. Bruce Tarr has signed on to support of this legislation and that through Council vote it will show the state’s legislators that the city is behind this legislative initiative. She offered hers and Ms. Leaman’s thanks to Councilor Gilman for bringing this issue forward for the Council’s consideration.

Councilor Gilman added that this has been a “grassroots effort, highlighting that when citizens take the initiative to make things better everyone benefits. She said Ms. Hart and Ms. Leaman did a great job not only of assisting with the composition of the resolution before the Council but also providing the names of the legislators involved and their contact information. She expressed her appreciation to City Clerk, Joanne Senos and General Counsel, Chip Payson, for their input as well. She then moved that the Council adopt the Resolution which was seconded by Councilor LeBlanc.

COUNCIL DISCUSSION ON MOTION TO ADOPT RESOLUTION:

Councilor Lundberg said he was one of the Councilors that Ms. Leaman and Ms. Hart contacted early in this process, and commended the women on the information they provided to him on a complicated issue which he found helpful and to encourage the Council to move forward with this Resolution. He recounted that he has dealt with the same women over the years on many issues, as well as during his tenure on the Planning Board. He attested that when they outline an issue it is done with great “homework” and they can be relied upon for their advocacy.

Councilor Cox thanked Ms. Leaman and Ms. Hart for their great educational information.

Councilor Nolan said the information was great; the idea is a long time in coming, noting that an action like this should have been done years ago. This, he said, is a common sense, green idea for a better future for everyone.

Councilor LeBlanc said his neighborhood has the most gas leaks in the city, noting National Grid has come through and repaired leaks on Maplewood Avenue, and on the border of Ward 2, Grove Street, Colonial Street, and Knowlton Square. He expressed he was amazed at how many leaks were detected and repaired and how dangerous it was in such a small area. He expressed his appreciation to Ms. Hart and Ms. Leaman for their efforts, and for the Council stepping up to do something about this situation.

Council President Ciolino recounted when he was a Ward 1 Councilor there was a large amount of paving done around Mt. Pleasant Street, Decatur Street and other nearby roadways. He said he was getting complaints that there was a smell of gas in the area where the paving was done. A site visit was done, and while walking one of these roadways, he recounted that there were bubbles percolating in standing water in potholes which turned out to be the indication of a gas leak. He further related when first being appointed to the B&F Committee with Mr. Destino, the Committee were given a figure of the city's water supply of so many millions of gallons pumped into the system but that there were likely about 10 million gallons less than what was actually billed -- all due to loss from leaks. He advised that the city initiated a program to eliminate the leaks and the loss figures are dramatically less today. He urged that the gas leak issue be taken care of. He commended Ms. Hart and Ms. Leaman for their efforts in bringing this matter to the attention of the Council. He conveyed he's received many emails on the subject indicating much community interest in the matter.

MOTION: On a motion by Councilor Gilman, seconded by Councilor LeBlanc, the City Council voted 7 in favor, 0 opposed, 2 (O'Hara, Orlando) recused, to resolve the following regarding Natural Gas Leaks and the Consumer:

WHEREAS, Massachusetts' antiquated gas pipeline system is one of the oldest in the nation containing many cast iron and unprotected steel pipes that are known to be leak prone; and

WHEREAS, natural gas leaks create multiple threats to public safety, the environment, people and property; and

WHEREAS, natural gas leaks release methane, a powerful greenhouse gas, into the atmosphere and methane is 34 times more potent than carbon dioxide in trapping heat in the atmosphere which contributes to accelerating climate change; and

WHEREAS, methane also contributes to ground level ozone which can be a factor in the development and severity of respiratory illnesses, including asthmas in both adults and children; and

WHEREAS, oceans and fish stock are under threat from rising water temperatures which impacts the livelihood of the Gloucester community;

WHEREAS, Massachusetts is currently losing more gas than it is gaining from its energy efficiency programs; and

WHEREAS, current law allows utilities to charge the ratepayer for the cost of lost and unaccounted for gas so there is little incentive for the utility to repair the overall problem, therefore, be it

RESOLVED, that the City Council, on behalf of the people of Gloucester, Massachusetts:

1. Hereby support state legislation designated to protect consumers of gas and electricity from paying for leaked and unaccounted for natural gas;
2. Affirm Gloucester's commitment to the environment and support its designation as a green community;
3. Affirm Gloucester's support of Massachusetts reaching its mandated commitment to the Global Warming Solutions Act;
4. Express our hope that Massachusetts will remain a leader on energy and climate issues, disavowing such projects that go against our commitment to life, the environment, our economic well-being and or our health and safety.

Councilors O'Hara and Councilor Orlando returned to the dais.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees:

1. Update of the Waterways Board by City Council Representative, Councilor Steve LeBlanc:

He advised that Solomon Jacobs Park and Harbormaster's Department is not yet running at capacity due to the late ending of the National Grid remediation project there. The Waterways Board is asking the Administration to add several more transient moorings. The DOCKWA app reservation program initiated this year for transient mooring reservations has been tremendously successful filling transient moorings daily through the summer. The Harbormaster's office is making "huge strides." He said there is a new Board member, Richard Sherman, who is a commercial fisherman. He also mentioned the increasing success of the Gloucester Launch with the institution of season passes and inclusion of the launch fee in transient mooring fees. He said there is palpable vibrancy to the Board now and that he enjoys working with them all.

2. Discussion on ward meetings and training material for recreational marijuana community updates by Councilor Valerie Gilman:

Councilor Gilman reviewed the "Proposed Ward Council Recreational Marijuana Ward Forums for August 2017" (on file). She noted 12 slides in the Council Packet (starting on page 36 of the Council Packet, on file), entitled, "Implications of Recreational Marijuana, MA Chapter 334 of the Acts of 2016 in our community; City of Gloucester Ward Meetings, August 2017, and reviewed them briefly. She then highlighted a "Time Table for City Council." She mentioned that in addition to Councilors' Ward meetings to be scheduled in August that Joan Whitney, Director of the Healthy Gloucester Collaborative and Karin Carroll, Public Health Director will be coordinating a public forum likely taking place at a city school in September. The time table ends November 7, 2017 with a Ballot referendum. She also reviewed a schedule in preparation for the Councilors' planning for informational Ward meetings briefly. She conveyed that the slides will be posted on the city's website, Good Morning Gloucester, newspapers, Cape Ann TV, and other media venues for public viewing. She or Ms. Whitney, Ms. Carroll or General Counsel will be made available to be at the ward meetings to answer difficult questions posed by the public. She highlighted documentation available to the Councilors for their meetings.

Councilor Cox said she would try to reserve the American Legion on Sunday, August 13 for the Ward 2 meeting and invited Councilor LeBlanc to hold a joint Ward 2/Ward 3 meeting. She acknowledged that this is a weekend day, and asked if it was possible to have city staff attend.

Council President Ciolino noted his wife had been recently to Tacoma, Washington and he had asked her to visit a retail recreational marijuana shop. He described her experience of the shop that the first 20 feet was dedicated to paraphernalia and then there was counter across the store, staffed by middle-aged gentlemen who took a photocopy of driver's licenses and asked questions as to what a shopper wanted or needed. He said all products are behind the counter including edibles. He advised that no child can go into the shop. He said other parts of the country they have successful programs and that it would be interesting to see how it would work in Massachusetts, adding that this is a necessary conversation.

Councilor Orlando said he read with interest an article on the NFL and the NFL Players Association and their position on some changes in medicinal marijuana in different states. He said the NFL's position currently is to suspend players who use marijuana as a recreational substance but he pointed out that NFL players use marijuana instead of narcotics that can cause addiction in treating their pain from a contact sport. He encouraged the Councilors to read the article.

Councilors' Requests to the Mayor:

Councilor Memhard advised he had submitted a request through the Mayor's office for a review of the Building Inspector's conclusions regarding the noise complaints on East Main Street concerning Americold and National Fish and Seafood facility. He also advised that there is a proposal before O&A and the Board of Health and is soliciting input from the city's General Counsel, and with Councilors O'Hara and Cox that the city adopts the state's noise ordinance which is "tougher" than the city's current ordinance. He assured that adoption of these state regulations wouldn't inhibit the city's commercial businesses or be a hardship for them -- the state regulations will help ease the issues faced by the surrounding neighborhood to the Americold/National Fish and Seafood facility.

Councilor Gilman requested through the Mayor that the DPW Director place a "DO NOT ENTER" sign on Pole #316 on River Road next to the Annisquam Market Restaurant. She noted she has received four letters on that issue. She advised she's had conversations with the business owner, the Traffic Commission and advised the DPW

Director of this issue. She expressed that Councilor Lundberg was well aware that people leaving the restaurant late in the evening frequently drive down River Road the wrong way. She announced that the Annisquam Village Players are putting on "Singing in the Rain," August 8 through 13, curtain at 7:30 p.m. in the Annisquam Village Hall. Tickets are available on line at: annisquamvillageplayers.com or through the Annisquam Exchange. She advised that the Annisquam Village Players have made available through the Rose Baker Senior Center and the Rockport Council on Aging a total of 125 tickets (75 per organization) especially for seniors to attend the play's dress rehearsal evening, a program in its third year. She encouraged Gloucester seniors to go to the Rose Baker Senior Center soon as tickets for the dress rehearsal are going fast.

Councilor O'Hara requested that the Mayor through the DPW Director mow the Fuller School property and to shim the roadway at the intersection of Hesperus and Western Avenues -- water work has caused the road to settle. He thanked people donated at the Red Cross Blood drive yesterday - 39 collections - up from 31 at the last event. This will help more than 100 people to go through surgery and treatments, he pointed out.

Councilor LeBlanc requested that the Mayor, through the DPW Director paint a crosswalk in front of #28 and #220 Washington Street, at the corner of Gloucester Avenue and Washington Street, and in front of the Cape Ann Bowling Lanes at #53 Gloucester Avenue, the later request made a while back. He asked that there be follow up on these issues. Off mic, CAO, **Jim Destino** voiced his assurance there are plans for city crosswalks to be painted before schools open in the fall.

Councilor Orlando thanked the Administration and especially the efforts of Councilor O'Hara for the work done at Clark Cemetery to clear it of debris and vegetation. He advised that a particular pile of debris he had mentioned at a previous City Council meeting has been burned now. He said they will organize another event this fall. He congratulated the Gloucester Little League Williamsport team for winning their sectional finals, an enormous accomplishment, he said. He made note of a previous evening's fundraiser for the family of Aaron Hayer, who recently passed away leaving a young widow with two children who remains in need of continuing support. He encouraged the public to consider making a donation to assist the family through this difficult time.

Councilor Cox reminded the public of the following upcoming events: Author reading from local author, Hannah Kimberly, on Thursday, Aug. 3 from her book, "A Woman's Place is at the Top" at the Sawyer Free Library which will run 6:00 p.m. to 9:00 p.m. On Saturday, August 5, there is a fundraising lobster bake in support of the local gillnetter, the Phyllis A. at the Gloucester Marine Railways - tickets are \$40 per person. The Country Music Festival is on the same day with gates opening at Stage Fort Park at 11:00 a.m. and music starts at 12 noon. The Sidewalk Bazaar starts Thursday, Aug. 3 and runs through Saturday, Aug. 5.

Councilor Lundberg advised that tomorrow evening at 5:30 p.m. Wellspring House, at 302 Essex, one of the city's preeminent non-profit organizations dedicated financial stability for families through education, will hold a ribbon-cutting ceremony for the newly revamped education center. He noted the space was built 25 years ago and said that the renovations will make the center more in keeping to today's education needs.

Council President Ciolino announced that on Tuesday, Aug. 1 the Gloucester Rotary Club will host a cruise up the Annisquam River to Rockport and back on the Privateer leaving from the Gloucester House at 6:30 p.m. Tickets are \$25 per person and includes food and music, he said.

Councilor LeBlanc recognized Grace Poirier, Assistant City Clerk for her efforts this evening on the event of her inaugural City Council meeting.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:31 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

BUDGET & FINANCE MEETING MINUTES

08/03/2017

(UNDER SEPARATE COVER)

Ordinances & Administration Committee
Monday, July 31, 2017 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara (entered at 6:03 p.m.); Councilor Sean Nolan

Absent: None.

Also Present: Councilor Memhard (left the meeting at 6:15 p.m.); Councilor Cox; Councilor Gilman (entered the meeting at 6:10 p.m. and left the meeting at 7:13 p.m.); Jim Destino; Chip Payson

The meeting was called to order at 6:01 p.m. There was a quorum of the City Council upon Councilor O’Hara’s entering the meeting, and the quorum was moot upon the departure of Councilor Gilman.

1. Appointments & Reappointments:

A. Boards, Committees, Commissions & Councils Appointments

Fisheries Commission David Leveille (alternate to full mbr.) TTE 02/14/20

Mr. Leveille said that he was recently appointed an alternate on the Fisheries Commission but two people resigned since he was appointed. He said he’s now been recommended to become a full member of the Commission. He reported that the Commission meetings are going well, and is working on familiarizing himself with the Commission work. He explained his background in ground fisheries noting that he is a manager for Sector 2 (Trawl Sector in Gloucester) and Sector 6 in Boston and knows what is going on in the industry. He said this Commission will allow him to utilize his industry know-how.

Councilor Nolan said Mr. Leveille is well qualified for the position and would be an asset to the Commission. Councilor LeBlanc added his support for Mr. Leveille’s appointment. He noted as Mr. Leveille had already been appointed to the Commission he was excused from having to attend the Council meeting on August 8.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint David Leveille as a full member to the Fisheries Commission, TTE 02/14/20.

Mariners Medal Committee: Vito Calomo TTE 02/14/18

Mr. Calomo said he thinks the Mariners Medal Committee needs to expand its scope noting that a medal hasn’t been awarded in some time. He said that the Committee needs to talk about awarding more medals. Councilor LeBlanc said after a few meetings when the Committee has formulated a plan he suggested they reach out to the Administration and then to O&A if they need assistance.

Councilor LeBlanc noting the recent award to Christian Dagley of a special mayoral and Council citation for saving a family in the waters of the Annisquam River, said that reconstituting the Mariners Medal Committee was appropriate at this time.

Councilors O’Hara and Nolan added their endorsement of Mr. Calomo’s appointment.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Vito Calomo to the Mariners Medal Committee, TTE 02/14/18.

Thomas Ellis

TTE 02/14/19

Jim Destino, CAO, said that Mr. Ellis was unable to attend was speaking in support of his appointment. He said that the Mariners Medal Committee has been defunct for some time. He pointed out that the criteria under the Ordinance for awarding a Mariners Medal is high. He said this group of appointees is a very strong group -- three of the four appointees have to be actively working as captains by the Mariners Medal Committee parameters. He noted the Administration has an applicant for a Mariners Medal they want the Committee to review, he advised. He said that Mr. Ellis is the captain of the Schooner Thomas Lannon. He asked that Mr. Ellis’ appointment be forwarded to the Council.

Councilor LeBlanc indicated he would support Mr. Ellis' appointment saying that he knew him personally. The Committee agreed to move Mr. Ellis' appointment forward and voted as follows:

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Thomas Ellis to the Mariners Medal Committee, TTE 02/14/19.

Capt. Arthur Sawyer, Jr.

TTE 02/14/20

Capt. Arthur "Sookie" Sawyer said his father was awarded a Mariners Medal in the 1970's and served on the Mariners Medal Committee for some time. He said his father was very proud of his medal and service. He said this is a family heritage and is a big deal. He said his father saved a father and daughter fishing off of a dock and a few months later saved a man from a burning lobster boat and put out the fire. **Mr. Destino** said Capt. Sawyer has been involved on the Waterways Board for about 20 years with Mr. Calomo and is an active lobsterman.

Councilor Nolan expressed his thanks to Capt. Sawyer for his years of service saying that he knew the Mariners Medal Committee would choose wisely and award medals to those that deserve it.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Capt. Arthur Sawyer, Jr., to the Mariners Medal Committee, TTE 02/14/20.

Stefan Edick

TTE 02/14/21

Mr. Edick explained that he is currently Executive Director and captain of the Schooner Adventure, noting he was in the middle of his third renewal for 500 ton Ocean-level licensure, working commercially since 1993 and a full-time captain since 1996. He said he is honored to be appointed to the Committee, that it was important to honor those who risk their lives to help others. He noted that he had to rescue his engineer on a trip at sea in the middle of the night and said he understood that recognition of such lifesaving is important especially in light of the risks at sea.

Councilor LeBlanc said this is a good group of appointees who will bring this Committee back. **Councilor O'Hara** added this thanks to all the Mariners Medal appointees for their energy and commitment.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Stefan Edick to the Mariners Medal Committee, TTE 02/14/21.

2. Memorandum from General Counsel re: Amendments to GCO Art. IV, Sec's 21-80 thru 21-86 "Repair of Private Ways" (Cont'd from 07/17/17)

Chip Payson, General Counsel, reviewed the proposed Amendments to GCO, Art. IV, Sections 21-80 through 21-86 "Repair of Private Ways" as follows:

There have been challenges with GCO 21-80 through 21-86 "Repairs of Private Ways" as currently constructed. Working with Councilor Nolan, city staff and the CAO, they tried to simplify and streamline the related ordinance. The crux of the governing section is in Sec. 21-84 in the new draft whereas before Sec.'s 21-84 & -85 had the bulk of the ordinances, and it was out of order. The new Sec. 21-84 guides residents through the process and is simplified and strengthened in a way that will prove to be beneficial moving forward.

In addition to streamlining Sec. 21-84 there are now timeframes for submitting applications which will give the Public Works Dept. (DPW) an opportunity to look forward for planning for the coming year. Additionally, there are safeguards in place that if the city isn't able to get to an approved private way paving project within that year it will carry forward to the next year. Further, if there is an issue where neighborhood opposition causes problems, that application will be removed and the abutters will have to reapply after a two-year hiatus.

Councilor LeBlanc said the City Clerk's office upon requests gives the petition forms out now under the ordinance and asked if there are new petition forms or does that form need redrafting. **Mr. Payson** said his office will draft new petition form to meet the changes to the ordinance. **Councilor LeBlanc** discussed with **Mr. Payson** signatures of abutters who attend the abutters meeting as proof of their attendance and vote. **Mr. Payson** pointed out that the requirement remains that after a vote is taken by abutters that a signed document by all who voted will have to be submitted to ensure that the requisite number of abutters did in fact attend and vote in favor of the

petition. He reiterated there will be a need to draft some documents to be available for the petitioners. **Councilor LeBlanc** said these amendments are better than what is in the ordinance currently given the Council's experience over the past several years with private way paving petitions.

Councilor Memhard asked for clarification that the proposed ordinance doesn't in any way entitle abutters/residents of having their road accepted as a public way. **Mr. Payson** said, "No." **Councilor Memhard** reiterated that it is a separate and distinct process. **Mr. Payson** added that that just going through the petition process doesn't automatically entitle abutters to get their private road paved anyway. He pointed out that the amended ordinance leaves it to the Mayor's discretion after "a lot" of these steps have taken place -- it rests with the Executive. He said the clarity remains that it doesn't entitle the abutters to have a private road made public, just as there's similar language in the current ordinance. That is a separate, distinct process governed by statute, he noted.

Mr. Destino highlighted when these project are done now, the project has to go before B&F has to approve the private way project and then to approve separately the funding upon the approval of the project -- a separate process. He pointed out that now the project and funding come together at once to be approved by the Council. He noted with the new ordinance there is a bigger buy-in as 75% of abutters have to vote in favor rather than the current 51% which previously has caused neighborhood concern. He said a table will be put in place which will delineate that if a project for road repair is \$25,000 the betterment to the abutters is for five years with larger, more costly projects having a betterment of 10 years. Most of the betterments, he advised, will be between five and 10 years so that the city isn't carrying the debt longer than it has to.

Councilor Nolan said the old language made the ordinance hard to understand on a variety of levels. This takes it all out, he noted. He highlighted that there is a buy-in for the abutters, which by having the three-fourths vote makes it more fair not only for the abutters but for the city who has to put time and effort into the administrative process and the paving project itself. Questions that have come up previously are answered through the new ordinance language, he said. He said in all this will make it easier for the Council, Administration and for residents.

Councilor LeBlanc said there have been issues with this ordinance recently and this rewrite answers many of those issues. **Mr. Payson** expressed his agreement saying that those issues highlighted the ordinance's deficiencies which prompted these changes to ensure the abutters are in full support of the paving of their private way by the city and understand clearly the betterments to be placed on them for the paving project by the city.

Councilor O'Hara said that most of the private ways are on the outer perimeter of the city and those roads are breaking down -- this is something residents need answers on, and this ordinance is in responsive to that need.

COMMITTEE RECOMMENDATION: On motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Article IV, Sections 21-80 through 21-86 "Repair of Private Ways by STRIKING Sections 21-80 through 21-86 and ADDING new Sections 21-80 through 21-86 as presented by General Counsel in a memorandum dated July 6, 2017.

Councilor Nolan thanked the Administration, Acting Community Development Director, Gregg Cademartori; Public Works Director, Mike Hale; General Counsel, Chip Payson and Mr. Destino for their hard work to assist in drafting this updated ordinance language.

3. *CC2017-022 (Cox): Amend GCO Ch. 22, Sec. 22-277 "One Hour parking-Generally" re: Washington Street (TBC 09/18/17)*

This matter is continued to September 18, 2017.

4. *Communication regarding Williams Court traffic pattern, and Citizens Petition to change Williams Court from one-way to two-way traffic (Cont'd from 06/19/17) and CC2017-023 (Memhard) Amend GCO Ch. 22, Sec. 22-267 "One-way streets-Generally" re: Williams Court*

Councilor LeBlanc explained that Councilor Memhard put in a Council Order (consistent with the Citizen's Petition) to take Williams Court from a one-way roadway to two-way roadway. **Councilor Memhard** noted the Council Order asked that recommendations be obtained from the Police and Fire Chiefs, the DPW Director and the Traffic Commission (which the Committee did at its last meeting prior to the Council Order being filed). **Councilor LeBlanc** reported the Traffic Commission had voted pursuant to the Citizen's Petition to keep Williams Court one way at their June meeting (minutes on file). Noting the Committee hadn't yet heard back from the DPW, he

suggested that it was likely the DPW Director would be in agreement with Chiefs. He then read the memo from the Police Department (on file) dated July 31, 2017 which did not support Williams Court being made one way in light of the existing street being narrow, and concluded it is too narrow for two-way traffic in light of the existing parking configurations traffic. The Police Chief said it was a safety concern to make the road two ways. He noted the Fire Chief's lack of endorsement to take the street two-way: "... Williams Court in my opinion cannot support two-way traffic. This is supported by the Mass. Fire Safety Code 527 CMR 1.00 Ch. 18 (attached to the memo on file).

Councilor O'Hara said he spoke with neighbors -- which this seems to be a neighborhood issue. While noting Williams Court is a public way, he said he reviewed the recommendations of the Chiefs as well as the Traffic Commission. He noted his understanding that the road was two-way for some time, and there seems to be an issue related to two children playing in the street which he suggested may have forced this issue. He said that it was two way previously regardless of whether it was correct or not. He said he respected the opinions of the Chiefs but that there were no major issues previously when Williams Court was two way. He reiterated it is a neighborhood issue and needs to go to a public hearing to give the neighbors an opportunity to offer their opinion. **Councilor LeBlanc** pointed out that the Traffic Commission recommended that if the road were to revert to two ways that there would have to be removal of all on-street parking for the length of the road which will be a consideration in a neighborhood where parking is very limited.

Councilor Nolan said this has been one way legally since the 1980's. Whether the signs were taken down for whatever reason, it remains that the street is very tight and narrow which he noted he has observed on many occasions. He said he'd like to hear a bit more from the neighbors to see what they have to say. He said he spent time seeing cars backing up to allow another car to pass on the road. No parking on Eastern Avenue by Jeff's Variety doesn't appear to be 20 feet from the corner and is more of a safety hazard and makes it difficult to get vehicles into Eastern Avenue traffic from Hartz Street. He said based on the standards set out by the Fire Chief he'd have to support Williams Court staying one way but will hear about the issue at public hearing, and that his vote was subject to change.

Councilor LeBlanc said this matter needs to go to public hearing as it is a Citizen's Petition, although he pointed out he supports the Chiefs' recommendations at this time. He said the vote can change after the public hearing but that the Committee is making a recommendation from the Committee and that the matter will still go to the public hearing.

John Silva, 6 Williams Court, said when he moved here Williams Court 47 years ago wasn't a one-way street and no signs were posted. He recounted the Council said it would do a 45-day trial period, and pointed out that minutes were provided (on file with the Citizen's Petition) and yet the road remained a one-way street and asked why did they have a 45 day trial period then and put it back to a one-way street. He said the past 42 years there have been no signs posted on Williams Court. **Councilor Nolan** noted that the only change in the traffic ordinance on the roadway was done in the 1980's. **Councilor Memhard** pointed out that this review prompted by the Citizen's Petition has triggered the application of state standards to this roadway, noting a similar situation occurred with ADA parking at the Town Landing parking lot. He suggested a sensitivity to the practical concerns of the residents especially if they live on the "bottom" of end of Williams Court, that another alternative to consider is to make Tolman Street one way from Hartz Street into Williams Court so that people who live on that part can at least come in because of the one-way configuration. He noted the Police Chief saw vehicles parked on Williams Court the wrong way at his site visit. He said it has become a difficult situation for people who have lived on these streets for many years. He said the important question for these neighbors is whether they are willing to give up on-street parking because parking is very limited in this area and would be the only way to justify making Williams Court two-ways. People have reported an improvement in a reduction of cut-through traffic with the posted one-way signs. He also mentioned the on-street parking at the intersection of Hartz Street and Eastern Avenue with poor sight lines currently as did Councilor Nolan. **Councilor LeBlanc** pointed out that the Eastern Ave./Hartz Street issue isn't part of what is before the Council at this time.

Councilor Memhard expressed his agreement that this is a neighborhood issue and pointed out the work of the neighbors as a valuable thing to do, but that the Council has to observe the law but not wanting to create a hardship.

Councilor O'Hara said he doesn't support what is before the Committee, that this is a neighborhood issue that prompted this matter going forward. He reviewed that the road has been operational and that there is increased traffic with the density increasing with no prior problems; the neighbors want Williams Court two-way.

COMMITTEE RECOMMENDATION: On motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 1 (O'Hara) in favor, 2 opposed to recommend that the City Council AMEND GCO Ch. 22, Sec. 22-267 "One Way Streets-Generally" by DELETING Williams Court

from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length, in an easterly direction.

This matter, pursuant to the Citizen's Petition, will be advertised for public hearing.

5. *CC2015-044 (Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags (Cont'd from 07/18/16) (Cont'd from 06/19/17) TO BE WITHDRAWN*

Councilor Cox requested that Council Order 2015-044 be withdrawn.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2015-044 (Cox) Amend GCO Sec. 9-12 regarding "Prohibition of plastic checkout bags without prejudice.

6. *CC2017-026 (Cox) Request O&A review & recommend the matter of regulating the use of plastic & paper checkout bags & recommend whether an ordinance regulating the use of plastic & paper checkout bags be adopted*

Councilor LeBlanc expressed his thanks to the Clean City Commission members who were present to discuss both the proposed plastic bag ban and the polystyrene container ban with the O&A Committee after a brief discussion with Councilor Cox as to the process of taking up those two matters.

Councilor Cox recounted that someone came to her with a concern on plastic bags asking that a ban be introduced in the city. This process involved a great deal over the past two years, she advised, and that the previous order didn't now meet the standards of current bag bans in the state. She noted the previous Council Order had a retailer's requirement based on square footage which was removed as local orders are now "all encompassing." She pointed out that there are options for a 10 cent/5 cent buy in, which some communities have left in place as a tax which goes back to the city or town. Councilor LeBlanc asked who would track such a tax. Councilor Cox said she didn't necessarily agree with that method, but that the idea was to introduce the standard language of the local bans. She said she would vote to withdraw that subsection of the plastic bag ban agreeing with Councilor LeBlanc it would be extremely difficult to track by the city. She noted that she didn't want to give her opinion in the form of the Order and that the ordinance proposal is introduced at 100% saying that she is willing to offer and/or accept amendments to it. The effort put forth for the last year, the Clean City Commission has done its due diligence, giving handouts to all merchants with contact information, and she said she has received one phone call to date opposing the bag ban. She pointed out that she's received several compliments for the bag ban and received good feedback from merchants. There is a phase-in effort for the ban and gives businesses an opportunity to use up what they have on hand.

Councilor LeBlanc asked how many merchants were contacted. Eric Magers, 7 Marchant Street, Clean City Commission member, said the Commission picked brick and mortar establishments and those retailers that would potentially be putting goods in bags or polystyrene and contacted 166 merchants, including supermarkets. Councilor LeBlanc asked if the Commission had heard back from the supermarkets. Councilor Cox said they didn't hear from the supermarkets. Councilor Cox said almost all of the "bigger merchants" are already doing this in other communities -- Gloucester isn't the first community to consider or institute a plastic bag ban, of which there are 55 communities' already banning plastic bags -- Market Basket and Marshalls, are already affected by bag bans. Mr. Magers said their feedback from retailers was that they thought the ban was already happening and expressed they were accepting of it.

Councilor LeBlanc said while this bag ban ordinance has been in the works for some time, yet there wasn't much in the way of communications from the store owners this will affect and from consumers who may be paying this tax and purchasing their own checkout bags. He noted subsection (d), "Recyclable Paper Bag" A paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (2) is capable of composting, consistent with the timeline and specifications of the ASTM Standard D6400." He asked what it meant and the difference between a brown paper bag that is in city grocery stores now and the specifications of the ASTM Standard D6400. Mr. Magers said they used the Mass. Green Network and the Sierra Club standards to base the ordinance on. He advised there are a lot of products in the market that exist for organizations to "potentially get around ordinances in a very creative way," and that this has very strict guidelines that shows what is compostable. Councilor LeBlanc

asked what the price is to the retailer and what is passed onto the consumer. If they were to adhere to this subsection, what is the retailer's cost and will it be passed onto the consumers. **Mr. Magers** responded that they are not passing on the 10 cent charge. All the paper bags that people now get in Gloucester, he said he's never seen one that doesn't fit these guidelines, but they are there – there are companies that are making a profit producing bags to get around bag bans. **Councilor LeBlanc** reiterated his ask – are they a certain type of bag and what would be the ramifications of a supermarket not using the type of specified paper bag shown in this draft ordinance but the simple paper bag they've been using for years rather than outsourcing a bag to meet the ordinance specifications.

Councilor Cox said this is a definition of what a brown paper bag is and what they've used all along, noting that most companies won't use the non-compostable bags because they are more expensive. She said that the legal language they're instituting is, "a little heavy handed" but is what has been used all along. She said they're not trying to burden businesses or taxpayers but are encouraging the use of reusable bags.

Councilor LeBlanc noted subsection (h) "Any retail establishment that provides a recyclable paper bag, a compostable plastic bag, or a marine degradable plastic bag, with the exception of produce bags and product bags." Bags for produce and product bags are not included in this ban, he said. **Mr. Magers** said it seemed daunting to have paper bags in areas of the supermarkets such as the produce aisles and so this is an exception. A product bag is a bread bag, things that are already in a bag also. **Ainsley Smith**, 14 Pine Street, Chair of the Clean City Commission added that a product bag is a bag that is used to bring products up to a counter. She pointed out that the product bags were defined in an earlier draft of the proposed ordinance language which she read reiterating Mr. Magers' assertion.

Councilor Cox mentioned the concern of lack of communication to businesses and from businesses. She said they've given multiple page documents to the businesses with the Clean City Commission and her contact information, that that they've received no feedback. **Councilor LeBlanc** asked if Councilor Cox and/or the Clean City Commission had reached out to the Cape Ann Chamber of Commerce. **Councilor Cox** said that the Chamber of Commerce is on board but that they've received nothing in writing. She said that 99% of businesses know this is coming; all of them hearing about the proposed state-wide ban, so they realize it's just a matter of time. **Councilor LeBlanc** asked about the Downtown Development Commission. **Councilor Cox**, noting she is the Commission's Council liaison, said that the DDC hasn't made a formal recommendation, although they have discussed the bag ban. Any communication has been, "it's about time," or that they know it is coming. She mentioned that people also know it is the right thing to do.

Councilor LeBlanc pointed out that the city has people from Manchester and Rockport who shop in Gloucester, especially at supermarkets, and this ban will affect not just Gloucester residents. He suggested that such a ban may make doing business in Gloucester more difficult as it will add to a start-up's cost. A burden is purchasing bags the first time, **Councilor Cox** pointed out, but is not a burden to doing business. She said she has had this conversation with some of the members of the Rockport Board of Selectmen, and that they're not willing to put such a ban forward noting that Rockport doesn't have a grocery store. They're unwilling to move forward with such a ban. If there is a state ban the retailers will have to get used to the situation regardless, she noted. She highlighted that this ban is about protecting the city's surrounding waters and protecting marine life. She said this is a small step but an important one -- this is more of a global situation and how they individually affect the world. There are states that have banned plastic bags, and there are countries that have banned the bags, she pointed out.

Councilor Nolan said that it has been two years since the original order came through and that he's been in this room when the bag ban first was presented. He noted he's read a great deal on the matter, studied the issue, and reviewed the ideas of the ban and its different iterations. He expressed his opinion that this is something that has to happen. He pointed out that subsection (h) in the Council Order needs to be removed but otherwise he is fine with the rest of the ordinance as presented. He noted there are expenses in running a business; paper bags already cost more money but are offered. He noted that he was in Ipswich, the town just instituting a bag ban that hasn't gone into effect yet. He conveyed that there are bags that can be reused up to 100 times that have a compost rate of three months in the sun. He noted the arguments about dog waste and how people use store plastic bags to pick up their dog's waste – but those bags are in the soil forever, and now they have dog waste in them. He said he supports this ban – there have been a lot of people doing a lot of "footwork" on it. He said people he talks to downtown that are business owners are supportive or that the bags they now use aren't plastic. He reiterated that aside from subsection (h) he is supportive of the ordinance. He offered his thanks to those people who have worked on it, and that this is something they have to do for the good of the environment. **Councilor Cox** added that out of respect for this Committee, she didn't invite a lot of people to speak but asked the Clean City Commission, who are appointed by the Administration to speak this evening whom she said should have the right to speak because they worked on formulating this ordinance amendment. Their process isn't finished, she advised, as there is a lot of education that still needs to be done and is why there is phase in to the bag ban. Other communities found the phase-in period very

helpful, she added. They have sought out grants to deliver bags to the Senior Center for the last four years because she said she knew this was going to happen. From the point where this passes to where it goes into effect there will be flyering in the windows of stores to remind consumers they need to remember to bring their bags with them for their purchases as well as window stickers which she pointed out she bore the burden willingly for the cost of their printing.

Councilor O'Hara expressed he is environmentally friendly and believes the environment has to be protected, adding that the city works very hard to recycle. What he's hearing this evening and what the Commission is saying they've heard, isn't what he's heard from city retailers. He said he "feels for" transient folks walk city streets with plastic bags that they need these bags to carry their personal goods and recycled bags would be a burden to them. He said shop owners tell him they're not in favor of the bag ban. People have busy lives, he said, and that while he understood there may be a state ban issued going forward, he's not hearing from merchants and consumers that they want this ban. He said that some bags do end up in the ocean, but there are many bags that end up on the side of the road as do many other objects just as often. This is something that he couldn't support, he said. The community, the retailers, Shaw's, Stop & Shop, Market Basket, passes this expense onto consumers and these consumers who are city taxpayers are already strapped, he highlighted. He pointed out that all trash goes to incinerators -- there is no municipal landfill being used anymore. He reiterated that this would be a burden that goes directly to the consumer. Many people repurpose their plastic bags, and this is a tax a consumer will have to bear. He said retailers told him they're prepared but that someone has to pay for it, and it will be the consumer. He said he's not in favor of a tax on the consumer and can't support the ordinance amendment.

Councilor Gilman introduced a constituent who is in the waste industry and has asked to speak for clarification purposes and then left the meeting. Through the Chair, **Deborah Darby**, 553 Washington Street, someone working in the waste industry was allowed to speak. She said that under subsection (c) "Marine Biodegradable Plastic Bag" A plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability. A plastic bag that is made of polyethylene, polyethylene, terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "marine degradable." She said the marine degradable standard is not appropriate. Councilor Nolan had mentioned the Town of Ipswich plastic bag ban and that the bags are photodegradable; but the industry doesn't accept that -- it is called "oxo-degradable" which means the plastic bags simply fragment into finer pieces that remain in the environment. She said moving forward if a plastic ban moves forward it is selecting appropriate materials and wording it so these products are moved into the market in a way that is environmentally and economically viable. **Councilor Cox** said they are aware that the United States doesn't use marine biodegradable plastic bags but they are available in the United Kingdom. This is building for the future not just what is currently available in the United States, she added. **Councilor LeBlanc** said that bag is not available to residents of Gloucester so that section is "obsolete." He said this ordinance would be making people to comply with an ordinance with products that aren't available to them at all, and expressed his understanding they're trying to build the ordinance for the future. He said while he was appreciative of the input, the Committee is trying to vet this ordinance completely. He expressed his thanks to Ms. Darby in offering some clarification to the Committee. This ordinance was a bit unrealistic as it is presented currently, he said. He said in speaking for himself, he agrees with Councilor O'Hara. He cited that he is a "huge" recycler, hunter, biker, and fisherman, and said that he is in the woods all the time and brings out so much trash frequently as well as out of the ocean in addition to what his family recycles at home. He said in trying to do the right thing for the environment, he was struggling with lending his support for the bag ban especially in light of Ms. Darby pointing out that under subsection (c) a marine biodegradable product isn't even available in the U.S., and that (h) needs to be stricken. He said he can't support the ordinance as it is written now. **Ms. Smith** asked if there are suggestions the Councilor could offer. **Councilor LeBlanc** said these are costs that are going to be passed onto the consumer, people that are on state and federal aid, people on fixed income, many of whom use public transportation -- this will be a burden to them. He expressed his opinion that a plastic bag ban would likely happen eventually, but that he couldn't support the ban now saying that it will be a burden not only to merchants but to taxpayers. **Ms. Darby** noted as to supermarkets and other retail store, the cost of shopping there actually covers the cost of those existing T-shirt bags and paper bags. She suggested that some research on the point-of-sale transaction might be viable and said it would not be a tax burden on people but is the cost of doing business.

Councilor Nolan noted under subsection (c) that when a marine biodegradable product when it becomes available they can use it although it doesn't restrict them now. **Ms. Darby** said she is a member of the ASTM and that the ASTM 7081 -- marine degradability is temperature dependent and most plastics tend to sink in the ocean. There are good biopolymers that are fully compostable, she noted, but that there are other issues involved which she enumerated briefly as to why the definition is being rewritten.

Councilor O'Hara thanked Councilor Cox for her effort. A plastic bag ban is coming, but this is a tax, and someone has to pay for it, he said. He conveyed that merchants are in business to make money and a cost like this is passed onto the consumer.

Councilor Nolan asked Ms. Darby that since she is in the waste industry, when a non-recyclable plastic bag with dog waste is put in the trash, it goes through the incinerator adding that it may be a potential air pollutant. **Ms. Darby** said a conventional plastic bag with dog waste goes to a burn facility. Those facilities maintain very strict air release standards, and it is just the ash that is buried in a landfill. That is where it all goes – if a bag is buried it remains there in the environment forever. With the dog waste they are adding a potential biohazard with people coming in contact with it. **Mr. Magers** said 5% of all plastic bags are recycled in the right way. According to the DPW in Gloucester lots of people put plastic bags in the recycling bins. **Councilor LeBlanc** said there is an educational program underway to stop that use of plastic bags in that manner. **Ms. Darby** said the only way to properly recycle a plastic bag is to return the bags to the store.

The Committee agreed to remove subsection (h) as proposed through the Council Order and voted as follows:

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 1 (Nolan) in favor, 2 opposed, to AMEND the Code of Ordinances Ch. 9 by ADDING new Chapter 9, Sec. 9-12 as follows:

- (a) "Carryout Bag" A bag provided by a retail establishment to a customer at the point of sale for the purpose of removing products purchased therein
- (b) "Compostable Plastic Bag" A plastic bag that (1) conforms to the current ASTM D6400 specifications for compostability; and (2) is certified and labeled as meeting the ASTM D6400 standard specifications by a recognized verification entity. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "compostable"
- (c) "Marine Biodegradable Plastic Bag" A plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "marine degradable"
- (d) "Recyclable Paper Bag" A paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (2) is capable of composting, consistent with the timeline and specifications of the ASTM Standard D6400
- (e) "Retail Establishment" means any commercial business facility that sells goods and/or services directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry cleaning services
- (f) No retail establishment shall provide single-use plastic bags to customers
- (g) If a retail establishment provides carryout bags to customers, the bags must comply with the requirements of being compostable bags. Nothing in this section shall prohibit customers from using bags of any type that they bring to the retail establishment or from carrying away goods that are not placed in a bag, in lieu of bags provided by the retail establishment.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 1 (Nolan) in favor, 2 opposed, to AMEND the Code of Ordinances by ADDING new Chapter 9, Sec. 9-13 as follows:

"Each retail establishment shall comply with this law. If a violation has occurred a warning notice shall be issued for the first offense. The penalty for each violation that occurs, the initial violation shall be: \$50.00 for the first offense and \$100.00 for each offense thereafter."

These matters will be advertised for public hearing.

7. *CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted (Cont'd from 06/19/17) TO BE WITHDRAWN*

Councilor Cox requested that CC2016-015 be withdrawn.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to permit the withdrawal of CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted, without prejudice.

8. *CC2017-025 (Cox): Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items from food establishments if the packaging takes place on the premises of food establishments & recommend whether an ordinance on food & beverage containers be adopted*

Councilor Cox reviewed that this proposal is essentially the same as Agenda Item #6. Councilor LeBlanc then highlighted subsection (a) "Food Establishment" shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption." That's for anyone who serves any food products, he confirmed with Councilor Cox. Councilor LeBlanc then read subsection (b) in part, "... Foam Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons. The term also includes clear or solid polystyrene, which is also known as "oriented", and referenced in this section as "Rigid Polystyrene." Rigid Polystyrene is generally used to make clear clamshell containers, and clear or colored straws, lids and utensils." He said this then applies to everything a purveyor would use to give a customer who is taking prepared food off his premises which applies to all plastic then, even straws. Mr. Magers indicated it is a very specific kind of plastic. Councilor LeBlanc asked if he were to go to a national fast food chain in Gloucester would he be able get a straw with his drink. Mr. Magers said there are some straws that could be used. Councilor LeBlanc asked if this ban applies to meat packaging, to which Mr. Magers said that is polystyrene. Councilor Cox said Market Basket is not a "food establishment." Councilor LeBlanc pointed out that Market Basket sells prepared foods. Councilor Cox said that the meat containers are polystyrene but are not applicable to this ban, but the store's prepared food to take away is affected. Councilor LeBlanc then asked about cost to not just consumers picking up the costs but for retailers to replace all their current stock. Mr. Magers said in the last several years as more companies are producing these items the costs are coming down. He said he didn't know the cost of a straw but that the market is becoming more competitive. Schools are going to using no polystyrene trays and if schools can do it, retailers can, he pointed out. Councilor LeBlanc said that it is easier for a school to do this as it is more controlled in a smaller environment as opposed to a supermarket with city-wide consumers daily. He said this expense will be passed onto the consumer noting that polystyrene is cheap and accessible versus cardboard containers that are biodegradable. This is just as impactful if not more so as the plastic bag ban, he said.

Councilor O'Hara said he is a supporter of the Styrofoam cups ban and moving to cardboard. He advised he hadn't done his research thoroughly but realizes that fresh and packaged meats are in Styrofoam containers. He said it appears that Massachusetts isn't prepared to recycle Styrofoam as the sole recycler of that product has subsequently gone out of business, and now the products to go incinerators. He suggested that packaging meats in condensed paper products may still be hygienic but that it could affect product shelf life. Paper straws were first out then plastic replaced paper straws, he noted. He suggested possibly reworking the ordinance. He said the schools are controllable, he said, and couldn't see Styrofoam being used in their environs. He said it is going to be a burden but other cities and towns have done it, and that he is bothered by the Styrofoam cups. He suggested what is in front of them may need to be honed.

Councilor LeBlanc pointed out it is more than Styrofoam cups. He said this is definitely a cost to city businesses. He said he'd be in favor of the foam cups being banned but everything else is another burden on businesses even more than banning plastic bags. Mr. Magers said the cost of these paper and cardboard products are coming down dramatically and will get cheaper. He noted that these are "responsible products" that will reduce waste in the city. He said the city should be a leader as a coastal community, an island. He advised that the harbor's seabed is full of plastic bags and Styrofoam cups. Councilor LeBlanc expressed his concern and understanding, but reiterated that the polystyrene ban as written is placing a cost burden onto city businesses. He said if it was limited to plastic cups he would support it but couldn't as written.

Councilor Nolan said the straws may be hard to ban at first as well as to-go containers. Most of the egg cartons are already cardboard/paper products. He said he is willing to go to public hearing on this matter and hear what the public has to say -- and unless they are vested in it, the Council won't hear much. He said he is in favor of it, but it may be easier to have started with just the cups and take-out containers.

The Committee removed references, after a discussion, to any polystyrene or rigid polystyrene products other than cups and clamshell containers although Councilor LeBlanc objected to the inclusion of clamshell containers in the first motion regarding the ban under GCO Ch. 9, Sec. 9-20 "Prohibition on Polystyrene-Based Disposable Food Serving Items" and in Sec. 9-21 "Definitions."

Councilor LeBlanc said there are many small businesses in the city with it hard enough on them as it is, and the small business person needs help. He said he sees this as a burden to the city's small businesses at a time where the city is trying to be business friendly and bring more businesses to Gloucester.

The Committee discussed with **Councilor Cox** as to the effective date of the polystyrene ban and determined that September 1, 2018 would be an appropriate date.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 2 in favor, 1 (LeBlanc) opposed, to Amend the Code of Ordinances by ADDING Chapter 9, "Art. II," "Prohibition on Polystyrene-Based Disposable Food Serving Items" "Sec. 9-20" as follows: "Effective September 1, 2018 polystyrene food and beverage containers shall not be used in the City of Gloucester to package or serve food or beverages if that packaging takes place on the premises of "food establishments" as defined in Sec. 9-21. In the event that compliance with this ordinance is not feasible for a food establishment because of either unavailability of alternative non-polystyrene containers or economic hardship, the Director of Health may grant a waiver of not more than six months upon application of the owner or owner's representative."

Councilor LeBlanc said he wouldn't support the ban on clamshell containers. This is yet another thing to make it harder to do business in the city, and the cost will be passed onto the consumer, he said.

Councilor Nolan said that two shops in town that already use the cardboard containers and that they like them. He noted that one food establishment told him the cardboard containers increase his costs to them for take-away containers yet he doesn't notice a difference in the quality of the container and that the cardboard containers are better for his food.

Councilor O'Hara expressed he supported Councilor Nolan's views, and offered that the clamshell containers could be switched and be more environmentally friendly but that Styrofoam cups should be banned.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 2 in favor, 1 (LeBlanc) opposed, to Amend the Code of Ordinances by ADDING Chapter 9, "Art. II," "Prohibition on Polystyrene-Based Disposable Food Serving Items" "Sec. 9-21" "Definitions" as follows: "Sec. 9-21 Definitions."

- (a) "Food Establishment" shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.
- (b) "Polystyrene" means and includes blown polystyrene and expanded and extruded foams, also referred to as expanded polystyrene (EPS), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres, injection molding, form molding, and extrusion-blow molding; in this section referenced as "Foam Polystyrene". Foam Polystyrene is generally used to make cups and clamshell containers. The term also includes clear or solid polystyrene, which is also known as "oriented", and referenced in this section as "Rigid Polystyrene." Rigid Polystyrene is generally used to make clear clamshell containers.
- (c) "Compostable" means materials that will completely degrade into, or otherwise become part of, usable compost in a safe and timely manner. Compostable, disposable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled.
- (d) "Biodegradable" means materials that will completely degrade and return to nature.
- (e) "Recyclable" means a material than can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product.
- (f) "Reusable" means any material that will be used more than once in its same form by a food establishment.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 2 in favor, 1 (LeBlanc) opposed, to Amend GCO Ch. 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code" by ADDING as follows:

"Violations of Sec. 9-20 of the Code of Ordinances shall be subject to civil ticketing by agents of the Health Department". If a violation has occurred a warning notice shall be issued for the first offense. The penalty for each violation that occurs after the initial violation shall be: \$50.00 for the first offense and \$100.00 for each offense thereafter.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:57 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

DRAFT

Planning & Development Committee
Wednesday, August 2, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Vice Chair, Councilor Melissa Cox; Councilor Gilman; Councilor Sean Nolan (Alternate)

Absent: Councilor Lundberg

Also Present:

The meeting was called to order at 5:30 p.m.

1. *Special Event Application: Request to hold Fishbox Derby on September 17, 2017*

Barry Pett, 45 Middle Street, member of the Organizing Committee for the Fishbox Derby, explained that there are no changes from last year for the 2017 Fishbox Derby. This event is scheduled for Sunday, September 17. He briefly reviewed that nothing has changed from the previous years, although now there is a rain date so that they have two consecutive Sundays available (rain date of September 24). He described the signage, road closure procedures, notification to neighbors and businesses to the Committee which were noted the same as in previous years along with trash disposal and clean up. The parking issues of neighbors are taken into consideration, he said, and Gorton's opens a lot for the abutters to park. The races start at 12 noon, he noted.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to permit Fishbox Derby, Inc. on Sunday, September 17, 2017 with a rain date of Sunday, September 24, 2017, to hold the Fishbox Derby ("Soapbox Car" Race) closing Rogers Street from Manuel F. Lewis Street to Flanagan Square that day from 6:00 a.m. to 4:00 p.m. with the following conditions:

1. Certificate of Insurance:

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

2. Road Closure Plans:

Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and removed by 5:00 PM, September 17, 2017 (or September 24, 2017 if event is on rain date).

4. Emergency Services:

Emergency services shall be as determined by Emergency Medical Services Director, Sander Schultz.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any businesses along the race route.

7. Responsibility of the Fishbox Derby, Inc.:

The applicant is also required to obtain any other necessary City Board or Commission necessary approvals. It is the sole responsibility of Fishbox Derby, Inc. to ensure that required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

2. *SCP2017-010: Pine Road #10, #14, Maps 219 & 230, Lots 133 & 116, GZO Sec. 5.2 Earth Fill & Removal Regulations*

Christopher McCarthy, 166 Bray Street, applicant for a Special Council Permit under GZO Sec. 5.2 Earth Fill and Removal Regulations said he purchased #10 and #14 Pine Road in December 2016. He said he was aware there was fill brought onto the property prior to his ownership of the two properties. He explained that in speaking with the Building Inspector he learned that in 2013 fill was brought onto the lots in excess of the limit under the standards without a building permit of 50 cubic yards and noted under certain circumstances up to 200 cubic yards can be brought in. The fill brought into the lots by the former owner was over 600 cubic yards, taken from a water line project on Western Avenue, without appropriate permitting. He advised he had to a civil engineer document the type of fill and amount of fill, look at historical maps, in order to estimate the fill that is on the properties. Because the amount of fill far exceeded the standard of 200 cubic yards, it now requires him as the new owner to come before the Council for a Special Council Permit for Earth Fill and Removal, essentially after the fact, he pointed out. He suggested that neighbors have had to live with rocks rolling down onto their property for some time from the lots. He noted these lots are very steep with some stabilization mostly on #14 Pine Road. The lot at 10 Pine Road, depending on the Council, will need a drainage plan for the lot with a retaining wall at the rear of the property as well as other means of protecting neighbors from rocks rolling onto their properties.

Councilor Cox confirmed with **Mr. McCarthy** that he was asking for permission to keep the fill brought onto the lots by the previous owner and not to remove any of it. **Mr. McCarthy** reiterated he didn't want to remove any of the fill saying that the fill stabilizes the properties which may require adding some boulders which he would bring in to build an engineering-designed retaining wall to keep fill and other rocks on the sites from rolling down to neighboring properties. He noted a plan of the existing and former topography of the properties on file with the Special Council Permit application. **Councilor Cox** asked what other boards **Mr. McCarthy** went to for permitting pursuant to the lots. **Mr. McCarthy** said he has been before the Planning Board to realign the lot line as noted on the Division Site Plan of Land (on file).

Councilor Gilman asked that Sec. 1.8.3 be reviewed by the applicant. **Mr. McCarthy** noted as follows:

1. Social, Economic or community need served by the proposal: The construction and sale of two modestly priced single family houses will help local families afford to purchase a new house in the city. He added he typically builds homes of modest structure and has done so for the last 20 years. He said that he plans on two single-family homes not two duplexes for the two lots.
2. Traffic flow and safety: The traffic flow relative to what are there (no homes) wouldn't be a large increase in traffic flow with two single-family homes, he said. Additionally, if he had to take out fill and get large excavator trucks to take out material from the lots, he pointed out it would be a disturbance to the neighborhood and existing roadway. He said the road was built well, but to get a triaxle at 70,000 lbs. going up onto the properties, loading and leaving the property would be "problematic."
3. Adequacy of utilities and other public services: There is existing sewerage, and there will be wells drilled on both lots. He advised that there is only a small $\frac{3}{4}$ " water line that goes up the street past the two lots.
4. Neighborhood character and social structure: The neighborhood consists of colonial, ranch and cottage-style homes.
5. Qualities of the natural environment: It is planned to leave the rear of the properties as they are now – both lots are heavily covered by trees and wildlife.
6. Potential fiscal impact: The construction of two single family market rate houses will add to the local tax base.

Councilor Gilman noted that drainage plan is in place for #14. **Mr. McCarthy** said there is a plan (on file) signed off by the City Engineer and meets the criteria set forth in the standards but not for #10. He said he didn't submit a plan for #10 Pine Road because he wasn't sure whether the Council would want fill from that lot removed. He advised he would have to follow the same process and have the City Engineer approve of anything put on the #10 Pine Road property, similar to what is on for #14, which would have to be in place before a permit to build would be issued. He mentioned if he constructs a small house on #14 or if a customer wants a slightly bigger house than what he had planned, he would have to go back before the City Engineer for approval for any changes to the drainage plan(s). He reiterated that #10 Pine Road's drainage plan would have to be approved by the City Engineer before any work can be started.

Councilor Gilman said this Special Council Permit is specific to the fill on the lots. **Councilor Cox** noted that the application under GZO 1.8.3 it doesn't mention fill to be kept, rather it talks about building houses, which appears is the end goal. Tonight they are talking about retaining fill not building homes, she said. **Councilor Gilman** noted that under Sec. 1.8.3 #5, "Qualities of the natural environment" is applicable. She asked what the quality of the fill was. **Mr. McCarthy** said the fill was gravel left over from the upgrading of a water line on Western Avenue instead of it being taken back to Butman's Pit.

Councilor Nolan noted he got one phone call on this application as soon as the notification to abutters was made by certified mail by the applicant and advised he made a site visit to the properties. He said he understood what the applicant was trying to do, leaving the fill on the properties. He said this is about leaving "dirt" or removing what is on the properties. If fill were to be removed, he pointed out, it makes it less likely to be able to build on the property and

changes the landscape of it. He said he'd like to hear more from the neighbors at the public hearing. He added that as to the drainage plans that he'd like to see more of what may happen by removing the fill to that area, and if it would change the drainage aspects of the area if the property was made lower to the ground by the fill's removal. He said it's about what's there now and how much would it change by removing 650 +/- cubic yards of fill -- would it deter or change groundwater absorption or run-off from these lots or would it be the same as it is found now. **Mr. McCarthy** said "from a layman's perspective" there is more (water) absorption with the fill in place as it is gravel. He said he believed that the intent for the fill was to be able to exit Pine Road onto the property rather than parking a vehicle on a downward slope. It is necessary from a practical building standpoint to be able to pull off the roadway and park vehicles in a yard otherwise it is a strong sloping, steep lot access.

Councilor Cox asked if there were engineering plans that show how it would affect the neighborhood. **Mr. McCarthy** said during the construction that it would be to ensure that no fill "tumbles down" onto neighboring properties. When the fill was installed rocks did roll into neighboring properties, he said.

Councilor Gilman cited that in the application under "Application for Special Permit" "5. Evidence to support grant of special permit" that: "The original front yard slope of the land at 10, 14 Pine Road was very steep. Leaving the fill in place will allow the two new houses to have off-street parking and small level yard areas similar to other homes in the neighborhood...Leaving the fill in place will further stabilization, the two proposed single-family houses will meet all zoning requirements with regard to front yard setbacks and off-street parking." She said that is more relevant to the Special Council Permit than GZO Sec. 1.8.3. **Councilor Cox** pointed out that she appreciated what the Councilor enumerated but that it was the applicant filling out the form, not engineering (plans). She noted when Liberty Street was paved it took the roadway up by two inches and now a resident's garage is flooding. **Councilor Gilman** said that would be information that could come forward from abutters at the public hearing before the Council to hear their concerns.

Councilor Cox asked if the applicant had any feedback to date from neighbors complaining about flooding or adverse effects due to the fill brought onto the properties. **Mr. McCarthy** said he hasn't yet spoken to the abutters. He noted that at the rear of #14 there are wetlands, a brook, and also a bit behind #10 Pine Road.

Councilor Gilman asked if when Mr. McCarthy purchased the properties that he knew the 650 +/- cubic yards of fill was placed on the lot without proper permitting. **Mr. McCarthy** said that he did. **Councilor Nolan** highlighted this was not "dirty" fill.

With the Committee's permission two abutters were allowed to voice their concerns so that the applicant could potentially address them before the public hearing. **Angelo Bertolino**, 8 Stanwood Avenue, expressed concern for the overflow of the lot plus the brook and asked what would happen there. He said when the former owner was filling in the property there were a lot of boulders rolling down the hill. He said neighbors have children and it isn't safe. He noted that even now once and a while you can hear boulders rolling down the hill. He said the lots were overfilled and "illegal" to have done so. He said he didn't understand why if the fill was placed without permitting why it wasn't being removed. He reiterated his concern about further erosion coming down the hill which he said is very steep and whether the fill is clean. **Councilor Cox** asked whether the applicant had the soil tested. **Mr. McCarthy** said he had a civil engineer on the property doing test pits as noted on the drainage plan (Note -- shown on Drainage Plan as: "Test Pits Date: 7/7/17 Performed by: John Hudd P.E. (SE #1163) T-1, T-2, T-3, T-4 & T-5 0-60" mixed loamy sand fill.)). **Councilor Nolan** added that any of the neighbors should feel free to contact him to express their concerns before the public hearing and he would assist them in seeking answers.

Meg Gillis, 4 Pine Road, said she has no issue with dirt, and recalled seeing the dump trucks. She said she wanted to learn more about water. She said the road is one-car width wide, and a dead-end. She said she wasn't concerned with rocks, living next door. She said there is a lot of space between where she lives and where the homes are proposed at 10 and 14 Pine Road. She confirmed that the properties simply, "drop off," and recalled there was a house formerly on one of the properties. **Mr. McCarthy** said there was a house that burnt down in 1956 and the chimney still stands at 14 Pine Road composed of granite fieldstone, about 20 feet tall.

Councilor Cox said they are talking about the fill, and if there is plans to build other public bodies may be involved. **Mr. McCarthy** said that the lots meet all side, front and rear yard setbacks. He said the lots meet all the criteria with one lot being over an acre, and the other "29,000." He reiterated he was in front of the Planning Board to adjust the lot lines between the two lots. He also reiterated he would have to go to the City Engineer for further review.

Councilor Cox expressed her concern that there was no drainage plan on file for #10 Pine Road and the possible impact to the neighborhood with that much fill being there.

Councilor Gilman suggested that the applicant speak with the City Engineer to ask him to go out to the Pine Road properties to give Mr. McCarthy some feedback based on what has been put forward this evening. **Mr. McCarthy** said he could do that or he could contact the DPW Director. He said after the meeting he would like to meet with the neighbors to learn more on their concerns and be able to address them. If the rocks are still rolling down he said he

would want to double up what he had planned for snow fencing at the rear of the properties with a second fence line, and perhaps a third further down the hill where it plateaus about 150 feet back.

Councilor Nolan said that he understood why there wasn't a drainage plan for #10 Pine Road because a plan can't be formulated not knowing where the grades are going to be located. He advised the applicant that the best he can do prior to the public hearing is to work with the neighbors to solve issues. He assured there would be a public hearing.

Councilor Gilman said she heard a desire to talk more with the neighbors and do homework to alleviate some of the concerns that have been raised this evening. She said she will vote in favor of this application to move it forward to the Council and wait to hear what happens at the public hearing.

Councilor Cox reminded the applicant that they vote twice -- in Committee and then again at the close of the public hearing. She advised that Committee members can always change their vote when the matter is before the Council.

Councilor Nolan said that in observing 20 years of Mr. McCarthy's building homes in different city neighborhoods. He said overall with what he has observed personally and heard, people are happy with what Mr. McCarthy does. He expressed it was his hope that Mr. McCarthy and the neighbors will get together and come up with a plan to ease concerns. He said he supports the neighborhood in whatever way they want to go, and what is best for the city of Gloucester. He conveyed his support of the application going through to Council this evening to a public hearing but will look forward to hearing what solutions come out at the public hearing.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Nolan, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council GRANT to Christopher McCarthy, owner, a Special Council Permit (SCP2017-010) pursuant to Section 5.2 of the Gloucester Zoning Ordinance for Earth Removal and Fill for Pine Road #10 and Pine Road #14, Assessors Maps 219 & 230, Lots 133 & 118, zoned R-20, to keep existing 650 +/- cubic yards of fill found on these properties to make useable yards as shown on the Division Site Plan of Land Located At 10 & 14 Pine Road, Gloucester, MA prepared for Christopher McCarthy Prepared By American Land Survey Associates, Inc., Kirk W. Benson, PLS, Gloucester, MA dated December 30, 2016 and Drainage Plan, 14 Pine Road, Gloucester, MA Prepared for Chris McCarthy by Gateway Consultants, Inc., Gloucester, MA. Further, it is found that the application meets the standards and is in harmony with GZO Sec. 1.8.3.

Councilor Cox expressed her thanks on behalf of the Committee for the group of neighbors who were attendance at the Committee meeting.

3. *SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" (Cont'd from 06/21/17 TBC 08/16/17)*

This matter is continued to August 16, 2017.

4. *CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (Cont'd from 07/19/17)*

This matter is continued to August 16, 2017.

5. *RZ2017-001: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (TBC 09/06/17) NOTE: The correct Rezoning Number is: RZ2017-002*

This matter is continued to September 6, 2017 pending a Planning Board recommendation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:10 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-029
SUBJECT: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO
Sec. 1.8.3, 1.5.3(c), and 5.7 “Major Projects” and Sec. 5.27 “Medical
Marijuana Treatment Centers and Medical Marijuana Cultivation
Facilities”
DATE OPENED: 08/08/2017
CONTINUED TO: 08/22/2017
CONTINUED FROM: 06/13/2017
COMMITTEE: P&D 05/03/2017, 05/17/2017, 06/07/2017, 06/21/2017, 08/02/2017
City Council 06/13/2017, 06/27/2017

38 Great Republic Drive
**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

In accordance with the provisions of MGL Chapter 40A, Section 11, the **Gloucester City Council** will hold a public hearing on **Tuesday, June 13, 2017 at 7:00 PM in the Kyrouz Auditorium, City Hall**, relative to the following Special Council Permit Application:

SCP2017-006: The Application of Seaside Legal Solutions, P.C., Attorney Joel Favazza, on behalf of Applicant, Happy Valley Ventures MA, Inc., and Owner, Great Republic, LCC, for a Special City Council Permit to construct and allow a Medical Marijuana Treatment Center and Medical Marijuana Cultivation Facility pursuant to Gloucester Zoning Ordinance Sec. 1.8.3, Sec. 1.5.3 (c), Sec. 5.7 and Sec. 5.27 located at 38 Great Republic Drive, Assessor's Map 263, Lot 64 in the BP (Business Park) District.

At the public hearing, all interested persons will have the opportunity to be heard based on the procedures determined by the Council. **All written communications to the Council must be received by the office of the City Clerk no later than 3 business days (excluding holidays and weekends) prior to the scheduled hearing date or any continuation by the Council of such date in order to be considered by the Council as part of the public hearing.**

The complete application is available for review at the office of the City Clerk at City Hall during regular business hours.

By vote of the City Council
Joanne M. Senos, City Clerk

AD#13571064
CAB 5/26, 6/2/17



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-035
SUBJECT: Amend GZO by ADDING Section 1.5.4.1 "Zoning Administrator" and AMEND Sections 1.8.1, 1.8.2, 1.8.8, 2.2.1, and 2.3.1 accordingly; and AMEND Section V to add a new section 5.29 "Certain Pre-Existing Multi-Family Use."
DATE OPENED: 08/08/2017
CONTINUED TO: 08/22/2017
CONTINUED FROM: 07/25/2017
COMMITTEE: P&D 4/5/2017, 4/19/2017, 5/3/2017, 6/7/2017, 6/21/2017, 7/19/2017, 8/2/2017
City Council 5/23/2017, 6/27/2017, 7/11/2017, 7/25/2017

NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, §5, and the Gloucester Zoning Ordinance, Section 1.11 and 1.11.4(b), the Gloucester City Council will hold a public hearing on **Tuesday, May 23, 2017**, at 7:00 P.M. in the Kyrouz Auditorium, City Hall, to consider the following petition to amend the Gloucester Zoning Ordinance:

ADD Section 1.5.4.1 "Zoning Administrator", and **AMEND** Sections 1.8.1, 1.8.2, 1.8.8, 2.2.1, and 2.3.1 accordingly;

And **AMEND** Section V to add a new section 5.29 - Certain Pre-Existing Multi-Family Use

At the Public Hearing, all interested persons will have the opportunity to be heard based on the procedures determined by the Council. **All written communications to the Council must be received by the office of the City Clerk no later than 3 business days (excluding holidays and weekends) prior to the scheduled hearing date or any continuation by the Council of such date in order to be considered by the Council as part of the public hearing.**

The complete application is available for review at the office of the City Clerk at City Hall and the Community Development Office at 3 Pond Road during regular business hours.

By Vote of the City Council
Joanne M. Senos, City Clerk
GT - 5/8, 5/15/17



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-037
SUBJECT: Local adoption of MGL Ch. 272, §80F concerning the prohibition of giving live creatures as prizes or awards.
DATE OPENED: 08/08/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 7/17/2017

**PUBLIC HEARING
LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

The Gloucester City Council will hold a public hearing on **Tuesday, August 8, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to:

Local adoption by the Gloucester City Council of MGL c. 272, §80F concerning the prohibition of giving living creatures as prizes:

"No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars."

At the public hearing, all interested persons will have the opportunity to be heard based on the procedures determined by the Council.

By Vote of the City Council
Joanne M. Senos, City Clerk

AD#13593112
CAB 7/28/17

city would have to do a Home Rule Petition to raise the fine any higher than that. **Ms. Senos** pointed out with late fees \$50 would be the most the city could charge because the state law says overall the fines can't go over \$75. **Interim Chief McCarthy** suggested that the beach district should extend to a one-mile radius rather than picking and choosing particular streets.

Councilor Cox noted off season that the Wingersheek Beach gate is closed to the lot and there is on-street parking from Camp Spindrift moving forward towards the beach with vehicles parked on both sides of the street which is illegal. **Interim Chief McCarthy** advised that when they see a day very warm day in the spring before beach season or in the fall after the close of the season, they will do their best to open the gates, recounting they did so this past May when the city experienced some very warm weather. **Mr. Destino** said the city opened up the Little League Field at Stage Fort Park to paid parking this past weekend which was the busiest weekend ever to date for the city.

Ms. Senos said that General Counsel reached out to Councilor O'Hara conveying that once the roads for the beach district were named or a one-mile distance was outlined and those streets listed, that a Home Rule Petition could be drafted. **Councilor Cox** said that a Home Rule Petition should be put forward as soon as possible. **Mr. Destino** said that the dollar amount named in the petition should be chosen to act a deterrent. **Councilor O'Hara** said that a high dollar ticket plus a tow fee will be a good deterrent. It was noted that the cost to the city to raise the fine to the limit of \$50 (which keeps the fees for late payment to the \$75 limit by state law per ticket) would be greater than the income given that the Code of Ordinances would have to be updated as well as tickets reprinted, etc. The Committee agreed that the Home Rule Petition was the right way to go. **Councilor Gilman** suggested that other Councilors should be included to discuss whether other areas in the city should be included after taking a careful look at beach district mapping.

Councilor LeBlanc confirmed that Councilor O'Hara would meet with the Traffic Commission to complete the beach district mapping and will consult with other Councilors whose Wards are or could be affected. **Mr. Destino** suggested caution in mapping and to limit areas to beach districts. He also suggested that the city's state legislators be contacted to make them aware of the city's desire to submit a Home Rule Petition for beach district parking fines.

This matter is continued to September 18, 2017.

→ 10. ***CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval"***

Councilor LeBlanc pointed out that there is already a state law that prohibits giving away any live animal as a prize which was overlooked. **Councilor Cox** said the incident that precipitated this matter has already been dealt with by her and assured it wouldn't happen again. **Ms. Senos** said that the Licensing Commission doesn't know what the specific prizes that are given away by vendors. There was a discussion on this matter as to previous issues although infrequent of live animals being given as prizes. **Councilor Cox** suggested that Councilor O'Hara withdraw his Council Order then the Committee could move to adopt the pertinent state law. It was noted the state law fine is \$100. **Councilor LeBlanc** asked that it be clarified by the time of the public hearing whether the fine is per animal or in general.

Rowan Trainor, 15 Chapel Street, said she got a fish at Fiesta as a prize and gave it a good home, even naming it. Three days later the fish was dead which she said made her very sad. She expressed her concern for all the fish given away as prizes and didn't want other children to go through what she had.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-021 (O'Hara) Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING Sec. 4-3 re: "Prohibition of giving living creatures as prizes at events without prior city approval without prejudice.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council adopt M.G.L. Ch. 272, §80F as follows: "No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to AMEND GCO Ch. 4 "Animals" Art. I "In General" by ADDING new Sec. 4-3 as follows:

**“No person shall offer or give away any live animal as a prize or an award in a game, contest or tournament involving skill or chance. The provisions of this section shall not apply to awards made to persons participating in programs relating to animal husbandry. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.
Secs. 4-4 – 4-14 Reserved.”**

This matter will be advertised for public hearing

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:10 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

In Re:

Application of Gloucester Harbor Company, LLC)	
for a Special Council Permit)	
)	
)	
Pursuant to the)	DECISION OF THE
)	CITY COUNCIL
)	OF THE CITY
City of Gloucester Zoning Ordinance)	OF GLOUCESTER
Sections 1.8.3 and 3.2.2)	
)	
)	
SCP 2017-007)	

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision (“Decision”) with regard to the application of Gloucester Harbor Company, LLC for a Special Council Permit to allow it to decrease the minimum open space and lot area requirements to convert the 2nd and 3rd floors of its building from office space into one bedroom apartments pursuant to Section 3.2.2 of the City of Gloucester Zoning Ordinance (“GZO”).

On May 12, 2017, Gloucester Harbor Company, LLC, filed an Application for a Special Council Permit to decrease the minimum open space and lot area requirements at 63 Main Street. Gloucester Harbor Company states in its application that its proposal will allow the conversion of two office units on the 2nd and 3rd floor of a pre-existing non-conforming structure into two one bedroom apartments which will have a positive impact on the development of the downtown District furthering the goals of the Community Development Plan for the City of Gloucester, 2001. The application is incorporated herein by reference.

The property is located at 63 Main Street, Gloucester and is shown on Assessor’s Map 7, as Lot 34 (“Site”). The Site is located in the Central Business (CB) zoning district. Gloucester Harbor Company seeks a Special Council Permit as required by Section 3.2.2 of the GZO to decrease the minimum open space and lot area requirements. Section 1.8.3 of the GZO lays out the standard for issuing a Special Permit; Section 3.2.2 lays out the dimension requirements in each zoning district.

PLANNING AND DEVELOPMENT COMMITTEE

On June 7, 2017, the Planning and Development Committee (“Committee”) held a properly noticed meeting. Attorney Mark Nestor, representing Gloucester Harbor

Company, explained that his client is seeking a Special Council Permit to convert the 2nd and 3rd floors of its building into one bedroom apartments. He stated that the ZBA approved a special use permit to convert the space from retail/commercial to retail/multi-family. The building has 3,496 square feet of open space but 5,000 square feet is required. Attorney Nestor further explained that this plan is more in keeping with the Community Development Plan of 2001 which encouraged the goal of making upper units into apartments to improve housing.

Councilor Gilman asked about parking and affordability. Attorney Nestor stated that since the building has been a commercial space since 1967, it does not require off street parking. He stated that he was not presenting the units as affordable housing.

After discussion, the Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit to Gloucester Harbor Company, LLC to allow for an existing building to be converted from office space on the second and third floors into two residential one bedroom units at 63 Main Street, Map 7, Lot 34 pursuant to GZO s. 3.3.2 to decrease the lot area per dwelling unit from 2,500 to 1,460 square feet and to reduce the minimum open space from 5,000 to 3,496 square feet. The application under GZO 1.8.3 is in harmony with the intent and purpose of the zoning ordinance governing Special Permits.

CITY COUNCIL

On June 27, 2017, the City Council opened the public hearing on the Application at 9:03 p.m.

Attorney Mark Nestor, representing the property owner, Gloucester Harbor Company, LLC, stated that his client is seeking to convert the second and third floors of 63 Main Street from offices to one bedroom apartments. The owners obtained a special use permit to convert the building from retail/commercial to retail/multifamily. The owners seek to reduce the open space requirement from 5,000 to 3,496 square feet and the lot area per dwelling unit from 2,500 to 1,460 square feet.

Councilor Orlando asked if the units were to be designated affordable. Mr. Nestor stated that the rentals would be in the realm of affordability at about \$1,200 per month.

The City Council closed the public hearing at 9:07 p.m.

On July 25, 2017, the City Council voted 9 in favor, 0 opposed to correct a typographical error in the motion striking the words “lot area” and substituting the words “open space.”

FINDINGS OF THE CITY COUNCIL

The City Council voted by ROLL CALL 9 in favor, 0 opposed, to grant the Special Council Permit to Gloucester Harbor Company, LLC to convert office space on the second and third floors of a three-floor building into two residential one bedroom units at 63 Main Street, Map 7, Lot 34 pursuant to GZO Section 3.3.2 Dimensional Requirements for Multi-Family Dwellings and the Accessory Uses (other than signs) to decrease the minimum open space and lot requirements so that the lot area per dwelling is reduced from 2,500 to 1,460 square feet and the open space requirement is reduced from 5,000 to 3,496 square feet which is found to be in harmony with the intent and purpose of GZO Section 1.8.3 governing Special Council Permits.

GENERAL CONDITIONS

1. The minutes of the Planning and Development Committee meeting and the June 27, 2017 City Council public hearing and all documents and testimony received during the hearings are incorporated into this Decision.
2. Each finding, term and condition of this Decision is intended to be severable. Any invalidity in any finding, term or condition of this Decision shall not be held to invalidate any other finding, term or condition of this Decision.

On _____, 2017, the City Council adopted this Decision.

Pursuant to Rule 25 of the City Council Rules of Procedure, the President of the City Council and the City Clerk have signed this decision demonstrating that it is a true and accurate reflection of the June 27, 2017 vote of the City Council sitting as the special permit granting authority.

Joseph Ciolino
President, Gloucester City Council

Joanne Senos
City Clerk

Dated: _____, 2017