

GLOUCESTER CITY COUNCIL CALENDAR OF BUSINESS

TUESDAY, October 10, 2017

7:00 P.M.

KYROUZ AUDITORIUM, CITY HALL

COUNCIL MEETING #2017-019

MEETINGS ARE RECORDED

CITY CLERK
GLOUCESTER, MA
2017 OCT 10 AM 8:06



REVISED AGENDA

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS/COMMENDATIONS

Matt Coogan, Senior Planner re: update on Gloucester Green campaign for MassSave no-cost home energy assessment

CONFIRMATION OF NEW APPOINTMENTS

Zoning Board of Appeals

Adria Reimer-Nicholosi

TTE 02/14/20

CONSENT AGENDA

ACTION

• **CONFIRMATION OF REAPPOINTMENTS**

• **MAYOR'S REPORT**

1. Special Budgetary Transfer Request (#2018-SBT-1) from the CFO (Refer B&F)
2. Memorandum from Acting Community Development Director re: Community Preservation Committee Recommendations – Round 8, FY2017 Funds (Refer B&F)
3. Memorandum, Grant Application & Checklist from DPW Director re: Acceptance of Recycling Dividends Grant in the amount of \$27,000 (Refer B&F)
4. Memorandum from Personnel Director re: overview of new municipal training program through the Van Loan School at Endicott College (Info Only)
5. Memorandum from Personnel Director re: updated terms for job descriptions within the Harbormaster and Shellfish Warden Departments (Info Only)

• **COMMUNICATIONS/INVITATIONS**

• **INFORMATION ONLY**

• **APPLICATIONS/PETITIONS**

1. Special Events Application: Request to hold the 2017 Christmas Parade & Tree Lighting on November 26, 2017 (Refer P&D)
2. Special Events Application: Request to hold the Lobster Trap Tree Lighting on December 9, 2017 (Refer P&D)

• **COUNCILLORS ORDERS**

1. CC#2017-041 (Gilman): Request that the Stage Fort Park tennis courts be dedicated in honor of Avis Murray (Refer O&A)
2. CC#2017-042 (O'Hara): Request that the State Legislature file a Home Rule Petition re: raising parking fines (Refer O&A)
3. CC#2017-043 (Gilman): Request the Traffic Commission perform a speed study on Gee Avenue (Refer O&A & TC)
4. CC#2017-044 (Gilman): Amend GCO Ch. 9 "Fire Prevention and Protection" by ADDING Sec. 8.6 entitled "Use of Sky Lanterns and Other Devices" (Refer O&A & Fire Dept.)
5. CC#2017-045 (Cox): Request O&A review and recommend the matter of regulating the use of plastic carryout bags and amend GCO Ch. 9 accordingly (Refer O&A)

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

1. City Council Meeting: 9/26/2017 (Approve/File)
2. Standing Committee Meetings: B&F 10/05/2017 (under separate cover), O&A 10/02/2017, P&D 10/04/2017 (Approve/File)

STANDING COMMITTEE REPORTS

ACTION

B&F 10/05/2017, O&A 10/02/2017, P&D 10/04/2017

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

SCHEDULED PUBLIC HEARINGS

1. PH2017-052: Amend GCO Ch. 2 "Administration", Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund"
2. PH2017-043: Amend GCO Ch. 9 "Trash, Recycling and Litter" Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec. 9-12, which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12 (Cont'd from 9/12/17)
3. PH2017-045: RZ2017-002 Rust Island Road #4 Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (Cont'd from 9/26/17)
4. PH2017-048: 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

(Cont'd from 9/26/17)

5. PH2017-053: Amend GCO Ch. 22 "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" – "Fort Square" 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"
6. PH2017-054: Amend GCO Ch. 22 "Traffic And Motor Vehicles", 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"
7. PH2017-055: Amend GCO Ch. 22 "Traffic And Motor Vehicles", 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 by **ADDING** "to the" before the words "westerly boundary of number 26"
8. PH2017-056: Amend GCO Ch. 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" – "Fort Square" 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"
9. PH2017-057: Amend GCO Ch. 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same – off-street parking areas" 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"
10. PH2017-058: Amend GCO Ch. 22 "Traffic And Motor Vehicles", Sec. 22-292 "Fire Lanes" 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)"

FOR COUNCIL VOTE

1. Warrant for Municipal Election November 7, 2017
2. Decision to Adopt: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, Major Project & Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities (FCV)
3. CC#2017-038(Orlando/Nolan/LeBlanc) Request an ocean skimmer be purchased for the purpose of eradicating marine pollution in Gloucester Harbor, and that the City enters into an MOU with Cape Ann Maritime Partnership for its general maintenance (FCV)

UNFINISHED BUSINESS

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

Update of the Tourism Commission by City Council Representative, Joseph M. Orlando, Jr.

COUNCILLOR'S REQUESTS TO THE MAYOR

ROLL CALL – Councillor Scott Memhard



City Clerk

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

NEXT REGULAR CITY COUNCIL MEETING, October 24, 2017

Minutes filed in City Clerk's Office of other Boards and Commissions September 22, 2017 thru October 5, 2017

City Hall Restoration Commission 7/31/17, 8/28/17, 9/11/17; Clean City Commission 5/18/17, 6/8/17; Community Preservation Committee 7/18/17; Conservation Commission 5/3/17, 5/17/17, 6/7/17, 6/21/17, 7/19/17, 8/2/17, 8/16/17; Downtown Development Committee 8/30/17; Fisheries Commission 1/19/17, 6/8/17; Historical Commission 4/10/17, 5/22/17; Open Space & Recreation Committee 1/12/17, 4/27/17, 5/25/17; Planning Bd. 6/15/17, 8/17/17; Traffic Commission 8/24/17; Waterways Bd. 1/3/17, 1/26/17, 4/4/17, 7/6/17; Bd. of Assessors 9/7/17

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
CITY CLERK
GLOUCESTER, MA
2017 OCT -5 AM 10: 23



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: October 4, 2017
RE: Mayor's Report for the October 10th, 2017– City Council Meeting

Councilors:

Please see the below Mayor's Report containing financial matters and information only enclosures. The informational matters are of particular note, as submitted through Personnel Director Donna Leete, showcasing both our commitment to employee career development and streamlining of workflows across all departments. While the human resources team continues the important work to modernize city services and promotion of healthy workplaces, both items reflect clear progress that our administration is proud to deliver. As always, our administration is here to help with any questions or ideas that the Council may have.

Financial Matters:

- **Enclosure 1** is a memo from John P. Dunn, Chief Financial Officer, containing a Special Budgetary Transfer (SBT 2018-#1) with a request to accept a transfer to cover general liability insurance deficit amounts after a lump sum payment was issued. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** Chief Financial Officer John P. Dunn or appropriate personnel will be present to answer any questions.
- **Enclosure 2** is a memo from Gregg Cademartori, Acting Community Development Director, regarding FY2017 Community Preservation Committee recommendations for funding the 8th Round of one-time projects in the amount of \$244,563.00. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** Acting Community Development Director Greg Cademartori and appropriate personnel will be present to answer any questions.
- **Enclosure 3** is a memo from Mike B. Hale, Director of Public Works requesting the acceptance of the Massachusetts Department of Environmental Protection grant of \$27,000.00 to enhance the performance of Gloucester's successful waste reduction programs. ***Please refer this matter to the Budget and Finance subcommittee for review and approval.*** Department of Public Works Director Mike B. Hale or appropriate personnel will be present to answer any questions.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



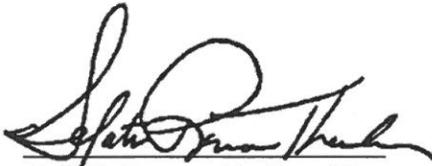
TEL 978-281-9700
FAX 978-281-9738
sromeotheken@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

INFORMATION ONLY

- **Enclosure 4** is for information only regarding a new municipal training program and overview of modules as designed by the Personnel Department in conjunction with the Van Loan School at Endicott College.
- **Enclosure 5** is a memo issued to the Waterways Board from Personnel Director Donna Leete regarding updated terms for job descriptions within Harbormaster and Shellfish Warden Departments as part of an internal realignment to modernize said offices.

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Sefatia Romeo Theken, Mayor

ENCLOSURE 1

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9707
FAX 978-281-8472
jdunn@gloucester-ma.gov

CITY OF GLOUCESTER
OFFICE OF THE TREASURER/COLLECTOR

To: Sefatia Romeo Theken, Mayor
From: John P. Dunn, CFO 
Date: October 3, 2017
Re: Transfer to Cover Deficit

Paying our \$646,000 lump sum general liability insurance for the year has resulted in a deficit in the account of \$70,973. While we generally see some credits coming back from MIIA during the course of the year, I would prefer to cover the deficit now. Last month we received word from Essex North Shore that the preliminary assessment that we used for our budget is approximately \$71,000 higher than the actual assessment. I would recommend we use such available budget funds in the Essex North Shore account to cover the current deficit in the Insurance account.

I have attached a Special Budgetary Transfer Request and if you are in agreement with the proposed transfer, please include this in your next Mayor' Report.

Thank you.

**City of Gloucester
Special Budgetary Transfer Request
Fiscal Year 2018**

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

TRANSFER # 2018-SBT- 1 Auditor's Use Only

DEPARTMENT REQUESTING TRANSFER: _____ T/C _____

DATE: 10/3/2017 BALANCE IN ACCOUNT: \$1,209,308.00

(FROM) PERSONAL SERVICES ACCOUNT # _____
MUNIS ORG - OBJECT _____
(FROM) ORDINARY EXPENSE ACCOUNT # _____
MUNIS ORG - OBJECT _____
 0194252/569001
 Vocational School Assessment
MUNIS ACCOUNT DESCRIPTION _____

DETAILED EXPLANATION OF SURPLUS: Available Funds

(TO) PERSONAL SERVICES ACCOUNT # _____
MUNIS ORG - OBJECT _____
(TO) ORDINARY EXPENSE ACCOUNT # _____
MUNIS ORG - OBJECT _____
 0194552/574001
 Building Insurance
MUNIS ACCOUNT DESCRIPTION _____

DETAILED ANALYSIS OF NEED(S): To vcover deficit

TOTAL TRANSFER AMOUNT: \$70,973.00
FROM ACCOUNT: \$1,138,335.00
TO ACCOUNT: \$0.00

APPROVALS:
DEPT. HEAD: _____ DATE: 10/03/2017
ADMINISTRATION: _____ DATE: 10/04/2017
BUDGET & FINANCE: _____ DATE: _____
CITY COUNCIL: _____ DATE: _____

ENCLOSURE 2



CITY OF GLOUCESTER

Commonwealth of Massachusetts
COMMUNITY DEVELOPMENT DEPARTMENT
CITY HALL ANNEX
2ND FLOOR
3 POND ROAD
GLOUCESTER, MA 01930
PHONE: 978- 281-9781 FAX: 978-281-9779

DATE: September 29, 2017
TO: Mayor Sefatia Romeo Theken
FROM: Gregg Cademartori, Acting Community Development Director *GMC*
CC: Deborah Laurie, CPC Senior Project Manager
RE: Community Preservation Committee Recommendations – Round 8, FY2017 Funds

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

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

The Community Preservation Committee recommends \$244,563 in funding for one-time projects. All recommended projects are subject to the terms and conditions imposed by the Community Preservation Committee. The following conditions are common to all recommended projects:

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

Attached are:

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

Community Preservation Fund General Balance available for appropriation is approximately, \$494,379; Community Housing Reserve is approximately, \$204,880; Historic Preservation Reserve approximately, \$373.17 and Community Open Space Reserve is approximately, \$77,307 for an approximate total of available funds of \$776,939. The City Council approved FY2018 budget for Community Preservation was \$664,500.

Applications for all projects are available for review in the Community Development Office, Grants Division.

Submitted by: Community Preservation Committee

Barbara Siblingman, Co Chair, At Large
John Feener, Conservation Commission
Holly Clay, Historic Commission
Ellen Preston, At Large
Vacancy, At Large

Catherine Schlichte, Co Chair, At Large
Hank McCarl, Planning Board, At Large
Heidi Wakeman, Open Space and Recreation
Karen Carter, Gloucester Housing Authority

**Summary of Community Preservation Committee Recommendations
For Round 8, FY2017 Funding**

Project #	APPLICANT	PROJECT NAME	CPA CATEGORY/PURPOSE	RECOMMENDED AMOUNT
1	Essex County Greenbelt Association	Seine Field Handicap Access Trail Project	Recreation Creation/Rehab/Restoration	\$5,000
2	City of Gloucester Stage Fort Park Advisory & DPW	Stage Fort Park Restoration Plan	Historic Resource Preservation/Rehab/Restoration	\$32,944
3	Cape Ann Museum	Map Conservation	Historic Resource/Preservation	\$3,490
4	The Sargent Murray Gilman Hough House Association	The Sargent House Museum's Failing Roof	Historic Resource Preservation/Rehab/Restoration	\$111,500
5	Ocean Alliance, Inc.	Capital Improvement to sea wall/foundation of Building E of the Tarr & Wonson Paint Manufactory	Historic Resource Preservation Rehab/Restoration	\$18,000
6	Lanesville Community Center (LCC)	The Virginia Lee Burton Little House	Historic Resource Preservation Rehab/Restoration	\$30,000
7	Gloucester Cemeteries Advisory Committee	Historic Cemetery Repair	Historic Resource Preservation Rehab/Restoration	\$9,500
8	Cape Ann Women's Softball League & DPW	Mattos Field Project II (backstop replacement)	Recreation Rehab/Restoration	\$34,129
9	Manship Artists Residence and Studios (MARS)	Sculptor Paul Manship's Legacy on Cape Ann	Historic Resource Preservation	\$0 withdrawn
10	Magnolia Library and Community Center	Handicap accessible Men's & Women's restrooms and ramp	Historic Resource Rehab/Restoration	\$0

**GLOUCESTER COMMUNITY PRESERVATION COMMITTEE
RECOMMENDATIONS FOR FY17, ROUND 8 APPROPRIATION**

The Gloucester Community Preservation Committee recommends that City Council appropriate \$244,563 from the Community Preservation Fund for the projects hereinafter described:

PROJECT NO. 1

Project Title: SEINE FIELD HANDICAP ACCESS TRAIL PROJECT

Project Sponsor: ESSEX COUNTY GREENBELT ASSOCIATION

The Community Preservation Committee recommends that the City Council appropriate \$5,000 to the Essex County Greenbelt Association for the purpose of providing an ADA access trail at Seine Field.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2018;

The Community Preservation Act spending purpose is to support recreational and open space resources.

Project Summary: The funds shall be utilized to rebuild an existing 1600-foot trail through the open field by removing organic materials, applying plus gravel, landscape material, adding minus gravel and placing benches and signage along the trail. The total estimated cost of the project is \$21,375.

PROJECT NO. 2

Project Title: STAGE FORT PARK RESTORATION PLAN

Project Sponsor: CITY OF GLOUCESTER STAGE FORT PARK ADVISORY COMMITTEE AND DPW

The Community Preservation Committee recommends that the City Council appropriate \$32,944 to City of Gloucester Stage Fort Park Advisory Committee via DPW for the purpose of completing an archaeological study and cannon carriage replacement.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2018;

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

Project Summary:

The project includes a reconnaissance-level historic and archeological survey of Gloucester' Stage Fort Park. The Park is currently preparing for significant landscape modifications as part of a general renovation and improvement campaign. The park is also expected to play a major role in the celebrations surrounding the 400th anniversary of Gloucester's founding in 2023. Goals include:

determining location, extent and stratigraphic and historic relationships of the parks archaeological features; identify important cultural remains that must not be disturbed; and collect valuable information on the site's history that can be utilized by the City of Gloucester to improve the public's understanding and appreciation of the site and its history. Restoration of the cannons at the Fort location will also be accomplished by replacing the cement bases with real authentic wooden carriages. The total cost of the project is estimated at \$32,944

PROJECT NO. 3

Project Title: MAP CONSERVATION
Project Sponsor: CAPE ANN MUSEUM

The Community Preservation Committee recommends that the City Council appropriate \$3,490 to the Cape Ann Museum for the restoration and preservation of the 1851 Walling Map of Cape Ann.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following condition:

1. The expiration of the Award shall be December 31, 2018.

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

Project Summary:

The scope of work entails conserving, digitizing and preparing the map for display. The map will be cleaned and the old varnish and stained cloth backing removed by the Northeast Document Conservation Center (NEDCC). The map will be mounted on new cloth backing, stabilized and a digital record will be made for future uploading to the Cape Ann Museum's website and finally the map will be archival matted, framed and fitted UV filtering acrylic glazing for display in the Museum. The total estimated cost of the project is \$10,000.

PROJECT NO. 4

Project Title: THE SARGENT HOUSE MUSEUM'S FAILING ROOF
Project Sponsor: THE SARGENT MURRAY GILMAN HOUGH HOUSE ASSOCIATION

The Community Preservation Committee recommends that the City Council appropriate \$111,500 to the The Sargent Murray Gilman Hough House Association for the purpose of replacing and repairing their failing roof and gutters.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2018.

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

Project Summary: To rehabilitate the Museum's roof and gutters that are failing before the shingles' 20 year warranty is up, which puts the museum's building and collection at risk. The project will remove and dispose of all asphalt and composite shingles; identify all rotted components, repair or replace as needed; remove wooden gutters and rotted trim at the roof perimeter; evaluate framing at the eave, repair or replace as needed; preserve all existing elements where possible; repoint chimneys as needed; repair or replace lead flashing as needed; treat roof framing and ceiling joists and members with Borate treatment and maintain clean and safe work environment. The total estimated cost of the project is \$181,500.

PROJECT NO. 5

Project Title: CAPITAL IMPROVEMENT TO SEA WALL/FOUNDATION OF BUILDING E OF THE TARR & WONSON PAINT MANUFACTORY

Project Sponsor: OCEAN ALLIANCE, INC.

The Community Preservation Committee recommends that the City Council appropriate \$18,000 to Ocean Alliance, Inc. for the sea wall/foundation of Building E & C of the Tarr & Wonson Paint Manufactory.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2020.

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

Project Summary:

The scope of work includes: (1) Removing and replacing larger stones that have fallen into the water or have started to crumble due to wind, waves and tidal changes over the years. (2) Use smaller chinking stones to fill in gaps between larger stones to help stabilize and strengthen the seawall. (3) Replace/repair the concrete top pad that runs around the top of the sea wall and locks the seawall into place. This pad also gives safe access to the seawall and building's exterior for maintenance. (4) Replace the (now rusted out) metal straps that hold the keystones together. The total estimated cost of the project is \$36,000.

PROJECT NO. 6

Project Title: THE VIRGINIA LEE BURTON LITTLE HOUSE
Project Sponsor: LANESVILLE COMMUNITY CENTER (LCC)

The Community Preservation Committee recommends that the City Council appropriate \$30,000 to the Lanesville Community Center for the purpose of preserving and restoring the original famous writer's cottage of Virginia Lee Burton.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2018;

The Community Preservation Act spending purpose for this appropriation is to support historical resources.

Project Summary:

The project includes the two-room house to be resurrected and restored at the LCC's property to be used by children and families today. Sandy Burton, nephew of Virginia Lee Burton, rescued the cottage at the end of Folly Point Road in 2009 when it was to be torn down by the new property owner. It was carefully taken down and stored on his property in Lanesville. The scope includes restoring and repairing as much of the original structure as possible, grading and site prep, new foundation, electrical, windows, wheel chair ramp and landscaping, interior furniture (not CPA eligible) and programming and marketing materials. The total cost of the project is estimated at \$75,000.

PROJECT NO. 7

Project Title: HISTORIC CEMETERY STONE REPAIR
Project Sponsor: GLOUCESTER CEMETERIES ADVISORY COMMITTEE

The Community Preservation Committee recommends that the City Council appropriate \$9,500 to the Gloucester Cemeteries Advisory Committee for the purpose of historic preservation to repair and restore headstones located at the First Parish Burial Ground and the adjoining Clarks Cemetery.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2018;

The Community Preservation Act spending purpose for this appropriation is to support historical resources.

Project Summary: The First Parish Burial Ground, located off Centennial Avenue in the City of Gloucester, is one of America's oldest public landscapes. Established in 1644 near the original meeting house, it served as the only known place of interment on Cape Ann for 54 years. It is believed to contain the graves of Gloucester's first settlers, including its ministers, teachers, mill owners and boat builders. Many of its graves commemorate mariners of the 18th and 19th century fishing industry; other contains Revolutionary and Civil War veterans. While only 30 burials took place at First Parish after 1850, its last interment occurred in 1925. It embodies nearly 300 years of Gloucester's History within its walled two and one-half acres. The scope of work includes: repair and restoring several prominent headstones. The work will be done by members of the Committee using techniques learned from restoration professionals, as well as using professionals. The total estimated cost of the project is \$9,500.

PROJECT NO. 8

Project Title: MATTOS FIELD REHAB PROJECT II

Project Sponsor: CAPE ANN WOMEN'S SOFTBALL LEAGUE & DPW

The Community Preservation Committee recommends that the City Council appropriate \$34,120 to the Cape Ann Women's Softball League to purchase a new backstop at Mattos Field.

Following a favorable vote of the City Council, a grant agreement shall be executed by the City of Gloucester and the applicant; said agreement shall be in a form acceptable to the Community Preservation Committee and will include, among other provisions governing the use of the award, with the following conditions:

1. The expiration of the Award shall be December 31, 2018;

The Community Preservation Act spending purpose for this appropriation is to support recreational resources.

Project Summary: The Cape Ann Women's Softball league, Light Up Mattos Committee and the Department of Public Works (DPW) have for the past two years embarked on the rehabilitation of Mattos Field named after Joseph S. Mattos Jr. who died in World War I just one day after his ninetieth birthday. The last phase of the project is a new backstop and new fencing along the school and playground area. The total estimated cost of the project is \$34,129

Community Preservation Criteria

General Evaluation Criteria

1	Eligible for Community Preservation Act Funding	
2	Consistent with various plans which are relevant to and utilized by the City regarding open space, recreation, historic resources and affordable housing	
3	Preserve and enhance the essential character of Gloucester	
4	Protect resources that would otherwise be threatened	
5	Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible	
6	Demonstrate practicality and feasibility, and that the project can be implemented within budget/ on schedule	
7	Produce an advantageous cost/benefit value	
8	Leverage additional public and/or private funds or receive partial funding from other sources and/or voluntary contributions of goods and services	
9	Preserve or improve city owned assets	
10	Receive endorsement from other municipal boards or departments and broad-based support from community members	

Open Space Criteria

1	Permanently protect important wildlife habitat, particularly areas that include: locally significant biodiversity; variety of habitats with a diversity of geologic features and types of vegetation; endangered habitat or species of plant or animal	
2	Preserve active agricultural use	
3	Provide opportunities for passive recreation and environmental education	
4	Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats	
5	Provide connections with existing trails or protected open space	
6	Acquire land or easements for potential trail linkages	
7	Preserve scenic and historic views	
8	Border a scenic road	
9	Protect drinking water quantity and quality	
10	Provide flood control/storage	
11	Preserve and protect important surface water bodies, including streams, wetlands, vernal pools, riparian zones or Areas of Critical Environmental Concern (ACEC)	
12	Buffer protected open space, or historic resources	

Historic Preservation Evaluation Criteria

1	Protect, preserve, enhance, restore and/or rehabilitate historical, cultural, architectural or archaeological resources of significance, especially those that are threatened	
2	Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance	
3	Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site	
4	Demonstrate a public benefit	
5	Ability to provide permanent protection for the historic resource	

Community Housing Evaluation Criteria

1	Contribute to the goal of 10% affordability as defined by chapter 40B of the Massachusetts General Laws	
2	Promote a socioeconomic environment that encourages a diversity of incomes	
3	Provide housing that is harmonious in design and scale with the surrounding community	
4	Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B	
5	Ensure long-term affordability	
6	Address the needs of range of qualified household, including very low, low, and low-to-moderate income families and individuals	
7	Provide affordable rental and affordable ownership opportunities	
8	Promote use of existing buildings or construction on previously-developed or city-owned sites	

Public Recreation Evaluation Criteria

1	Addresses a need or objective identified in a City plan	
2	Serves a significant number of residents	
3	Preserves and expands the range of recreational opportunities available to city residents of all ages and abilities, including those at-risk of obesity as identified through the Get Fit Gloucester! Community Action Plan	
4	Promotes recreational activities	
5	Maximizes the utility of land already owned by city	
6	Promotes the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities	
7	Preserves and enhances the natural habitat functions and values of open space for wildlife	

ENCLOSURE 3

Department of Public Works
28 Poplar Street
Gloucester, MA 01930



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

CITY OF GLOUCESTER
DEPARTMENT OF PUBLIC WORKS
MEMORANDUM

Date: September 27, 2017
To: Mayor Sefatia Romeo Theken
From: Michael B. Hale, Director of Public Works *M B H*
Re: Recycling Dividends Grant Package

The Department of Public Works is pleased to report that the Massachusetts Department of Environmental Protection has awarded the City a grant of \$27,000.00 to enhance the performance of Gloucester's successful waste reduction programs.

We respectfully request that you forward the attached Grant Acceptance Package to City Council for acceptance.



City of Gloucester
Grant Application and Check List

Granting Authority: State Federal _____ Other _____

Name of Grant: Recycling Dividends

Department Applying for Grant: Public works

Agency-Federal or State application is requested from: MA DEP

Object of the application: to enhance our Recycling Programs

Any match requirements: none

Mayor's approval to proceed: _____
Signature Date

City Council's referral to Budget & Finance Standing Committee: _____
Vote Date

Budget & Finance Standing Committee: _____
Positive or Negative Recommendation Date

City Council's Approval or Rejection: _____
Vote Date

City Clerk's Certification of Vote to City Auditor: _____
Certification Date

City Auditor:
Assignment of account title and value of grant: _____
Title Amount

Auditor's distribution to managing department: _____
Department Date sent

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

FORM: AUDIT GRANT CHECKLIST - V.1



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www.iceni.com/unlock.htm



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

September 20, 2017

Mayor Sefatia Romeo Theken
City of Gloucester
9 Dale Avenue
Gloucester, MA 01930

Dear Mayor Theken,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the City of Gloucester Recycling Dividends funds under the Sustainable Materials Recovery Program. The City of Gloucester has earned 9 points and will receive \$27,000.

Please note, awards for the following grant categories are being evaluated (Mattress Recycling Initiative, SMART/PAYT, Curbside Recycling/Food Waste Carts, Drop-off Equipment, School Recycling Assistance, Waste Reduction Enforcement Coordinator, Waste Reduction Projects, Organics Capacity Projects) and will be announced separately.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The Recycling Dividends Program (RDP) provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. Eligibility criteria will ramp up over time, leveraging increasingly greater diversion results and lower solid waste disposal.

The key dates and deadlines specific to your award are summarized in the enclosed Checklist. The detailed terms and conditions are specified in the RDP Contract which has been mailed to the Recycling Contact of record for your municipality, copied below. The Recycling Contact will facilitate getting this document signed by an Authorized Signatory and will return it to MassDEP. Once received, the RDP Payment will be remitted to your municipality. Should you have any questions, please call Tina Klein at 617-292-5704.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely,

Martin Suuberg
Commissioner

cc: Rose LoPiccolo, Recycling Coordinator, DPW

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

RECYCLING DIVIDENDS PROGRAM

Member: Gloucester Year: 2017 Cycle: Annual

Group: Sustainable Materials Recovery Program - Municipal Grant Application

Applications must be submitted via Re-Trac Connect by 11:59pm on June 14, 2017.

Recycling Dividends Program

The Recycling Dividends Program (RDP) will provide payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. The program and policy criteria represent a best practices framework for achieving waste reduction goals. Each criterion is assigned points ranging from 1 to 5 according to its likely impact on waste diversion. Municipalities that earn at least 6 points (out of 23 available) are eligible for RDP payments. Each point earned over the minimum results in an additional payment. Payment brackets, based on the number of households served by the municipal solid waste program, establish the value for each point. The minimum RDP payment is \$2,100; the maximum is \$230,000. Payments are expected to be made in Fall 2017. See [Grant Guidance](#) for complete details. Municipalities that do not provide solid waste services to their residents are not eligible for RDP.

Indicate the municipality's primary trash and recycling collection type (check one): *

- Trash and recyclables are collected curbside by the municipality or its contracted hauler
- Trash and recyclables are accepted at the municipality's transfer station

CURBSIDE PROGRAMS

Instructions: A response is required in each section below. Be sure to click the "Submit to Program" button at the bottom of the form once the form is complete without errors. If the form is successfully submitted, the icon on the Dashboard will change to a lock.

SOLID WASTE PROGRAM (pick one) *

- PAYT/SMART program is currently in place which requires all trash to be placed in a PAYT/SMART bag. [5 points]
- PAYT/SMART program is currently in place which allows each household to dispose of the first bag/barrel free; trash in excess of 35-gallons* must be placed in PAYT/SMART bag. A trash cart (35 gallons or less) collected weekly also qualifies. [4 points]
*Note: With prior approval from MassDEP a municipality may be grandfathered in with a 36-gallon barrel/bag.
- PAYT/SMART program is currently in place which requires the use of stickers or tags affixed to each bag of trash. [4 points]
- PAYT/SMART program is currently in place which allows each household to dispose of the first bag/barrel free; trash in excess of 35 gallons requires the use of stickers or tags affixed to each bag of trash [3 points]
- 48 Gallon Trash Limit: Households are limited to one 48-gallon CART of trash capacity each week. [3 points]
- 64 Gallon Trash Limit: Households are limited to the equivalent of 64-gallons** of trash capacity per week (two 32-gallon barrels or one 64 gallon cart). [2 points]
**Note: With prior approval from MassDEP a municipality may be grandfathered in with a 65-gallon cart.
- None of the above.

ORGANICS (pick one) *

- Source separated food waste is collected, for composting, weekly from all households served by the municipal program. [4 points]
- Source separated food waste is collected weekly from households currently participating in a pilot program [2 points]
- The municipality provides subsidized home composting bins, for \$25 or less, to residents along with an effective promotion and outreach program [1 point]
- None of the above.

BULKY ITEMS: The municipality or its hauler charges residents a fee of not less than \$5 each for handling of at least 3 of the following bulky items, either at the curb or at a municipal drop-off: mattresses, upholstered furniture, wood furniture, toilets, sinks, and carpet. [2 points] *

- Yes

No

Paste here the link to the published fee schedule on your municipal website: *

<http://gloucester-ma.gov/index.aspx?nid=308>

YARD WASTE consists of leaves and grass. Both must be collected in order to claim these points. *

- Yard waste is collected curbside a minimum of 20 weeks per year. [2 points]
- Residents can take yard waste to a drop-off location that is open a minimum of 30 weeks per year [1 point]
- None of the above.

MANDATORY RECYCLING ENFORCEMENT (pick one) *

- A dedicated Enforcement Coordinator spends a minimum of 19 hours per week on the street verifying compliance with the municipality's mandatory recycling program and issuing fines for non-compliance. [3 points]
- A dedicated Enforcement Coordinator spends a minimum of 10 hours per week on the street verifying compliance with the municipality's mandatory recycling program and issuing fines for non-compliance. Trash containing recyclables is stickered by the municipal employee and not collected by the hauler. [1 point]
- The municipality's hauler is responsible for enforcement of the municipality's mandatory recycling program which includes fines for non-compliance. Trash containing recyclables is stickered and not collected by the hauler. The hauler notifies municipal officials daily of each household where trash is left, including the reason it was not collected. [1 point]
- The municipality's hauler is responsible for enforcement of the municipality's mandatory recycling program which is codified in the hauling contract and clearly states that trash will not be collected if a recycling container is not also at the curb for collection. Trash containing recyclables is stickered and not collected by the hauler. The hauler notifies municipal officials daily of each household where trash is left, including the reason it was not collected. [1 point]
- None of the above

HOUSEHOLD HAZARDOUS WASTE COLLECTION (pick one) *

- The municipality hosts a permanent Household Hazardous Waste (HHW) collection center open to residents a minimum of six times per year [2 points]
- The municipality participates in a regional HHW collection center open to residents a minimum of six times per year [2 points]
- The municipality participates in a reciprocal arrangement with other municipalities which provides residents access to a minimum of six comprehensive HHW collection events per year [2 points]
- The municipality hosts at least two HHW collection events per year [1 point]
- The municipality funds two HHW events per year at no cost to the resident [1 point]
- None of the above.

Household Hazardous Waste collections must accept a broad range of hazardous products from residents, including but not limited to: pesticides, oil based paints, pool chemicals, automotive products, elemental mercury, cleaning products and other chemicals.

Date of your last event and date of your next event: *

4/29/17, 9/30/17

Paste here web link directly to the HHW event dates and locations on your municipal website: *

<http://gloucester-ma.gov/index.aspx?NID=553>

CENTER FOR HARD TO RECYCLE MATERIALS (CHARM) [2 points]

A Center for Hard to Recycle Materials is a single location where the following materials are collected for recycling. This may be a municipal recycling center or transfer station. In order to qualify the collection location (CHARM) must be open a minimum of once per month.

Do your residents have access to a CHARM in your municipality or a contiguous (i.e. bordering) municipality or within a seven mile radius of an open CHARM where a minimum of 5 of the following material are collected for recycling? *

Yes

No

Automotive wastes	Books/Media	Bulky rigid plastics	Carpet	Electronic waste	Expanded Polystyrene (Styrofoam)
Fire extinguishers, AND BOTH one pound and twenty pound propane tanks	Large Appliances (White Goods)	Mattresses	Mercury bearing products	Paint	Plastic bags
Textiles			Wood		

NEW: Waste Prevention Outreach and Education [1 point]

Waste prevention education refers to the promotion of any/all of the following: Reduce, Reuse, Recycle, Repair/Reduce, and Contamination Reduction. In order to qualify a municipality must complete a minimum of 4 of the following activities.

1. Established or publicized an officially adopted Recycling or Waste Reduction Goal [must select one] *

Officially adopted an aspirational recycling or waste reduction goal, such as a 50% recycling rate, Zero Waste, or other goal that will advance the municipality's waste reduction progress, or

Annually publicize metrics and progress towards the previously declared goal Neither

2. Waste prevention information posted two times per year on a sandwich board, electronic ticker tape sign, or a "billboard" style sign at two major intersections. Drop-Off towns may instead post at the transfer station. *

Yes No

Provide display dates and locations *

Grant Circle Rotary, Blackburn Circle, or Western Avenue, varies dates to coincide with special collections, reminders about recycling, no plastic bags 255 character limit

3. Published waste reduction and recycling information in a local paper four times per year. This could be in the form of an advertisement, op-ed, column, or news brief *

Yes No

4. Operated an official municipal mobile application or a substantive module on an official municipal mobile application. For example, ReCollect or Remynder. *

Yes No

Enter the name of the application *

See Click Fix 100 character limit

5. Mailed an annual recycling brochure to residents. Drop-off communities may instead pass out the brochure at the transfer station. *

Yes No

Attach a copy of the recycling brochure *

[Gloucester 2017Brochure.pdf](#)

6. Created or maintain a municipal waste reduction webpage with a social media component (municipal Facebook, Twitter and/or

Instagram). Website must include a link to the Beyond the Bin directory or comparable local searchable directory. *

Yes No

Paste here the url to the waste reduction webpage *

<http://gloucester-ma.gov/index.aspx?NID=308>

7. Broadcasted a waste reduction public service announcement on local radio or T.V. twice per year. Full programs with segments on waste reduction and recycling may substitute. *

Yes No

8. Participated in The Green Team: at least one representative from two or more schools are members of the Green Team *

Yes No

NEW: Comprehensive Hauler Regulation - ADOPTED [2 points]

The municipality has adopted a bylaw/ordinance and/or regulation that requires all permitted haulers collecting solid waste to provide a bundled service for the provision of both solid waste and recyclables collection for each customer/generator. In addition, the municipality must inform all generators (commercial and residential) at least once per year that recycling is mandatory. Must meet all three requirements below:

â€¢ For Residential Customers/Generators, the bundled service must provide customers with solid waste and recyclables collection at a rate that reflects the cost of both services. Solid waste and recycling services must be provided by the same hauler.

â€¢ For Commercial Customers/Generators, the Hauler must provide bundled solid waste and recyclables collection to all commercial customers, unless the customer can provide proof to the hauler that separate recycling services are provided by another permitted hauler.

â€¢ Mandatory Recycling is required of all Generators through this or a separate municipal bylaw/ordinance, regulation or policy. *

Yes

No

Please attach a copy of the bylaw/ordinance and/or regulation which demonstrates the bundled service requirement, mandatory recycling and applicability to all customers/generators.

[Sec. 9 3. Independent trash haulers and dumpsters permits.docx](#)

TOTAL CURBSIDE POINTS EARNED:

11

Additional comments:

2000 Character Max.

BONUS POINT: Implementing the Textile Recovery Initiative

To earn this bonus point your municipality must have completed a set of activities designed to promote the diversion of textiles from the trash. ALL ACTIVITIES must have been COMPLETED within the current fiscal year and before the grant deadline.

Households served by the municipal trash program:

Up to 7,499

7,500 or more

I have read the Grant Guidance for the Recycling Dividends Program and certify that all points claimed in this applications meet the performance standards described therein. *



Response created on: May 17, 2017 at 02:45 PM CDT by rlopiccolo@gloucester-ma.gov

Response last updated on: Jun 7, 2017 at 12:29 PM CDT by tina.klein@state.ma.us

**RECYCLING DIVIDEND PROGRAM CONTRACT ("RDP Contract")
BETWEEN THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION ("MassDEP")**

AND THE City of Gloucester ("Municipality")

Pursuant to the Green Communities Act, relevant provisions of which are codified at M.G.L. c. 25A, Section 11F(d) and the regulations promulgated thereunder at 310 CMR 19.300 and in support of the Massachusetts Solid Waste Master Plan developed pursuant to M.G.L. c. 16, Section 21, MassDEP has awarded the Municipality a Sustainable Materials Recovery Program grant under the Recycling Dividends Program ("RDP"). The Municipality has earned a payment of \$27,000.

The Recycling Dividends Program provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. RDP provides an incentive for municipalities to improve their recycling programs by implementing best practices and it rewards communities with model recycling and waste reduction programs.

Duration: The term of this Contract shall be in effect until the municipality has expended all RDP funds and reported to MassDEP on use of funds.

RESPONSIBILITIES OF THE MUNICIPALITY

1. **Authority:** The Signatory of this RDP Contract is authorized by the governing body of the Municipality to enter into this Contract on behalf of the Municipality and apply for and accept funds on behalf of the Municipality.
2. **Commonwealth Terms and Conditions:** The Municipality shall comply with the Commonwealth Terms and Conditions and other requirements set forth in the Municipality's executed Master Service Agreement.
3. **Failure to Comply:** If, in the judgment of MassDEP, the Municipality fails to comply with any of its responsibilities identified in this Contract, then, at the election of MassDEP, (a) the Municipality shall repay the RDP funds to MassDEP within 90 days; and/or (b) title to all materials purchased with the RDP funds immediately and without any further steps shall be transferred to MassDEP; and/or (c) MassDEP may find the Municipality not eligible to seek another Sustainable Materials Recovery Program Grant for up to three years. MassDEP may provide written notice to the Municipality of any such failure to comply. Such notice may provide a time period and manner for the Municipality to cease or remedy the failure. Such notice from MassDEP of any such failure by the Municipality is not a precondition to MassDEP's right to select options (a), (b), and/or (c) above. The Municipality shall follow the instructions of MassDEP regarding possession of the materials purchased with RDP funds. The Parties hereby agree to execute any and all documents necessary to accomplish said transfer. Furthermore, the Municipality shall transfer or arrange to transfer actual possession of said materials to an authorized representative of the Commonwealth of Massachusetts or its designee.
4. **Recycling in Practice:** The Municipality has established paper, bottle and can recycling in all municipal offices and meeting spaces, excluding schools. The Municipality shall continue such paper, bottle and can recycling during the term of the RDP Contract.
5. **Buying Recycled Products:** The Municipality has established a written policy which promotes a preference for the purchase of recycled products in lieu of non-recycled products and all staff with purchasing authority are aware of and are following the established policy during the term of the RDP Contract. **Proof of annual buy recycled policy staff notification is required for all SMRP grant applications.**

6. RDP Payment Calculation: MassDEP has calculated the RDP Payment using the table below which shows payment brackets based on the number of households served by the municipal solid waste program and the point value for each bracket. *Section 7 – Program Criteria* and *Appendix A – Criteria Performance Standards* describe in detail the conditions for earning points.

Trash HH Served	Value of Each Point	Minimum Payment	Maximum Payment
1 - 1,999	\$350	\$2,100	\$8,050
2,000 - 4,999	\$600	\$3,600	\$13,800
5,000 - 7,499	\$1,100	\$6,600	\$25,300
7,500 - 9,499	\$1,300	\$7,800	\$29,900
9,500 - 12,499	\$1,800	\$10,800	\$41,400
12,500 - 16,999	\$3,000	\$18,000	\$69,000
17,000 - 24,999	\$3,500	\$21,000	\$80,500
25,000 - 31,999	\$4,000	\$24,000	\$92,000
32,000 - 99,999	\$6,500	\$39,000	\$149,500
100,000 +	\$10,000	\$60,000	\$230,000

7. Program Criteria: The Municipality, through its RDP application, certifies that all points earned are for programs that were in place no later than June 14, 2017 and that these programs fully meet the performance standard set forth in *Attachment A – Criteria Performance Standards*. *Section 13 – RDP Payment Calculation* lists the program criteria for which the Municipality has earned points, and upon which the Municipality’s payment was calculated.
8. Use of Funds: RDP Payments shall be expended on approved equipment and activities, listed below, to enhance the performance of the Municipality’s waste reduction programs. Use of a dedicated account or revolving account is recommended but not required. Funds do not have to be spent in the fiscal year received, and may be carried over to future years and accumulated to fund a larger eligible expense or project.

Approved Equipment and Activities (See Grant Guidance for details and examples):

- a. Recycling carts, bins, and/or other recycling collection containers and signage;
- b. Compost bins, kitchen scrap buckets, carts and other collection containers for food waste/organics;
- c. Environmentally Preferred Products including rain barrels and purchases from state contract FAC85 Categories: 1, 2, 3, 5C, 5E, 5F, 5H, and 7. Compostable foodservice ware may be purchased from GRO29;
- d. Incremental operating costs for a new organics diversion program;
- e. Roll-off containers, compactors and balers for the collection of materials for reuse or recycling;
- f. Cost to host a second or subsequent household hazardous waste collection event; conditions apply (see Grant Guidance);
- g. Dedicated Waste Reduction Enforcement Coordinator (must spend designated time each week on enforcement). Mandatory recycling must be codified in regulation, ordinance or bylaw and must include a fine for non-compliance. Municipalities receiving a Waste

Reduction Enforcement Coordinator (WREC) SMRP grant may not use RDP funding as part of the matching funds requirement;

- h. Costs associated with the collection and recycling of materials listed in the CHARM section of the RDP grant application;
 - i. Establishing and/or maintaining a municipally operated swap shop;
 - j. Recycling collection infrastructure and recycling site improvements at schools and drop-off locations with prior approval from MassDEP;
 - k. Recycling outreach and educational tools and materials listed and described in the Approved Equipment and Activities section of the Recycling Dividends Program (RDP) Grant Guidance;
 - l. Costs associated with implementing or maintaining a Pay-As-You-Throw (PAYT) program;
 - m. Funds to enhance school recycling and composting programs;
 - n. School chemical disposal;
 - o. Reusable trays for cafeterias, small compostable cups, reusable bags, reusable water bottles;
 - p. Funding up to \$750 annually for recycling related conferences and memberships.
 - q. \$2000 per year on items containing **post-consumer** recycled products procured from specific State Contracts listed in the SMRP Grant Guidance.
9. Record Keeping: The Municipality shall be responsible for keeping documentation (i.e. proof of purchase in the form of an invoice which lists the vendor name and address, item purchased, item price, number of items purchased and shipping costs if any) by calendar year, of how RDP funds were expended and the remaining balance of RDP funds. MassDEP may conduct record audits each year to ensure compliance with this Contract.
10. Reporting: By February 15th of each year, for the duration of the Contract, the Municipality shall submit the Recycling and Solid Waste survey and the Recycling Dividends Program Annual Report through its ReTRAC Connect™ account. Failure to comply with these reporting requirements will jeopardize future grant awards and RDP payments.
11. Environmental Compliance: The Municipality understands receipt of RDP funds from MassDEP does not in any way imply that the Municipality is in full compliance with all applicable environmental regulations. This Municipality shall not be construed as, nor operate as, relieving the Municipality or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals. The Municipality's facility(ies) are subject to inspection at any time by MassDEP and noncompliance with applicable environmental regulations may result in formal enforcement actions, including penalties.
12. Addendums: Should MassDEP award additional RDP funds, an addendum to the Contract shall be provided to the Municipality. The same terms and conditions apply to the addendum.

13. RDP Payment Calculation:

The Municipality's payment has been calculated as follows:
(Value of each point) x (Total RDP Points)

a. Solid Waste Program	5
b. Organics	0
c. Bulky Items	2
d. Yard Waste	0
e. Mandatory Recycling	0
f. Household Hazardous Waste	1
g. Center for Hard to Recycle Materials	0
h. Comprehensive Hauler Regulation Adopted	0
i. Outreach and Education	1
j. Textile Bonus Point	0
TOTAL RDP POINTS	9

VALUE OF EACH POINT \$3,000

RDP PAYMENT AMOUNT \$27,000

IN WITNESS WHEREOF, MassDEP and the Municipality hereby execute this Contract.

COMMONWEALTH OF MASSACHUSETTS

By: _____

Greg Cooper, Division Director
Bureau of Air and Waste
Department of Environmental Protection

(Date)

City of Gloucester

By: _____

Rose Lo Piccolo, Executive Secretary to Director of
Public Works
(Signature and Title)

9/26/17
(Date)

Rose Lo Piccolo
(Print Name)

ENCLOSURE 4

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
PERSONNEL DIRECTOR

DL
FROM: Donna Leete, Personnel Director
TO: City Council
DATE: October 4, 2017
RE: Endicott College Employee Training Overview

Gloucester City Councilors:

On behalf of Mayor Sefatia Romeo Theken, I'm pleased to showcase the attached course overview of our specialty employee training programs as designed by the Van Loan School at Endicott College through the 'Center for Leadership' program.

The modules seen attached reflect goals that were identified between the Mayor's Office, Human Resources Department, and executive staff at Endicott College - in particular, Endicott College Gloucester Director Rich Weismann.

By surveying employees to assess professional needs and wants, the curriculum was enhanced to be more specific to our city's needs. These customized courses will first target senior management and department heads under the program title: "Fundamentals of Leadership," designed to empower our top staff. After this track is successfully completed, we aim to provide more training programs for other teams and management levels as resources become available.

We are grateful to Mayor Sefatia Romeo Theken and the Gloucester City Council for their continued commitment to employee well-being and continued career development. Should you have any questions or concerns, please contact the HR Office for assistance.

Donna Leete
Personnel Director

CC: Sefatia Romeo Theken, Mayor



VAN LOAN SCHOOL

AT ENDICOTT COLLEGE

CENTER FOR LEADERSHIP

Fundamentals of Leadership

The Center for Leadership at Endicott College is pleased to present this proposal to the City of Gloucester for the program Fundamentals of Leadership.

Program Outline

Module One: Dynamics of Leadership

This foundational session will cover the personal, interpersonal and group skills necessary to become an effective leader. Special consideration will be provided for one-on-one situations as well as the ability facilitate and lead groups

- What is leadership?
- Leading versus managing
- Behavioral theories of leadership
- Leadership styles
- Situational leadership
- Substitutes for leadership

Module Two: Communication

This session will prepare attendees to create better work relationships by becoming more effective communicators. Attendees will be able to build constructive work relationships by learning how to analyze situations and select and use productive communication strategies.

- The communication process
- Effective vs. ineffective communication
- Communication channels
- Effective listening
- Mediums and types of communication
- Formal and informal forms of communication
- Verbal and non-verbal communications
- Barriers to effective communication

Module Three: Teams and Teamwork

This session will provide attendees with the skills necessary to be an adaptive team leader or team member, someone who can create clarity, vision and build mutual trust with other teams, groups, and departments.

- The evolutions of teams
- Work team effectiveness
- Characteristics of an effective team
- Cooperation, trust, and cohesiveness
- Virtual teams
- Self-managed teams
- Improving team performance
- High-performance teams

Module Four: Managing Conflict and Organizational Stress

Negotiation and conflict resolution are integral parts of the workplace. Leaders need the skills to handle problems and to effectively support resolution - whether the problems are within the team or with other stakeholders. Cultural differences as drivers of conflict will also be addressed.

- Functional versus dysfunctional conflict
- Antecedents of conflict
- Personality conflict
- Value conflict
- Inter-group conflict
- Cross-cultural conflict
- Handling conflict
- Negotiation tactics
- Ethical issues in negotiation

Module Five: Project Management

This session ties together many of the fundamental concepts from previous sessions with basic project management techniques, tools, and process. Session attendees will learn to work together effectively on any project, given that all team members need to use a common language and have a clear understanding of all expectations.

- Project framework and initiating a project plan
- Developing a project scope and work breakdown structure (WBS)
- Leading and working with a project team
- Executing the project plan
- Controlling and measuring the project
- Project closure and evaluation

The Process

- Two hour meeting with the instructor and selected City of Gloucester Leadership to discuss final training needs
- Five, 4 hour modules presented for to up to 15 City employees
- Follow-up report by the instructor
- Students will receive a binder with copies of all materials
- Students will receive a certificate of completion from the Center for Leadership at Endicott College
- Program will be held at Endicott College Gloucester
- Food service to be billed at cost

The Instructor

Joseph Tragert is the Senior Director of Product Management for EBSCO. He is responsible for the development of new product and service strategies, and the extension of EBSCO research offerings into the corporate, government and consumer markets. Joe routinely interacts with customers and prospects, and represents EBSCO at industry conferences and events. Prior to joining EBSCO, Tragert worked for KPMG Peat Marwick in a merchant banking group, privatizing assets in the former Soviet Republics and Eastern Europe.

He holds an MBA from the Wharton School at the University of Pennsylvania, an MA in Russian Studies from Georgetown University, and a BA, cum laude, in Economics and Philosophy from Boston College where he was a Scholar of the College. Tragert is a part-time professor for the Van Loan School of Graduate Studies at Endicott College. Through the Center for Leadership at Endicott College, Joe has led strategic plan development initiatives for organizations including Minuteman Health, the City of Beverly (MA) Endicott College, the City of Salem (MA) and NOAA –Greater Atlantic Regional Fisheries Office.

Respectively submitted:

Richard G. Weissman
Director, Executive Education

ENCLOSURE 5

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9742
FAX 978-282-3055
DLeete@gloucester-ma.gov

CITY OF GLOUCESTER

PERSONNEL DEPT.

TO: Mayor Sefatia Romeo Theken
Jim Destino, Chief Administrative Officer
Waterways Board

FROM: Donna Leete, Human Resources Director

CC: Thomas Ciaramitaro, Harbormaster
Tamela Cominelli

DATE: October 4, 2017

RE: Information on Proposed Reporting of Shellfish Warden to Harbormaster

With the retirement of our long tenured Shellfish Constable, David Sargent, my office was instructed to review the reporting structure of the Shellfish Department. Through that review, I am recommending to amend the reporting structure so that the position of Shellfish Warden will report to the Harbormaster's Office. The City has considered several benefits of this new reporting structure. First, shellfish monitoring and conservation efforts fall within Gloucester waterways. For maximum benefit to the community, resources, including equipment and staff, may be shared between the two operations. For example, Assistant Harbormasters may be able to observe clam flat operations as they tour the various Gloucester waterways and notify the Shellfish Warden of their findings. Harbormaster staff may assist with boat maintenance for the Shellfish Warden and Assistant Shellfish Warden. Waterfront office space is available for the Shellfish Warden and Assistant Shellfish Warden through the Harbormaster's office, so they will no longer need to be located at the Annex. Both the Harbormaster and Shellfish Warden are now exploring the potential to improve enforcement operations through shared services. The model of blended services for Shellfish and Waterways conservation and enforcement is now in effect in several Massachusetts communities, including Rockport and Salem. It is a natural fit.

Since the City Code of Ordinance does not currently address the reporting structure for the Shellfish Warden, no amendment is necessary from the City Council, However, we are sending the proposal to the Waterways Board for comment so they may weigh in the benefits of the new organizational chart. This proposal is not expected to impact the operations of the Shellfish Advisory Commission. Most recently, the position of Shellfish Warden has reported to the Community Development Director. In reality, the position has been largely autonomous.

I welcome the opportunity to speak further of the benefits to be created by this new reporting structure. Thank you.

- Monitors construction projects affecting flats and marshes: coordinates site reviews with Conservation Commission, provides field support and reviews upcoming projects for potential impact on shellfish.
- Reviews permits for shellfish harvest, including commercial, recreational harvesters, and non-Gloucester residents.
- Works with fish ladders to reestablish local herring run; establishes fish counts.
- Participates in ongoing continuing education on topics of shellfish and conservation.
- Performs basic maintenance of boat and motor provided for Shellfish patrols.

Qualifications:

- High School graduate or course work specific to 3 - 5 years of experience in the field. Bachelor's degree, with focus on marine biology or related field, preferred.
- Three (3) years of related or similar work experience displaying
 - Knowledge of principles and practices of shellfish re-seeding, harvesting, disease and predator control.
 - Considerable knowledge of growing areas, waters, and hazards to the industry.
 - Working knowledge of laws and regulations regarding health, conservation and shellfish operations.
- Ability to communicate effectively orally and in writing; experience establishing working relationships with private and public interests.
- Must have access to automobile and possess valid Class D Massachusetts Motor Vehicle Operator's license.
- Qualification for deputation, i.e. no felonies or criminal record.
- Boating experience and knowledge of water safety required.
- Flexibility as to scheduling since duties revolve mainly around tides.

limited to Fiesta, Schooner Festival, coastal storms, oil spills, waterfront fires, and mass casualty incidents.

- ◆ Operates and maintains a joint fireboat with the Gloucester Fire Department. Conducts firefighting operations within the city's jurisdiction.
- ◆ Responds to all marine emergencies and provides all reasonable assistance, including emergency medical care, within the scope of the training and resources available to the department.
- ◆ Assumes command of waterway incidents which are within the Harbormaster's authority and responsibility.
- ◆ Works with agencies listed above to coordinate non-emergency public safety activities and operations.
- ◆ Operates, manages and maintain all boats, vehicles, moorings, and equipment used by the department.
- ◆ Cooperates with and reports to the Waterways Board and its committees as set forth by Ordinance.
- ◆ Attends all Waterways Board & Committee meetings.
- ◆ Provides staff support, technical advice & assistance.
- ◆ Provides proper training to Assistant Harbormasters.
- ◆ Prepares reports and documents as necessary.
- ◆ Represents the Board as needed and informs Board of Waterways activities.
- ◆ Represents the City in civil and criminal complaints stemming from violations of City water-related ordinances.
- ◆ Cooperates with other City boards, commissions and departments that have an interest in the City's waterways, waterfront and public facilities.
- ◆ Operates, maintains, collects rents, enforces lease agreements at commercial marinas
- ◆ Operates and oversees the maintenance of public launch ramps, landings, moorings and other waterways facilities owned by the City.
- ◆ Manages and safeguards the collection of rents and user fees.
- ◆ Performs annual evaluations for full time Department employees.
- ◆ Observes the water quality of all waterways and takes immediate steps to stop or contain pollution. Notifies appropriate government agencies and enforces all relevant City Ordinances pertaining to such pollution.
- ◆ Monitors and keeps clear all navigation channels. Prevents encroachments beyond the Harbor commissioner's line.
- ◆ Works cooperatively with neighboring Harbormasters in sharing ideas and promoting safe boating throughout the Commonwealth.

Qualifications:

- ◆ High School graduate, college degree preferred.
- ◆ A minimum of ten years marine experience with demonstrated seamanship skills to include: small boat handling, heavy weather operation, navigation, stern towing, alongside towing, de-watering vessels, rules of the road, port operations.
- ◆ Working knowledge of basic piloting skills including chart familiarization, DR and magnetic course applications, radar navigation, Global Positioning System (GPS) and International Regulations for Prevention of Collisions at Sea-1972 (72 COLREGS) and Navigation Rules International - Inland.
- ◆ Demonstrated management skills including budget preparation and control, staff supervision, scheduling and report writing. Experience managing a waterways-related organization is preferred.
- ◆ Up to date IT skills required, including word and data processing, spreadsheets and PowerPoint.

- ♦ Demonstrated ability to effectively communicate (oral, written and electronic) with the boating public, elected officials, boards and other waterways agencies.
- ♦ Qualified First Responder for emergency medical care.
- ♦ Knowledge of waterfront construction techniques, the waterways permitting process, dredging, waterfront facilities management and water pollution control techniques.
- ♦ Knowledge of waterways laws and the ability to enforce those laws in an evenhanded manner. Prior experience in marine law enforcement preferred.
- ♦ Working knowledge of basic operational techniques and preventive maintenance of outboard engines.

revised 03/16

CITY CLERK
GLOUCESTER, MA

CITY OF GLOUCESTER - SPECIAL EVENTS PERMIT

NAME OF EVENT: 2017 CHRISTMAS PARADE AND KENT CIRCLE TREE LIGHTING DATE OF EVENT: SEP 18 AM 10:54
Nov 26, 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 x 11 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: 9/18/17 Initial: JMS Copy to Applicant: Date: _____ Initial: _____
Fee Paid: \$ 25.00

Revised: 01/27/17

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CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event

1. Date: Nov 26, 2017 Time: from 2 PM - to 7 PM

Rain Date: Dec 3, 2017 Time: from 2 PM to 7 PM

2. Location: STREET-FISH PIER TO KENT CIRCLE

3. Description of Property & Name of Owner: Public [X] Private

4. Name of Organizer: Gloucester Christmas PARADE / TREE LIGHTING City Sponsored Event: Yes [X] No
Contact Person: JOE CULINE - RING TARR
Address: 153 MAIN ST Telephone: 978-281-1227
E-Mail: WEATHER.VANE@VERIZON.NET Cell Phone: 978-325-2377
Day of Event Contact & Cell Phone: JOE CULINE 978-325-2377
Official Web Site: RING TARR - 978-490-0001

5. Are street closures required: [X] Yes No If yes, where: PARKER ST - MAIN STREET WESTERN AVE

6. Number of Attendees Expected: 2000 Number of Participants Expected: 200

7. Is the Event Being Advertised? YES ? Where? SOCIAL MEDIA-

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

8. What Age Group is the Event Targeted to? CHILDREN PARADE / TREE LIGHTING

9. Have You Notified Neighborhood Groups or Abutters? Yes No [X], 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*

B. Entertainment: (Subject to City's Noise Ordinance) Live Music [X] Radio/CD FIRE LIGHTING
Performers [X] Dancing Amplified Sound [X] Stage [X]

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: [X] Yes No. If yes, how many What are the tent sizes: 6x10 (May require permits)

E. Clean Up: No. of additional trash receptacles required 3 No. of additional recycling receptacles required 3 (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.: 2 standard No.: 1 ADA accessible

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

NAME OF EVENT: _____ DATE OF EVENT: _____

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>JMS</u>	1. Special Events Advisory Committee _____
	2. Planning & Development Committee _____
<u>AW</u>	3. Gloucester Police Department _____ Is Police Detail Required? <u>off watch</u> No. of Details _____ Traffic, Parking & Transportation _____ Street Closure: _____
<u>R.N.</u>	4. Health Department _____
<u>AL</u>	5. Building Inspector _____
<u>AL</u>	6. Electrical Inspector <u>Inspect Lights on Trees</u> _____
<u>ML</u>	7. Department of Public Works: _____ Use of City Property: Yes/No Location if yes: _____ Permits: _____
<u>ES</u>	8. Gloucester Fire Department _____ Is a Fire Detail Required? <u>NA</u> No. of Details <u>NA</u> EMS <u>NA</u> Use of Propane: <u>NA</u> (Attach EMS Memo)
	9. Licensing Commission (includes vendors) (Through City Clerk: _____
	10. Licensing Board (Alcohol): _____
<u>COJ</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.

Joseph A. Ciolino
Signature of Applicant

Sept - 8, 2017

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:
JOE CICLINO - 978-325-2377 PARADE

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:
RINGO TARR 978 490-0001 KENT CIRCLE

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

5. Start Location & Time for Participants: 2 PM Farm PARADE / 3 PM KICKOFF
6. Dismissal Location & Time for Participants: 7:00 AM KENT CIRCLE
7. Number of Participants: 200
8. Additional Parade Information:
 - Number of Floats: 12
 - Location of Viewing Stations: The WEATHERVANE
 - 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: CITY of GLOUCESTER
9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

2017 SEP 13 PM 12: 53

CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT

NAME OF EVENT: LOBSTER TRAP TREE LIGHTING DATE OF EVENT: 12/09/17

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 x 11 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: 9-13-17 Initial: JS Copy to Applicant: Date: _____ Initial: _____
Fee Paid: \$ 25.00

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event LOBSTER TRAP TREE LIGHTING

1. Date: 12/09/17 Time: from 4:30 to 5:15
Rain Date: 12/10/17 Time: from 11 to 11

2. Location: GLOUCESTER POLICE DEPARTMENT

3. Description of Property & Name of Owner:
Public [X] Private

4. Name of Organizer: DAVID BROOKS AND CAPE ANN ART HAVEN INC. City Sponsored Event: Yes No [X]
Contact Person: DAVID BROOKS
Address: 8 OLD BRAY ST Telephone: 978 335 2219
E-Mail DAVIDGENERGINE.INC.COM Cell Phone: 11
Day of Event Contact & Cell Phone:
Official Web Site:

5. Are street closures required: [X] Yes No If yes, where: ELM -> DUNCAN

6. Number of Attendees Expected: 250 Number of Participants Expected: 3

7. Is the Event Being Advertised? YES ? Where? GENERAL PUBLIC

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

8. What Age Group is the Event Targeted to? ALL

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

10. Are you or Profit Organization: Non-Profit Organization: [X] Who will benefit financially from this event? ART HAVEN, GOSEA

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 [X] DJ CHRISTMAS CAROLS 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 No. of additional recycling receptacles required
(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.: 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: Lobster Tree DATE OF EVENT: 12/9/17
Trap Lighting

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 of - mayor

JMS

1. Special Events Advisory Committee _____

HW

2. Planning & Development Committee _____

3. Gloucester Police Department off watch _____

Is Police Detail Required? _____ No. of Details _____

Traffic, Parking & Transportation _____ Street Closure: _____

RN

4. Health Department _____

ed

5. Building Inspector Inspection required _____

bd

6. Electrical Inspector Inspect required _____

mc

7. Department of Public Works: _____

Use of City Property: Yes/No Location if yes: _____ Permits: _____

EG

8. Gloucester Fire Department coordinate w/ chief for Ladder Truck _____

Is a Fire Detail Required? N/A No. of Details N/A EMS N/A Use of Propane: N/A

(Attach EMS Memo)

9. Licensing Commission (includes vendors) (Through City Clerk: _____

10. Licensing Board (Alcohol): _____

cej

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.

David J Brooks
Signature of Applicant

09/13/17, 20



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-041
COUNCILLORS: Valerie Gilman

DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Stage Fort Park tennis courts be dedicated in honor of Avis Murray.

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

Valerie Gilman
Ward 4 Councilor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

**ORDER: CC#2017-042
COUNCILLORS: James O'Hara**

**DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A
FOR COUNCIL VOTE:**

ORDERED that the City Council request and refer to the Ordinances and Administration Standing Committee that the State Legislators file a Home Rule Petition; and based on said Petition, the General Court approve and enact a Special Act substantially as follows:

Section 1. Notwithstanding any general or special law to the contrary upon approval by the city council and mayor, the City of Gloucester may raise any parking fines established chapter 90 section 20A 1/2, provided further that any fine established under chapter 90 section 20 A 1/2 for all other parking violations shall not exceed \$75, if paid within 21 days, nor shall it exceed \$80, if paid thereafter, but before the parking clear reports to the registrar as provided for under Chapter 90 section 20A 1/2 and shall not exceed \$100 if paid thereafter.

Section 2. The act shall take effect upon passage.

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

James O'Hara
Councillor at Large



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-043
COUNCILLORS: Val Gilman

DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Ordinances & Administration Standing Committee request that the Traffic Commission perform a speed study on Gee Avenue from the intersection of Cherry Street to the parking area of Goose Cove Reservoir to determine whether there should be a speed limit of 20 mph.

FURTHER ORDERED that the Ordinances & Administration Standing Committee, depending on the results of the speed study, shall recommend to the City Council that the Council request that the MassDOT approve a 20 mph speed limit for said area.

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

Valerie Gilman
Ward 4 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

**ORDER: CC#2017-044
COUNCILLORS: Val Gilman**

**DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A & Fire Dept.
FOR COUNCIL VOTE:**

ORDERED that the Gloucester Code of Ordinances, Chapter 8 “Fire Prevention and Protection” be **AMENDED** by **ADDING** section 8.6 entitled “Use of Sky Lanterns and Other Devices” as follows:

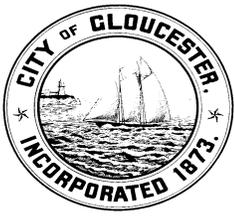
Per Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00: 10.11.9.1, “Welding torches, tar pots, fire lanterns, and other devices, machines, or processes liable to start or cause fire shall not be operated or used in or upon any areas, except by permit from the authority having jurisdiction or the AHJ.” Further, per 527 CMR 1.12.8 “Failure to obtain the necessary permit from the head of the fire department in accordance with the applicable table in 1.12.8” shall constitute a violation of this section.

FURTHER ORDERED that Sec. 1-15 of the Code of Ordinances be **AMENDED** by **ADDING** that “Violations of Sec. 8.6 of the Code of Ordinances shall be subject to non-criminal citations issued by the Fire Department for failure to obtain a permit per 527 CMR 1.00 10.11.9.1 and MGL Ch. 148A.”

Sec. 8-7-8-14. Reserved.

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

Valerie Gilman
Ward 4 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-045
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Ordinances & Administration Committee shall review the matter of regulating the use of plastic carryout bags and shall propose banning them or reducing them by creating the following ordinance:

AMEND the Code of Ordinances Ch. 9 Sec. 9-12 by ADDING a new ARTICLE II. – PLASTIC BAGS Sec. 9-12 – Definitions as follows:

The following words shall have the following meanings:

“Building Inspector”, the Building Inspector or his/her designee.

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; and (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed “compostable”.

“Department”, the City’s Building Department.

“Marine-degradable 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”.

“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; and (2) is capable of composting, consistent with the timeline and specifications of the ASTM Standard D6400.

“Retail establishment”, any commercial business facility that sells goods and/or services directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenient stores, restaurants and retail stores selling clothing, food and personal items, and dry cleaning services.

“Reusable checkout bag”, a sewn bag with stitched handles that is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 2.25 mils thick.

“Single-use Plastic Bag”, a plastic bag provided by a retail establishment to a customer at the point of sale for the purpose of removing products purchased within that retail establishment. **Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.**

AMEND the Code of Ordinances Ch. 9 Sec. 9-13 by ADDING a new Sec. 9-13 – Requirements as follows:

- (a) No retail establishment as defined in this article shall provide a single-use plastic bag to a customer or customers unless the bag complies with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.
- (b) Nothing in this article shall prohibit customers from using bags of any type that they bring in to the retail establishment themselves or from carrying away goods that not placed in a bag in lieu of bags provided by the retail establishment.
- (c) The Building Inspector may promulgate rules and regulations to implement this article.

AMEND the Code of Ordinances Ch. 9 Sec. 9-14 by ADDING a new Sec. 9-14 – Enforcement and Penalties as follows:

The Building Inspector shall investigate any report of a failure to comply with this article.

- (a) If the Building Inspector determines that a violation has occurred, the Building Inspector shall issue a warning notice to the retail establishment for the initial violation.
- (b) The penalty for each violation that occurs after the issuance of the warning notice shall be \$50 for each offense. Payment of such fines may be enforced through civil action in the District Court.
- (c) A retail establishment shall have fifteen (15) business days after the date that a notice of violation is issued to pay the penalty or the amount of the penalty payable shall be doubled.

AMEND the Code of Ordinances Ch. 9 Sec. 9-15 by ADDING a new Sec. 9-15 – Exemptions as follows:

The annual Stamp Out Hunger Food Drive sponsored by the Open Door and National Association of Letter Carriers food drive shall be exempt from this article.

AMEND the Code of Ordinances Ch. 9 Sec. 9-16 by ADDING a new Sec. 9-16 – Effective Date as follows:

All of the requirements set forth in this article shall take effect on January 1, 2019.

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

Melissa Cox
Ward 2 Councillor

GLOUCESTER CITY COUNCIL MEETING

Tuesday, September 26, 2017 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Sean Nolan; Councilor James O'Hara; Councilor Joseph Orlando, Jr.
Absent: Councilor Memhard; Councilor Cox
Also Present: Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Larry Durkin; Chris Sicuranza; Grace Poirier; Brian Hamilton; 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.

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

Sunny Robinson, 20 Harvard Street, representing the Coalition for the Prevention for Domestic Abuse, extended an invitation to the Council to join her organization, the Mayor, the city's Police Department, the School Committee, and other city officials and other civic and religious organization's on the steps of City Hall, Tuesday, October 3 for the annual October Domestic Violence Awareness Month starting at 12:30 p.m. She advised this is the 17th year of making this commitment. The direct links between gun violence and domestic violence were touched upon by Ms. Robinson as well as some concerning statistics. She thanked the Council for their support and said she looked forward to seeing them all at the event on October 3.

Presentations/Commendations: None.

New Appointments:

Community Development Director

Jill Cahill

TTE 02/14/20

Jill Cahill, resident of Gloucester, and candidate for the appointed position of Community Development Director introduced herself to the Council, thanking them for the opportunity to serve the city.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Jill Cahill as Community Development Director, TTE 02/14/20.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to appoint Jill Cahill as Community Development Director, TTE 02/14/20.

Shellfish Constable

Tamela Cominelli

No TTE

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Tamela Cominelli as Shellfish Constable, retroactive to August 30, 2017.

DISCUSSION:

Ms. Cominelli noted she's been the Assistant Shellfish Constable for the past 12 years working with just retired Shellfish Constable, David Sargent. She noted she was appointed by the Mayor as of August 30th. **Councilor LeBlanc** conveyed that he's known Ms. Cominelli for some time. He noted Mr. Sargent was a great Shellfish Warden and said he knew Ms. Cominelli, having been trained by him would do a great job.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to appoint Tamela Cominelli as Shellfish Constable, retroactive to August 30, 2017.

Community Preservation Committee

Helen "Holly" Clay

TTE 02/14/20

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Helen "Holly" Clay to the Community Preservation Committee, TTE 02/14/20.

DISCUSSION:

Councilor LeBlanc, noting that Ms. Clay had been before the Council just recently having been made a full member to the Historical Commission from an alternate member, said that Ms. Clay couldn't appear at this meeting due to a conflict. He advised that the O&A Committee supported her appointment.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, appoint Helen "Holly" Clay to the Community Preservation Committee, TTE 02/14/20.

Licensing Board

Brian Hamilton

TTE 05/31/18

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Brian Hamilton to the Licensing Board, TTE 05/31/18.

DISCUSSION:

Council President Ciolino asked if Mr. Hamilton had worked in the restaurant industry. **Mr. Hamilton** explained that although he works for the city's IT Department for about seven years he was the Assistant Manager for a local restaurant with a full alcohol license. In response to the Council President's inquiry, he advised that when the Dog Bar, whom he worked for, came up for an alcohol license before the Licensing Board that he would recuse himself.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) to appoint Brian Hamilton to the Licensing Board, TTE 05/31/18.

Consent Agenda:

• **MAYOR'S REPORT**

1. Memorandum, Grant Application & Checklist from Assistant to the Gloucester Emergency Management Director re: acceptance of the 2017 Citizens Corps Program Competitive Grant in the amount of \$3,500 (Refer B&F)
2. Memorandum, Grant Application & Checklist from Assistant to the Gloucester Emergency Management Director re: acceptance of Emergency Preparedness Performance Grant (EMPG) in the amount of \$6,460 (Refer B&F)
3. Memorandum, Grant Application & Checklist from Interim Police Chief re: acceptance of FY18 State 911 EMD & Training Grant in the amount of \$12,433 (Refer B&F)
4. Memorandum, Grant Application & Checklist from Board of Health Director re: acceptance of FY18 Public Health Preparedness Grant (PHEP) in the amount of \$10,166 (Refer B&F)
5. Invitation from Gloucester Health Department and Healthy Gloucester Collaborative to "A Conversation: Marijuana & Youth" on September 28, 2017 (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
 - **APPLICATIONS/PETITIONS**
 - **COUNCILORS ORDERS**
1. CC2017-039 (Orlando/Nolan/LeBlanc): Request an ocean skimmer be purchased for the purpose of eradicating marine pollution in Gloucester Harbor and that the city enters into an MOU with Cape Ann Maritime Partnership for its general maintenance (FCV 10/10/17)
2. CC2017-040 (Cox/Orlando): Amend GCO Ch. 22, Sec. 22-274 "Two-hour-parking-Between certain hours," and Amend GCO Ch. 22, Sec. 22-277 "One-hour-parking-Generally" re: Commercial Street, for a distance of 27 feet from its southerly intersection with Beach Court (Refer O&A & TC)
3. CC2017-041 (Nolan): Amend GCO Ch. 22, Sec. 22-267 "One-way streets-Generally" by ADDING Park Lane from Norman Avenue to Linden Road (Refer B&F)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: September 12, 2017
2. Executive Session Minutes: 9/22/2009
3. Standing Committee Meetings: B&F 09/21/17 (under separate cover), O&A 09/18/17, P&D 09/20/17

(Approve/File)
(Approve/File)
(Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Orlando asked to remove Item #3 under the Mayor's Report, "Memorandum, Grant Applicant & Checklist from Interim Police Chief re: Acceptance of FY18 State 911 EMD & Training Grant in the amount of \$12,433 for the purpose of correcting the record and to also remove under Approval of Minutes under #3, B&F 09/21/17 to amend the B&F Committee meeting minutes.

Councilor LeBlanc asked to remove under Approval of Minutes, Item #1, City Council Minutes of 9/12/17.

Councilor Orlando explained that the grant amount stated in the Mayor's Report of "\$12,433" is in fact \$121,239.63 and then asked the corrected matter be referred to the B&F Committee. **By a unanimous vote of the Council, the matter of the "Memorandum, Grant Application & Checklist from Interim Police Chief re: Acceptance of FY18 State 911 EMD & Training Grant in the amount of \$121,239.63" was referred to the B&F Committee.** He then explained that in the minutes of the B&F Committee's September 21 meeting that the dollar amount was left out of the motion to accept a state grant for the FY18 Coastal Resilience Grant Program on page 2 of the minutes. **Councilor Orlando moved that the minutes be amended by ADDING "\$97,500" after the words Coastal Zone Management on page 2 of the B&F Committee's September 21, 2017 minutes, seconded by Councilor Nolan, and by a unanimous vote of the Council the B&F minutes of September 21, 2017 was amended.**

Councilor LeBlanc explained that on page 13 of the September 12 City Council minutes some language was left out of the motion to refer a matter back to the O&A Committee and **moved, seconded by Councilor Nolan, and voted unanimously that the motion be struck and be added as follows:**

"MOTION: On a motion by Councilor Orlando, seconded by Councilor O'Hara, the City Council voted 8 in favor, 0 opposed, 1 (Ciolino) recused, to return the matter of amending GCO Ch. 9, "Trash, Recycling and Litter" Sec. 9-12 and Sec. 9-13 (reserved) by adding a new section 9-12, which prohibits the use of plastic checkout bags, and ADDING a new section 9-13 regarding penalties for violation of new section 9-12 to the O&A Committee." The motion was seconded by Councilor and by a unanimous vote of the Council the 9/12/17 City Council minutes were amended."

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: September 21

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando) absent, to recommend that the City Council accept a federal grant for the Library Services and Technology Act (LSTA) Grant under MGL c. 44, §53A from the Institute of Museum and Library Services (IMLS) passed through the Massachusetts Libraries Board of Library Commissioners in the amount of \$4,200 for Fiscal Year 2018. The purpose of this grant is to fund a consulting archivist to perform a Preservation Assessment of the City of Gloucester municipal archives and special collections including those held at the Gloucester Lyceum and Sawyer Free Library. The grant term is from October 1, 2017 to September 30, 2018.

DISCUSSION:

Councilor Orlando relayed that this is an acceptance of a Library Services & Technology Act grant through the Massachusetts Board of Commissioners for \$4,200. The grant, "Preserving Gloucester's History, A Collaborative Preservation Assessment between the Sawyer Free Library and the Gloucester City Archives" enables the contracting of a preservation specialist to perform a local history assessment of the archives of the Library and the municipal archives, generating a report that will highlight collection risks and make recommendations as to the next steps for preserving each of the collections. There is no match.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to accept a federal grant for the Library Services and Technology Act (LSTA) Grant under MGL c. 44, §53A from the Institute of Museum and Library Services (IMLS) passed through the Massachusetts Libraries Board of Library Commissioners in the amount of \$4,200 for Fiscal Year 2018. The purpose of this grant is to fund a consulting archivist to perform a Preservation Assessment of the City of Gloucester municipal archives and special collections including those held at the Gloucester Lyceum and Sawyer Free Library. The grant term is from October 1, 2017 to September 30, 2018.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, 1 (Orlando) absent, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando) absent, to recommend that the City Council accept a state grant for the Healthy Summer Youth Jobs Grant Program under MGL c. 44, §53A from the Office of the Massachusetts State Attorney General for \$3,696. The purpose of this grant is to fund healthy summer jobs for local low-income youth. There is no local match for this grant. The grant term is from July 19, 2017 to September 15, 2017, and the grant term has been extended to December 31, 2017.

DISCUSSION:

Councilor Orlando briefly explained that the city's Public Health Department in collaboration with the Cape Ann YMCA has received a Healthy Summer Youth Jobs grant for \$3,696 from the Office of the State's Attorney General. This grant supported the YMCA's hiring seven local low-income youth to assist in running their Mobile Parks program. This successful pilot program brought the YMCA to neighborhoods with no membership or camp fee. The seven youth were employed through the summer totaling 1,050 hours. This program complemented the Health Department's strategic plan to combat childhood obesity and inactivity in Gloucester which is well above the state average. It should be noted that the YMCA paid the youth out of their budget, and that the grant will serve to reimburse the YMCA which was a condition of the partnership. The grant deadline was extended to the end of the year to allow for the late acceptance of these funds.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to accept a state grant for the Healthy Summer Youth Jobs Grant Program under MGL c. 44, §53A from the Office of the Massachusetts State Attorney General for \$3,696. The purpose of this grant is to fund healthy summer jobs for local low-income youth. There is no local match for this grant. The grant term is from July 19, 2017 to September 15, 2017, and the grant term has been extended to December 31, 2017.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1(Orlando) absent, to recommend that the City Council accept a state grant for the FY18 Coastal Resilience Grant Program from the Office of Energy and Environmental Affairs, Coastal Zone Management for \$97,500 to fund the redesign of five of the City of Gloucester's most vulnerable wastewater pump stations located in flood prone areas. This is a reimbursement grant and all scheduled work must be completed no later than June 30, 2018. There is a 25% required match for the total project cost.

DISCUSSION:

Councilor Orlando noted that the city is in receipt of a \$97,500 grant from the Executive Office of Energy and Environmental Affairs, Coastal Zone Management for a FY18 Coastal Resilience Grant Program to fund the redesign contract for five of the city's most vulnerable wastewater pump stations located in flood-prone areas. This was before the Council on June 27 for permission to apply. The Community Development Department is working with the DPW to co-manage this grant effort which aligns with infrastructure improvements that the city has to do which is in essence implementing the vulnerability assessment completed about a year ago for those projects identified as priorities. There is a 25% match which will come out of the Sewer Enterprise Fund FY18 budget of the total project cost for \$30,000.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to accept a state grant for the FY18 Coastal Resilience Grant Program from the Office of Energy and Environmental Affairs, Coastal Zone Management for \$97,500 to

fund the redesign of five of the City of Gloucester's most vulnerable wastewater pump stations located in flood prone areas. This is a reimbursement grant and all scheduled work must be completed no later than June 30, 2018. There is a 25% required match for the total project cost.

Ordinances & Administration: September 18

There are no matters for Council action from this meeting under this heading

Planning & Development: September 20

There are no matters for Council action from this meeting under this heading

Scheduled Public Hearings:

1. **PH2017-045: RZ2017-002: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business)**

This public hearing is opened at 7:21 p.m.

Council President Ciolino opened the public hearing and continued it to October 10, 2017.

This public hearing is to be continued to October 10, 2017 at 7:21 p.m.

2. **PH2017-049: Loan Order: Amend Loan Order 2016-002, in the amount of \$1,300,000 by increasing it to \$1,570,000 to pay costs of improvements to the Gloucester Avenue & Breezy Point Sewer Pump Stations**

This public hearing is opened at 7:21 p.m.

Councilor Orlando declared under MGL c. 268A that there is an appearance of a conflict of interest as he lives on Breezy Point Road, and this is the pumping station directly next to his home but it will not affect his vote.

Those speaking in favor:

John Dunn, CFO, explained this is a proposal to amend a loan order passed in July 2016 that was for \$1,300,000 and to increase it by \$270,000. He relayed that as the project moved forward, and the city put it out to bid, bids came in much higher than projected -- the city is facing continued inflation for infrastructure construction - not only for this amended loan order but for the next loan order that will come before the Council. He said the city received bids; the low bidder was the same in the first and second round of bids, a very competent construction firm. He noted that the bids came in about 10% to 20% higher than the actual anticipated construction costs. As a result, he said the loan order needs increasing by \$270,000. Larry Durkin, the city's Environmental Engineer was present to respond to Councilor inquiries, he advised.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Gilman suggested that the city was very low in its cost estimation on this project and asked what increased by \$270,000 from what was initially estimated. **Mr. Durkin** advised there was a lot of bidding this past spring and noted that this is a state revolving fund project. In trying to have the project bid this summer, the city only got one bid in the first go-round. In the second round prices came in higher. He pointed out in the second bidding round that they had to account for the fact that the Gloucester Avenue pump station is a 1950's era building which is in a substantive deteriorated condition, more than expected by the engineer, and was also reflected in the prices over the estimate. He reiterated there was more of a building component than the original estimate and prices are elevated overall.

This public hearing is closed at 7:26 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando) absent, to recommend that the City Council authorize the following Loan Order:

Ordered: That Loan Order 2016-002, Certificate of Vote 2016-129 of this Council approved July 12, 2016 authorizing the borrowing of \$1,300,000 to pay costs of improvements to the Gloucester Avenue and Breezy Point Sewer Pump Stations is amended in its entirety to provide as follows:

That the City of Gloucester appropriates One Million Five Hundred Seventy Thousand Dollars (\$1,570,000) to pay costs of improvements to the Gloucester Avenue and Breezy Point Sewer Pump Stations, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION: None.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to authorize the following Loan Order:

Ordered: That Loan Order 2016-002, Certificate of Vote 2016-129 of this Council approved July 12, 2016 authorizing the borrowing of \$1,300,000 to pay costs of improvements to the Gloucester Avenue and Breezy Point Sewer Pump Stations is amended in its entirety to provide as follows:

That the City of Gloucester appropriates One Million Five Hundred Seventy Thousand Dollars (\$1,570,000) to pay costs of improvements to the Gloucester Avenue and Breezy Point Sewer Pump Stations, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

- 3. PH2017-050: Loan Order: Amend Loan Order 2015-003, in the amount of \$555,500 by increasing it to \$884,500 to pay costs of improvements to the Heritage Way Pump Station; construction of a new pump at station servicing Blackburn Industrial Park and Harrison Ave. sewer force main extension to Eastern Ave./Neptune Place**

This public hearing is opened at 7:29 p.m.

Those speaking in favor:

Mr. Dunn explained that as with the Breezy Point and Gloucester Avenue pump stations loan order just amended, when bids came in for the Heritage Way Pump Station project they came in higher than expected. The difference with this project, he pointed out, is that the city received a \$555,500 federal grant that is involved which the city doesn't want to let go. He said they want to complete the project which will still be funded 40% through the

grant money from the federal government. He reiterated that bids came in higher than expected because of construction inflation.

Those speaking in opposition:

Deborah Schwendiman, 40 Quarry Street, noting the Council's previous decision and with this loan order she was expressing concern that somehow the engineer didn't see this building the same way they might have seen it to begin with and was part of the (loan) increase. She asked about the labor costs, engineering costs and other costs that were "inflated." She said she believed this is a 40% increase over the original bid over the course of two years, and questioned it saying it appeared to her as unrealistic.

REBUTTAL:

Mr. Durkin noted the increase is 20% not 40% which he said he confirmed with Mr. Dunn. There was an alternate to this which is cast-in-place lining for a 1948 clay sewer and explained the process briefly. He said that not only will the city get a new sewer pump station at the Blackburn Industrial Park, but the whole discharge line to the city main interceptors will be improved. This loan seeks to fund those projects. He said they had hoped the prices would "come in good" within what was budgeted.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:34 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando), to recommend that the City Council authorize the following Loan Order:

Ordered: That Loan Order 2015-003, Certificate of Vote 2015-090 of this Council approved June 9, 2015 authorizing the borrowing of \$555,500 to pay costs of improvements to the Heritage Way Pump Station, construction of a new pump station servicing the Blackburn Industrial Park, and Harrison Avenue sewer force main extension to Eastern Avenue/Neptune Place, is amended in its entirety to provide as follows:

That the City of Gloucester appropriates Eight Hundred Eighty Four Thousand Five Hundred Dollars (\$884,500) to pay costs of improvements to the Heritage Way Pump Station, construction of a new pump station servicing the Blackburn Industrial Park, and Harrison Avenue sewer force main extension to Eastern Avenue/Neptune Place, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

DISCUSSION: None.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to authorize the following Loan Order:

Ordered: That Loan Order 2015-003, Certificate of Vote 2015-090 of this Council approved June 9, 2015 authorizing the borrowing of \$555,500 to pay costs of improvements to the Heritage Way Pump Station, construction of a new pump station servicing the Blackburn Industrial Park, and Harrison Avenue sewer force main extension to Eastern Avenue/Neptune Place, is amended in its entirety to provide as follows:

That the City of Gloucester appropriates Eight Hundred Eighty Four Thousand Five Hundred Dollars (\$884,500) to pay costs of improvements to the Heritage Way Pump Station, construction of a new pump

station servicing the Blackburn Industrial Park, and Harrison Avenue sewer force main extension to Eastern Avenue/Neptune Place, including costs incidental or related thereto. To meet this appropriation the Treasurer, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The Mayor and any other appropriate official of the city are authorized to apply for, accept and expend any grants or gifts that may be available to the City to pay costs of the projects. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

4. PH2017-023: SCP2017-004: Commercial Street #33, Map 1, Lot 22, GZO Sec. 2.3.6(1) for parking of motor vehicles to service a use permitted in the MI District & GCO Ch. 22, Sec. 22-153 "Privately owned open-air parking spaces" (Cont'd from 07/11/17)

By a unanimous vote of the Council, the Rules of Procedure were suspended and the City Council reopened the public hearing from its beginning having received a recommendation from the Planning Board that the Site Plan Review on a use permitted in the MI District was conducted on this application.

Council President Ciolino acknowledged that the Council was only consisting this evening of seven Councilors, two being absent, and that in order to permit a Special Council Permit six votes in favor are required. He gave the applicant the option to continue this public hearing, prior to its opening, to the Council's October 10 meeting or to proceed. The applicant's representative indicated they wished to move forward this evening.

This public hearing is opened at 7:37 p.m.

Those speaking in favor:

Attorney Adam Costa, Mead, Talerman & Costa LLC, representing 1907, LLC, owner of the 33 Commercial Street property and Bill Mondello, applicant, noted in early spring 2017 the applicant had submitted two applications for privately-owned open-air parking spaces at 44 Commercial Street, which was previously permitted by the Council, and for 33 Commercial Street. He recounted that there was hesitancy by the Council to move forward on this application because of objections raised by the Beauport Hotel, an immediate abutter. He conveyed that the Beauport Hotel raised objections based on certain title issues, alleging that the Hotel had certain rights to use the 33 Commercial Street via an easement to use portions of that property, and expressed concern that granting the Special Council Permit would improperly impede their rights. He said he had proffered at Council that he didn't think it was a matter that was rightly before this body -- that matters of title are in general not matters that are before permitting boards, but are matters of the court. He and the Beauport Hotel representative advised this would proceed to litigation, and is now a matter on a variety of issues before the court. His offered that his position then as now is that the application is for open-air parking spaces which isn't inconsistent with the use that the Hotel it is alleging it has of a portion of this parking lot. He said if the Hotel is successful in land court, and have a certain right to use a certain number of spaces, that has no effect to this permit.

He noted that at the early July Council meeting this application was forwarded by the Council to the Planning Board for Site Plan Review which transpired, and it was approved with one vote against by the Board to approve the site plan as presented. One issue presented by the Hotel's counsel was that the plans didn't meet zoning requirements. He said he told the Board that that it is questionable whether these requirements of the Gloucester Zoning Ordinance speak to standards for off-street parking even applied to self-contained open-air parking lots. He pointed out that the city's off-street parking requirements are noted in the start of GZO Sec. 4.1 apply to parking meant to be pertinent to buildings or structures or principal uses and importance of spaces being located appropriately. He also pointed out that this is an existing parking lot for 33 Commercial Street in place for many years. He said that the suggestion that the owner and applicant make improvements to the parking lot, mentioning to the pertinent uses under the Zoning Ordinance that are met. He also noted there are several standards not met – the concept of paving the lot, striping it. He said there's never been a complaint of dust, other environmental

contaminants resulting from a parking lot not paved. He cited that the Conservation Commission expressed a preference that the lot not be paved which would make it into an impervious surface. He said there is no issue of vehicle circulation on a rectangular lot with parking on either side of it, and is a simple layout with direct access on and off the Commercial Street. He suggested that the Hotel was before the Planning Board for the same reason they were before P&D and the Council twice, which was to object to the general use. He offered that the use is consistent to any easement the Hotel may ultimately have, and that in the end, the easement is a matter for the courts not for the Council. He further proffered that the Hotel's suggestion is that in some way the Council shouldn't grant a Special Council Permit because they are entitled to a certain use of a certain number of spaces in connection with their adjacent hotel facility. He reminded the Council that the Hotel was permitted within a Hotel Overlay District (HOD), and the HOD Zoning Ordinance section requires that parking either be on site or located off-site, that it be located in a district that allows hotel use by right or by permit. He pointed out that this proposal is in the MI District which doesn't allow a hotel use by right or Special Permit. He advised even if the Hotel prevailed in court, they would need to come back before the Council to obtain a rezoning of his client's property for the purposes making it available in connection with parking for the hotel.

Mr. Costa reviewed the requirements under **GZO Sec. 5.18:**

1. The proposed use will not displace an existing water-dependent use with a non-water-dependent use: This is a use that preexists and no water-dependent use is being displaced.
2. The proposed use will not...pre-empt or interfere with existing or future development of water-dependent uses of the project site or surrounding property. It has been a parking lot for years and continues as such. There is nothing about this use that is new and doesn't interfere with development of water-dependent uses.
3. The proposed use is compatible with the working waterfront character of the zone: It was suggested that the availability of further parking in the waterfront zone will attract visitors to the city's waterfront and utilize the area and have immediate benefit.
4. The proposed project will not displace existing commercial fishing vessel berthing in Gloucester Harbor without providing equivalent space and draft at a suitable alternative site not already used by commercial fishing vessels. This project doesn't displace any existing water dependent uses or commercial fishing vessels.
5. The proposed use will not adversely affect the preservation of water-dependent uses on surrounding properties. It was reiterated that the proposed use will not adversely affect surrounding properties but rather will encourage residents and visitors alike to come to the waterfront area.

Mr. Costa then reviewed under as follows:

- (a) Social, economic and community needs served by the proposed use: This will be a boost to the economy to provide parking in an area "desperate" for off-street parking, especially in light of the Fort area parking challenges. Even when 33 Commercial Street is fully tenanted, there are additional parking spaces available. The use is limited in hours, and that tenants do take up certain parking in the lot during certain hours.
- (b) Traffic flow and safety: This is a rectangular lot and there are no issues with vehicular circulation in the lot, and entering and exiting onto Commercial Street.
- (c) Adequacy of utilities: There is no need for utilities.
- (d) Neighborhood character and social structure: This is the same use as it has been -- a parking lot.
- (e) Qualities of the natural environment: The applicant will maintain the dirt lot rather than paving it which is beneficial to the environment.
- (f) Potential fiscal impact: This will have a positive impact financially on the city's waterfront to bring individuals to the area and provide parking for them.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor LeBlanc asked when the parking lot is full where cars will be directed. **Bill Mondello**, applicant, said there is the permitted parking lot at #44 Commercial Street. If that lot is full, drivers will be told there is no parking available.

This public hearing is closed at 7:54 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor Nolan, seconded by Councilor Gilman, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2017-004) under MGL c. 148, §56, GZO Section 2.3.6.1, "Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #33, Assessors Map 1, Lot 22, Zoned MI, to William Mondello, applicant, through owner of property at Commercial Street #44, Mac Bell for 1907, LLC, for the purpose of operating

an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from April 30, 2017 to May 1, 2022 upon payment of appropriate fees to the City Clerk;
2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing commercial building by tenant and/or owner use at any one time is limited to 40 with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking;
 - b. Number of cars allowed by the permit;
 - c. Hours of operation;
 - d. Specify for which businesses and places patrons may utilize parking lot for;
 - e. Parking lot trash policy of carry in/carry out;
8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five (5) years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.
9. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
11. And that the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.

Councilor Lundberg requested to make a small amendment to the main motion without Council objection to strike the words, "through owner of property at Commercial Street 44," and in its place add the word, "owner."

Upon that small amendment, seconded by Councilor Gilman, the City Council voted unanimously to accept the amendment to the main motion.

DISCUSSION ON THE MAIN MOTION:

Councilor Lundberg said that the Council was waiting for the Site Plan Review to be done and that it is now complete and that the Special Council Permit can move forward.

Councilor Orlando reminded the Councilors to stay away from questions on easements and address the question of the use of the lot.

Councilor LeBlanc said that Ward 3 comes down Commercial Street going down to Beach Court. He noted he gets nearly weekly calls on parking issues on Beach Court and Commercial Street from constituents. He recounted that he and Councilor Cox, Ward 2 Councilor in whose ward a lot of the Fort falls in, have talked about parking issues in the Fort. He said in that particular small area it is very congested. He said his constituents on Beach Court feel that that this parking lot, based on the six criteria under GZO 1.8.3, would contribute to traffic flow and safety negatively and that people not allowed into the two lots will overflow into what little parking there is the Fort area. He said at the request of his constituents he will not support the application.

Council President Ciolino said one of the reasons an applicant must defend their application for a Special Council Permit under GZO Sec. 1.8.3, is that the Council must confirm that the applicant has done all that is asked under the Zoning Ordinance. Any added parking, especially to accommodate beachgoers and visitors to local sights

will be a good thing, he pointed out. He said he goes to the Fort area in the evening and on weekends, and knows that its biggest problem is parking. Any additional parking to the neighborhood is an improvement, he said.

Councilor Lundberg said he understood Councilor LeBlanc's constituents' stance, but more parking is better to help to ameliorate the issues of parking in that area. He extended his support.

Councilor Orlando also extended his support for the permitting of an open-air parking lot. He recounted that having grown up in Ward 3, he understood that the whole downtown area is congested and parking is important. He noted a precedent was set across the street at 44 Commercial Street and that fact should weigh in the Council's decision.

MOTION: On motion by Councilor Lundberg, seconded by Councilor Nolan, the City Council voted by ROLL CALL 6 in favor, 1 (LeBlanc) opposed, 2 (Memhard, Cox) absent, to grant a Special Council Permit (SCP2017-004) under MGL c. 148, §56, GZO Section 2.3.6.1, "Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #33, Assessors Map 1, Lot 22, Zoned MI, to William Mondello, applicant, owner, Mac Bell for 1907, LLC, for the purpose of operating an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from April 30, 2017 to May 1, 2022 upon payment of appropriate fees to the City Clerk;
2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing commercial building by tenant and/or owner use at any one time is limited to 40 with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking;
 - b. Number of cars allowed by the permit;
 - c. Hours of operation;
 - d. Specify for which businesses and places patrons may utilize parking lot for;
 - e. Parking lot trash policy of carry in/carry out;
8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five (5) years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.
9. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
11. And that the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.

MOTION PASSES.

5. PH2017-048: 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 (Cont'd from 09/12/17)

The City Council put forward to suspend its Rules of Procedure to open this public hearing at its beginning and by unanimous vote of the Council this public hearing was allowed to proceed from the beginning.

This public hearing is opened at 8:03 p.m.**Those speaking in favor:**

Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, representing Sam Avola, applicant of 9 Trueman Dr., Malden, MA, regarding an application (and purchaser of 949 Washington Street and 1 Colburn Street) for a Special Permit for Building Heights in Excess 35 feet, under GZO Sections 1.8.3, 3.1.6(b) and 3.2, as purchaser of Colburn Street #1 utilizing and Washington Street #929 in order to access and build a duplex at Colburn Street #1 (addendum to Purchase & Sale Agreement for both properties on file with application) was offered by **Council President Ciolino** to either proceed this evening with seven Councilors present understanding that in order to pass a Special Council Permit six votes were needed or to continue this public hearing to the Council's October 10 meeting. **Mr. Geisel** opted to have the public hearing continued.

The Council voted unanimously to permit this public hearing to be continued to October 10, 2017.

This public hearing is continued to October 10, 2017 at 8:04 p.m.

6. PH2017-051: Initiation of Zoning Amendments to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments"**This public hearing is opened at 8:05 p.m.****Those speaking in favor:**

Joshua Ulrich, 7 Grandview Road, said he and his wife, a school nurse, have raised their family here, and noted his involvement with law enforcement as a homicide investigator with the State Police, and has been a coach of youth sports in Gloucester. He said he was speaking as a private citizen. He advised the Council he is in favor of the moratorium but wasn't in favor of any recreational marijuana retail establishments in the city. He said a lot of people who support having recreational marijuana retail outlets will say there is no violence involved with the sale of marijuana, that it's not a drug that leads to more dangerous drugs. He said they'll say alcohol is worse than marijuana. He recounted that they'll say there are many "upright citizens" that recreationally use marijuana and that a lot of revenue can be brought into the city and all will be fine. He conveyed it was his opinion that there is a lot of data that can be manipulated, citing the history of cigarettes, and genetically modified organisms. He explained that through his personal experience which has brought him into homes with suicides, accidental deaths, drug overdoses, homicides, speaks to the contrary of those claims. As for no violence, he said that he's personally been involved (investigating) murders and attempted murders related to situations that came about because of drugs. He pointed out that marijuana dealers are a target for gangs looking to score more drugs or rob people in Essex County. He said people say marijuana isn't a gateway drug but in speaking with heroin addicts, he said they've told him that what got them started in drug use was marijuana. As for the "upstanding, good citizens," some folks may be harmless that smoke marijuana, he said that this is a drug that has people involved in crime that aren't hardworking people in the community. There is enough to manage with alcohol and prescription drug abuse, he said. He mentioned the issue with opiates which he touched upon. Alcohol is bad, he said, and asked if they want to bring in another drug into the city, pointing out that many towns and cities are banning (recreational marijuana) retail outlets in their communities. He asked if they want a proliferation of this substance among the city's youth, expressing concern for them. Recreational marijuana is getting to younger and younger children, he advised. As adults and responsible members of the community, he said they should stand up and say it is legal to smoke if one is an adult, but that it should not be a place where retail marijuana outlets should be allowed. He said this is a risk for the health and psychological wellbeing of the city's children.

Leora Ulrich, 7 Grandview Road, expressed she was in favor of a moratorium.

Lisa Groleau, 598 Western Avenue, said that the city isn't ready for retail (recreational) marijuana yet. She said she understood that recreational marijuana comes in a liquid form and expressed concern for children ingesting that substance by vaping, and for law enforcement being able to do their jobs appropriately. She said they don't need to add something that will cause harm to the city's children and the city's reputation.

Brian Hamilton, 6 Lawrence Mountain Road, said the Council should pass a moratorium as the Cannabis Control Commission hasn't completed state regulations and won't complete that until sometime next year. He cited that the city would then only have a couple of months to figure this out if the regulations come out. He said the moratorium is the only responsible thing to do.

Joseph Giacalone, 16 Gould Court, said he supported the moratorium as the state isn't ready to provide guidance yet, and there will be many issues – enforcement, zoning, to name two, and that it is important to ensure this is done correctly.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:16 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 Amend the Gloucester Zoning Ordinance, Section VI "Definitions" by ADDING a definition for Recreational Marijuana Establishments as follows:

"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."

DISCUSSION: None.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to recommend that the City Council Amend the Gloucester Zoning Ordinance, Section VI "Definitions" by ADDING a definition for Recreational Marijuana Establishments as follows:

"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."

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 Amend the Gloucester Zoning Ordinance by ADDING new Section 5.31 "Temporary Moratorium on Recreational Marijuana Establishments to prohibit the establishment of a Recreational Marijuana Establishment on a temporary basis through December 31, 2018 as follows:

"Section 5.31 Temporary Moratorium on Recreational 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 raises 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.”

DISCUSSION:

Councilor Lundberg said that the current state of towns and cities proposing a temporary moratorium was found by the Attorney General to be reasonable and why most cities and towns are adopting such a moratorium.

Councilor Gilman requested to suspend the Rules of Procedure, which was voted unanimously by the Council to allow for the Planning Director, Gregg Cademartori and Karin Carroll, Public Health Director to make statements.

Mr. Cademartori said that the Planning Board heard very few people speak at its public hearing on the moratorium but the Board was the “initiator” of the (moratorium) amendment. He recounted that the Council has been through several presentations on the different actions the community can take to regulate these types of uses. He noted there are other steps the Council can take as to how this may be present and permitted in the community. He said the city is waiting to learn more on how the state will act on these potential uses in the community which was why the Board proposed this period of time which sunsets. He advised that provided there isn’t a ban on the ballot that’s approved, they will have to identify where in the community they will permit these uses. It is something, he explained, that will take much more discussion through the summer into the fall to make a decision whether to engage with the community through a ballot process to consider a ban. He noted there may be an opportunity to do that again in the next election (Note: not the municipal election Nov. 7, 2017). Barring that, the city will have to identify where in the community these uses will exist, he said. Communities have either banned recreational marijuana retail establishments or have put in a temporary moratorium, he advised, to determine parameters where these establishments may be permitted in their city or town. After the public hearing held by the Planning Board on the temporary moratorium, it was by a unanimous vote that the Board is recommending this moratorium be enacted as originally proposed.

Ms. Carroll reiterated that the Mayor’s Task Force on Recreational Marijuana comprised of several city departments as well as representation from the Council and the School Committee unanimously voted in favor of a moratorium given the information they had after meeting and working for a year on this matter.

Council President Ciolino said he will take the advice of the Task Force and Board and vote in favor of the temporary moratorium noting the state isn’t ready (with regulations) nor is the city ready, so this is the best path for the city at this time.

Councilor Orlando said a moratorium makes sense whether you are for or against the establishment of recreational marijuana facilities in Gloucester. He explained that this isn’t just about whether there are such facilities in the city, but is about where they are sited, and how they will be governed. He pointed out that since this has never been done in the city, there isn’t much precedent. He said he will support the moratorium.

Councilor Lundberg offered his commendation to the Task Force, Ms. Carroll and Councilor Gilman as the Council’s representative to the Task Force, for their work -- particularly the Ward hearings that were held during the summer, one in Wards 1-3 and 5 and two in Ward 4. He said out of those meetings there was great input which gave the sense from the community that a moratorium was important.

Councilor Gilman mentioned several folks that were strong advocates of retail establishments for medical marijuana were also supportive of a moratorium so that the community can be “thoughtful” as to how many and where (establishments to be allowed), and if the Council will decide to put this out to a vote to the citizens of Gloucester. The moratorium will give the city time to set up their Zoning Ordinance parameters, she said, and expressed her support for the moratorium.

Councilor LeBlanc added his support for a moratorium. He pointed out there are many different ways to use recreational marijuana -- there are edibles and liquid recreational marijuana forms for vaping that can go undetected, and that they need to “put the brakes on” and figure things out first.

Councilor O'Hara said he would support the moratorium. He said the state needs to figure out regulations first and then the city should take steps based on the regulations.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Orlando, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to Amend the Gloucester Zoning Ordinance by ADDING new Section 5.31 "Temporary Moratorium on Recreational Marijuana Establishments to prohibit the establishment of a Recreational Marijuana Establishment on a temporary basis through December 31, 2018 as follows:

"Section 5.31 Temporary Moratorium on Recreational 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 raises 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."

7. 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" (Cont'd from 09/12/17)

This public hearing is opened at 8:32 p.m.

Councilor Orlando disclosed under MGL c.268A that he is a member of the local BNI, a local networking organization much like the Chamber of Commerce or the Rotary Club. He said that Attorney Favazza, the lawyer for Happy Valley Ventures, MA, Inc. is also a member of BNI with him. He added that while he has occasionally

done business with Attorney Favazza in the past, he has no financial interest in the matter before the Council this evening. He advised he can be fair and objective in his analysis of this issue and vote accordingly and will not recuse himself.

Councilor LeBlanc disclosed under MGL c.268A that he, too, is a member of BNI, and acknowledged he has done occasional business with Attorney Favazza. He pointed out he has no financial interest in the matter before the Council now and will vote on this matter also in a fair and objective manner.

Councilor Nolan disclosed under MGL c.268A saying that he was a former member of BNI and had business dealings with Attorney Favazza in the past. He noted that he can, also, be fair and objective in his review of the issue at hand and that this won't affect his decision.

Councilor Gilman disclosed under MGL c.268A that Attorney Favazza represented her in a personal real estate transaction that has completed and that there is no financial gain to her from this matter and subsequent decision of the Council.

Those speaking in favor:

Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing Happy Valley Ventures MA, Inc. ("HVV") for a Major Projects Special Council Permit for a Medical Marijuana Treatment Center ("MMTC") and Cultivation Facility ("MMCF") at 38 Great Republic Drive offered the following through a Power Point Presentation (on file):

The HVV team was introduced to the Council: Michael Reardon, Chairman of the Board; Sam Tracy with 4Front, a consulting group; David Hunt with American Alarm and Communications, Inc.; John Judd, Gateway Consultants.

REVIEW OF PROJECT:

- HVV is a Mass. not-for-profit corporation compliant with state statutes governing such corporations.
- People behind HVV have strong backgrounds in running non-profit corporations as well as in real estate development.
- DPH Provisional Certificates of Registration have been issued for RMDs (Registered Marijuana Dispensary) at the following locations for HVV: Amherst, Boston and Gloucester at Great Republic Drive #38. It was noted that since the last time an HVV application was before the Council that 38 Great Republic Drive was going to be one of three dispensaries with an adjunct cultivation facility, but now this proposed development is at the cusp of becoming the flagship cultivation facility for the entire of HVV's dispensaries throughout the state, as well as a state-of-the-art dispensary.
- HVV History was reviewed: February 2016 – Initial outreach with city staff; Spring 2016, worked with Planning Board and City Council (work to re-write deficient GZO section); April 2016, hosted a community open house at The Tavern to explain details and benefits of RMDs to interested residents; May 2016, negotiated with the city administration and drafted Host Community Agreement (HCA) and Letter of Non-Opposition signed May 23, 2016); Fall through Winter 2016, Applied for and received a Special Council Permit to construct and operate a RMD; early 2017, having received news that the HVV selected site in Fitchburg that was intended for their main cultivation facility with unexpected issues with the building HVV was going to repurpose, the decision was it would be more appropriate and beneficial to custom build a facility to meet HVV's and the state regulatory needs as well as patients. HVV made the decision to relocate their cultivation center to Gloucester; April 2017, official Special Council Permit application was submitted to the Council; Summer 2017 saw the incorporation of feedback from city: Planning, Engineering Fire, Public Works Departments and others, and all of which produced memoranda for the city okaying the project as now presented.
- Received approvals: May 2017: Conservation Commission (ConCom) Order of Conditions; September 2017, Planning Board Site Plan Approval by unanimous vote and a Planning Board positive recommendation; a Planning & Development Committee positive recommendation this past week; and an EDIC (Economic Development Industrial Corporation which governs the Blackburn Industrial Park) waiver of certain covenants and project approval to operate the proposed project.
- Benefits to Community: HVV will develop a vacant parcel in the "second half" of the Blackburn Industrial Park turning it into a functional piece of property that will remain fully taxable despite the fact that the entity running the RMD is a non-profit -- the entity that owns the property is for profit LLC (Limited Liability Corporation) which is why the property remains fully taxable; HVV "is

- committed” to using local contractors during construction whenever possible; anticipates being an active corporate member; it is anticipated that the facility will employ approximately 97 employees at full capacity -- HVV has made a commitment to local hiring of qualified individuals. It was noted that anyone who is hired must be approved by the Mass. Dept. of Public Health also. The main goal of the HVV facility is to provide medical treatment currently lacking to Cape Ann residents.
- Custom RMD Designed for Gloucester: HVV’s RMD will be purpose-built MMCF and MMTC that engineers, architects and other professionals studied the site, and all its aspects in order to custom design this building for this particular location. Highlighted was a secure garage for the facility. It was noted there is an EDIC covenant that says an entity is supposed to have an open loading dock that an 18-wheeler can back into. HVV had to receive a waiver from the EDIC related to that covenant as HVV uses cargo vans that will enter a fully secure garage where credentials will have to be shown and verified; a door opens up and the vehicle pulls in entirely into the bay, and then the door shuts before the van loads or unloads. The dispensary floor is designed with room for private consultations; room for security for cameras and monitoring devices to ensure there are no blind spots to secure the entire facility at all times. It was pointed out that not only will this facility bring jobs to the city but “21st century jobs” -- highly technical agriculture, research and development, as well as other types of positions.
 - Economic Benefits for Gloucester: Host Community (Benefit) Agreement – by year 3 the agreement requires HVV must, in addition to any real estate taxes being assessed, contribute 5% of gross sales, quarterly to the city (minimum \$100,000/year) and that with gross projected sales, it is estimated the city will receive over \$250,000 per year; Real Estate Development and Construction Investment projected construction cost at \$12 million; Employment/jobs of 97 (maximum 60 per shift).
 - Projected Revenues and Patients Serviced (retail only) were briefly reviewed: Gross Potential Retail Revenue: \$6,860,155; Average transaction volume per patient: \$100.00; Number of patients served per year: 68,602; Number of patients serviced per month: 5,717; Number of patients serviced per day: 188. It was suggested that it will be more like \$340,000 to the city annually based on these numbers.
 - Photograph of Existing Conditions shown (on file).
 - Site Plan: certain access points were highlighted and that all city departments necessary to sign off on this plan all expressed approval. The patient entryway and employee entryway is through a “lower entrance.” Patient parking was pointed out on the northeasterly side of the building as well as parking spaces with employee parking on the southerly and westerly boundary of the property. It was reiterated that the site plan was thoroughly vetted and received approval from city departments.
 - Topological Site Plan was briefly shown.
 - 38 Great Republic Drive – Rendering shown with the northern and southern faces of the building were shown. A caveat of site plan approval: When HVV was before the Planning Board for Site Plan Review, there was “push-back” from the Board about a large (approximately 330 feet long) white sheet metal building. The applicant pointed out to the Board that the building is in an industrial park and that across the road, over one parcel is an approximately 350 feet long building also white sheet metal. It was reported that certain members of the Board said that there was potential to support the city’s arts and that HVV agreed to install 1,000 square feet of murals on the taller portion of the new building. It was recounted that the EDIC understood the Planning Board’s initiative, but the EDIC maintains the aesthetic control of the Industrial Park and conveyed that the mural would be inappropriate for an industrial park. It was pointed out that the sheet metal is thermodynamic as it exists in white. As the EDIC, which governs the Blackburn Industrial Park, was not approving of the 1,000 foot mural on the side of the HVV building, **Mr. Favazza** asked that the condition related to the façade artwork be struck from the Special Council Permit as recommended by the Planning Board and incorporated in the P&D Committee’s recommendation to the Council.
- Sam Tracy**, 4Front Ventures, Director of Government Relations, conveyed the following information:
- 4Front Ventures is a consulting firm that works country-wide, based out of Phoenix, AZ, and Boston, MA. 4Front Ventures has won a total of 55 licenses for clients, all Medical Marijuana licenses in seven jurisdictions, six states and in Washington, DC. The company is assisting HVV through the licensing process and run a successful operation that serves patients in compliance with state law.

Touched on were services provided such as training modules, job descriptions for all positions and operational support, employee training and compliance with state law.

- Certain patient ailments treated with Medical Marijuana: In Massachusetts the decision is left up to and is between the patient and their doctor. Some ailments treated listed were: cancer, ALS (Lou Gehrig's disease), Epilepsy in various forms; Chronic Pain; MS, PTSD; Glaucoma; Muscular Dystrophy to name some. There are many different forms of cannabis which can be ingested, applied transdermally, and isn't necessarily to be ingested by smoking.
- Employee Hiring Practices: It was reiterated that this is "highly regulated by the state." In order to work in a facility whether a MMTC or MMTTC. Employees must be registered with the state to be a dispensary agent or cultivation agent, managed by the Mass. Dept. of Public Health (MDPH). A brief description of what is required by the state for potential "agents" was given -- verifies that employees have clean criminal history, that employees understand DPH regulations regarding transportation and sale of medical marijuana; verifies that employees understand DPH protocols regarding dispensing and storage.
- Operations: Compliance is the "highest priority." Inventory tracking (seed to sale) to prevent diversion, for batch control was briefly described; practices are reported to local agencies and are regulated by the state; working with local law enforcement and other (city) departments; third-party testing labs test all the products sold in the facility -- for potency, how much THC, CBD or other cannabinoids are included but also ensures that there no deleterious matter is contained in the product; patient education; staff licensing was again recounted.
- 4Front assists in optimizing dispensary design; comprehensive staffing charts and job descriptions; development of employee handbooks, operations manuals, and operation tools for each department; medicine and product mixture organization; patient service programs by utilizing best practices.
- Dispensary Floor Plan was reviewed for the dispensary (plan on file) noted as open to the patients and staff, not the general public. He described the "man trap" where a patient shows their registration card, that when cleared the patient moves into the lobby where staff assists them and where they can wait. The number of patients on the floor of the showroom is tightly controlled where patients are assisted by staff to figure out what product is best for the patient's treatment. This is a medical facility, it was pointed out and so there are private consultation rooms available speak in depth about patient's individual situation and gain an understanding of what products would be best for their particular situation. Cashiers are located off of the showroom and are a restricted area. Aside from the vestibule and patient areas, staff areas aren't open to the patients. A dedicated patient exit was noted. A highlighted security feature was that there is video surveillance both inside the facility and externally; there is a secure vault where medicine is held and sealed within when the dispensary is closed in compliance with state regulations.

CULTIVATION SERVICE:

Mr. Favazza noted that in addition to employing 4Front as a lead consultant, HVV has retained the services of Mjardin, experts in the field of the science and cultivation of medical marijuana. HVV is looking to build a "top-of-the-line" facility and have teamed up with industry leaders, including Mjardin. Additionally, HVV has engaged Agoge Compliance Management (ACM) to provide security design services for HVV's operations; Agoge was founded and staffed by former Special Agents with DEA, people who understand law enforcement, security protocol and have offered if the city were interested, to provide training to local police departments so if there were there any questions as to how to deal with MMTC and MMCF issues they will be available.

SECURITY SYSTEMS:

David Hunt, Government Contracts Team -- Commercial Sales with American Alarm and Communications, Inc., advised that their company will be designing and installing and providing monitoring services. **Mr. Hunt** said they record "every inch of the facility," and track movement of people in and outside of the building. He advised the state inspects before, during and after installation of security systems. He said he will meet with the Police Chief and answer any of his questions he might have.

LEGAL STANDARDS FOR THE SPECIAL COUNCIL PERMIT AS A MAJOR PROJECT:

Mr. Favazza then reviewed the legal standards under which this Special Council Permit fell as follows:

GZO Sec. 5.27:

Sec. 5.7.3 - Application triggers requirement of a Special Council Permit from City Council for use which triggers GZO Sec. 5.7 Major Project Review and GZO Sec. 5.8 Site Plan Review which has been completed.

Sec. 5.7.4 - Discusses criminal background check(s); all taken care of at the MDPH level.

Sec. 5.7.5 - Separation of facilities – must be 1,500 feet from schools, churches, playgrounds, other RMDs, etc.; 500 feet from residentially-zoned properties – both requirements are met by this facility.

Sec. 5.27.7 - Signage must comply with sign ordinance and is no issue for HVV.

Sec. 5.27.8 - Medical marijuana-infused production must be attached to a cultivation or treatment facility which the HVV facility is in this redesign.

Sec. 5.27.9 – Annual reports must be sent to the city. As there is extensive annual reporting to the state, HVV will copy the city on these reports.

GZO Sec. 1.8.3:

- (a) Social, economic, and community needs: provide needed medical service to the community; provide construction jobs for local contractors, provides ongoing employment opportunities for residents.
- (b) Traffic flow and safety: Site is specifically designed for use as an RMD with “extensive” input from city department heads; connected to Great Republic Drive laid out intentionally for an industrial park.
- (c) Adequacy of utilities and other public services: Located in the Blackburn Industrial Park among other manufacturing facilities; HVV has been actively communicating with National Grid to ensure there will be no issues obtaining the electrical demand for the facility.
- (d) Neighborhood character and social structure: The industrial park is a mix of commercial and industrial facilities; this is the only zoning district where RMDs are currently allowed in the city by Special Permit;
- (f) Qualities of the natural environment: Currently a dirt lot with some scrub vegetation and no drainage with no notable expansion beyond existing fill; addition of significant green space and plantings (noted as being done by Annisquam Landscaping of Gloucester). It was noted that the applicant has reached out to the Public Works Department and General Counsel as intending to landscape all the way to the back of the existing sidewalk. The parking spaces are very close to the southerly lot line leaving little room for “lush” screening. By offering to take over maintenance of the grounds leading to the existing sidewalk HVV will be able to make a lush landscaping design for the southern face of the property (Note: Slide also showed that there is a comprehensive stormwater drainage system to handle on-site demands).
- (g) Potential fiscal impact: Minimum of \$100,000/year to city via Host Community Agreement; site and buildings will remain fully taxable.

- **GZO Sec. 5.7.5 – Major Project Standards:**

- (a) Access from arterial or a collector street: Great Republic qualifies as a collector street.
- (b) Relates to septic systems which were noted as non-applicable for this application.
- (c) Site Plan requirements; screened parking areas; lighting avoids glare -- noted as being high mounted and avoids spilling onto neighboring parcels, with no residents nearby; there is ample parking and turnaround with 46 parking spaces for a project of this size is called for but the site provides 75 parking spaces; not expanding beyond footprint of existing fill – it was noted that a portion in the northerly edge of the site there is a retaining wall at an angle and the pitch will be adjusted to allow for the city’s largest fire trucks to be able to access;
- (d) Compliance with all other sections of the GZO: Addressed previously above.
- (e) Multi-family; (f) Shopping Center and (g) Assisted Living were all noted as not applicable to this application for a Special Council Permit.

Those speaking in opposition:

Leora Ulrich, 7 Grandview Road, said although she doesn’t have a “complete understanding” of medical marijuana, that the potential is that this facility is that it could potentially become a recreational marijuana facility expressing her hope that the moratorium pertains to this applicant. She asked why the city needs a marijuana facility at all.

Lisa Groleau, 598 Western Avenue, said that 588 cars a day coming to this facility a day is a lot of traffic with 588 people with medical marijuana on the city streets and the North Shore, and will create a hub where close to 600 people a day can come to buy as much medical marijuana as their prescription allows. She asked how the city would regulate “600 drug dealers” per day to ensure they are not “hitting the streets of Gloucester.”

REBUTTAL:

Mr. Favazza said pursuant to the transition potential, regardless of the moratorium or the eventual zoning ordinance, HVV has accepted a condition as a part of the site Plan Review and as part of the recommendation of the Planning & Development Committee, that any attempt to transition from a RDC to a recreational or adult use facility requires HVV to return to the City Council for a minimum modification of the Special Council Permit and also require a Planning Board minimum modification of its Site Plan Review approval. He said that the city will eventually have an ordinance that will require the exact same permitting process HVV has just been through, or more. He proffered that even if the city said that by right HVV can open up a recreational outlet, HVV would still be required to return to the Council to seek a Special Permit. He clarified that a speaker in opposition said there were 588 patients per day estimated to visit the HVV RMD, when in fact, it was previously stated by him in his presentation that it is estimated that there will be 188 patients per day not 588 patients per day. He said the number will have a negligible impact on the Industrial Park's traffic. People seeking to utilize this facility are people who have legitimate medical ailments and are seeking treatment, he pointed out.

REBUTTAL OF THE REBUTTAL:

Joshua Ulrich, 7 Grandview Road, expressed concern saying that when he was living in California a doctor would open an office next to a dispensary to give out prescriptions. He said this will put pressure on the Council to support this industry and will end up possibly where the social costs will outweigh the benefits of such a facility. While some (patients) will have legitimate reasons to obtain medical marijuana cards, he said that there are people who just want to get high. At a minimum he said, the Council should require more research before a decision is made.

Communications: None.

Councilor Questions:

Councilor Gilman asked how it is envisioned for checking of the authenticity of the medical cards. **Mr. Tracy** described the multi-step card verification process as follows: a patient has to show their patient card in the vestibule, which looks similar to a driver's license, having a scanable bar code; in the lobby a receptionist scans the card to check the state registry to verify legitimacy. There are restrictions as to how much (medical marijuana) can be purchased in a 60-day period and the state system confirms how much the patient can receive. There is a final verification at the point of sale again in the state system to ensure what is selected is within the limit of the 60-day window and then the transaction is completed. The first step is visual but the second two steps check with the state registration database. **Councilor Gilman** said typically a doctor would write a prescription for "some type of" cannabis for MS, cancer, or whatever the medical issue is. At that point the card is the opportunity to purchase medical marijuana, she noted, and said it seems like a more open-ended situation versus a conventional medical drug prescription. **Mr. Tracy** said this process in some ways is similar to the prescription drug system, except that this is a recommendation rather than a prescription because of federal law, noting that 29 states allow medical marijuana. The doctor reviews the patient's medical history; and unlike what was seen in California in the early days which he called the "wild west" saying that the reputation for getting cards for any ailment was well earned, but that other states have learned from that and regulations are much more strict. There are restrictions how much can be purchased, but unlike a prescription for a pill with an exact quantity, for an example, a cancer patient is able to be assisted by medical staff to find what product works for the patient and guide them to specific products versus a doctor prescribing one particular prescription drug for one particular medical issue. He said doctors don't receive the proper training for this sort of thing in medical school, so that they are best able to guide the patient to what products would meet their medical needs.

Councilor Orlando pointed out that the Council heard there are opposing issues of the murals from the Planning Board to decorate a side of the HVV building and the EDIC that says there can't be artwork, "murals" on the building. He said HVV's attorney conveyed they'll have to return at some point for further review assumed to be at the Planning Board level related to this. He asked if procedurally the Council can strike such a condition and would that be appropriate given that the EDIC controls the covenant. **Chip Payson**, General Counsel, said that the Council is the ultimate decision maker, and if they decide there is a problematic issue, they have the power to make changes.

This public hearing is closed at 9:21 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 issue a Major Project Special Council Permit (SCP2017-006) for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures MA, Inc. (HVV) (applicant), Map 263, Lot 64 at Great Republic Drive #38 pursuant to Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" and 1.8.3 of the Zoning Ordinance as shown on the Plans as submitted to the City Clerk's

Office on April 19, 2017 and Supplemental Plans submitted to the City Clerk's office on August 3, 2017 and Existing Conditions Plan by Gateway Consultants, Inc., Gloucester, MA dated 3/20/17 with revisions through 9/13/17 consisting of four sheets and Landscaping Plan by Annisquam Landcare, Inc., Gloucester, MA, dated 8/22/17. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinance with the addition of the following conditions:

1. Façade: At least 1,000 square feet of the southern face of the proposed building be covered in tasteful artwork such as murals, the selection process for which must be initiated within 30 days of receiving a Special Council Permit for the proposed facility. An as-built certification by a licensed architect or engineer stating this condition has been complied with shall be provided to the city prior to receiving an occupancy permit.
2. Planting Plan: HVV must enter into a written agreement with the City satisfactory to the Director of Public Works and General Counsel to perpetually maintain the plantings proposed in the public way prior to receiving an occupancy permit.
3. Potential Future Use: Any proposed change in use of the facility to dispense non-medical marijuana products shall require the modification of the City Council Major Project Special Permit and the Planning Board's Site Plan Review Approval.
4. Snow-Related Debris: HVV must maintain a landscaping and/or site maintenance agreement that includes an annual (on or before April 30 of each year) cleaning of the northern stone wall to remove any debris deposited during snow removal efforts from the prior winter.
5. Dedicated Patient Parking: Parking spaces numbered 11 through 27 on the Site Plan are to be reserved solely for patient parking (with the exception that staff requiring handicap parking be permitted to use such spots) and that, should HVV staff require use of more than two (2) of the existing handicap accessible parking spots, HVV will designate additional spots in the eastern parking field for handicap employee use.
6. Safety Fence: A safety fence is to be erected atop the proposed retaining wall along the northern portion of the upland.
7. Compact Car Parking: Parking spaces numbered 8, 9 and 10 on the Site Plan be designated compact car parking only in an effort to prevent interference with fire apparatus access while those spaces are in use.
8. 80,000 lb. Vehicle Load: HVV must produce a certification from a licensed engineer that the northern fire access lane will be able to handle an 80,000 lbs. vehicle load prior to receiving an occupancy permit.

DISCUSSION:

Councilor Orlando moved to amend the main motion by striking Condition #1 and that the conditions are renumbered appropriately, given the fact the EDIC who controls the Blackburn Industrial Park has said that a mural is inappropriate. The motion to amend was seconded by **Councilor Nolan**.

By a vote of 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, the main motion was amended to strike Condition #1 of the Committee Recommendation and to renumber the conditions appropriately.

DISCUSSION ON THE MAIN MOTION:

Councilor Orlando said that the city needs two new schools, a public safety building, public infrastructure improvement, and pointing out areas that don't have city sewer in Wards 4 and 5 -- projects the city can spend revenue on that would improve the lives of its citizens. He said he has seen "nothing but professionalism" from the applicants, who are willing to invest in the community and having the level of cooperation with all the city's boards and commissions. He pointed out these are manufacturing jobs being created are important to the city. He said he has complete trust with the city's "excellent" Police Department to become well versed in any issues that arise to be handled appropriately. Placing this facility in an industrial park and the benefits and revenues and jobs for the community, he termed as a "no brainer" and expressed his support for the application.

Councilor LeBlanc said this isn't just about "smoking pot," that there are medicinal products that don't have THC in them; there are tinctures, salves, lip balms, patches and many ways in which the beneficial aspects of medical marijuana can enter a person's system to alleviate pain and medical symptoms without "getting high." There is a need for the city and residents of surrounding communities to have prescriptions fulfilled for medical marijuana, he pointed out. He said that the people of HVV are leaders in the industry, and that the Council heard about the layers of security on this property which are impressive. The staffing will be with the right people to do the right thing to supply patients in need, he added, and lent his support to the application.

Councilor Lundberg said the voters approved this, and that this has been vetted more extensively than any issue during his Council tenure – during the zoning of Medical Marijuana Treatment Centers and Cultivation Facilities and now through this Special Council Permit Major Project. He recounted that the city has been working for some time with the applicant, whose professionalism and responsiveness has been excellent, he said. This means new jobs and revenue for the city, and said the Council has protected the city. He said that he will vote in favor.

Councilor Gilman said she didn't vote for this (medical marijuana) law but spending time talking to the folks in the community especially in her ward, she learned that people going through chemotherapy find medical marijuana to be a tremendous help to them. She said it's hard to ask a person that is ill to drive to Salem to get their prescription filled. She noted she's gone by the site to view it and said that the Blackburn Industrial Park is isolated as is the parcel in it. She highlighted that security matters have been reviewed with Interim Chief McCarthy and said that the security is very strong. She said she liked the fact that the applicant would have to come back if they wished to purvey recreational marijuana. She said in consideration of people who need medical marijuana now she said she would support the application. She expressed her appreciation to the Administration, Planning Division and city department heads and other city staff who did an "excellent job."

Councilor Nolan offered his thanks to the Administration and HVV, saying he didn't think anything was missed. He also cited the work of the Planning & Development Committee. He said he's watched family members and friends fight and die from cancer. He said his friends who've had cannabis to get them through that situation had made their quality of life better. It is important for people to have this treatment recommended from a doctor and that the Blackburn Industrial Park is the right place for a MMTTC and MMCF he said, and lent his support for the Special Council Permit.

Councilor O'Hara offered that he, too, has had friends with cancer who used cannabis to alleviate their pain and symptoms. He said he also understood the enforcement issues highlighting an incident this year when a person left a medical marijuana facility and killed a state trooper in Massachusetts. People who need medical marijuana have to go to Salem or Boston now to get their prescription to ease their pain, he pointed out. He said the security systems are in place, and mentioned while he was torn, he would support the Special Council Permit.

Council President Ciolino said he was pleased to see the mural condition struck down. He pointed out that beauty is in the eye of the beholder, and noted that the EDIC has the role to protect the Industrial Park. He said that the Council is approving a (medical marijuana) growing facility and an RMD, by the same owner but are two different things. He pointed out there is always abuse no matter the situation. He mentioned a Gloucester resident, Ernie Morin, who lives with constant pain and had made his comments at an earlier public hearing on medical marijuana. He said Mr. Morin is needful of just such a facility in the city. He said the majority of people who use the facility, if they are ill and the prescription helps, then it is worthwhile. Addressing the growing facility, he pointed out it is completely enclosed. He noted the 97 "good paying" jobs and said he hoped the jobs would increase. He said when he goes by the city's wind turbines, which people objected to at first he was reminded that each year the city gets a check from National Grid which pays for the electrical expenses of the city's facilities. He said it is hoped this facility will exceed expectations. He said this is sited in an industrial park where it belongs although this took a while to put together. He offered his congratulations to the Community Development Department and all department heads involved.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to issue a Major Project Special Council Permit (SCP2017-006) for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures MA, Inc. (HVV) (applicant), Map 263, Lot 64 at Great Republic Drive #38 pursuant to Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" and 1.8.3 of the Zoning Ordinance as shown on the Plans as submitted to the City Clerk's Office on April 19, 2017 and Supplemental Plans submitted to the City Clerk's office on August 3, 2017 and Existing Conditions Plan by Gateway Consultants, Inc., Gloucester, MA dated 3/20/17 with revisions through 9/13/17 consisting of four sheets and Landscaping Plan by Annisquam Landcare, Inc.,

Gloucester, MA, dated 8/22/17. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinance with the addition of the following conditions:

1. **Planting Plan:** HVV must enter into a written agreement with the City satisfactory to the Director of Public Works and General Counsel to perpetually maintain the plantings proposed in the public way prior to receiving an occupancy permit.
2. **Potential Future Use:** Any proposed change in use of the facility to dispense non-medical marijuana products shall require the modification of the City Council Major Project Special Permit and the Planning Board's Site Plan Review Approval.
3. **Snow-Related Debris:** HVV must maintain a landscaping and/or site maintenance agreement that includes an annual (on or before April 30 of each year) cleaning of the northern stone wall to remove any debris deposited during snow removal efforts from the prior winter.
4. **Dedicated Patient Parking:** Parking spaces numbered 11 through 27 on the Site Plan are to be reserved solely for patient parking (with the exception that staff requiring handicap parking be permitted to use such spots) and that, should HVV staff require use of more than two (2) of the existing handicap accessible parking spots, HVV will designate additional spots in the eastern parking field for handicap employee use.
5. **Safety Fence:** A safety fence is to be erected atop the proposed retaining wall along the northern portion of the upland.
6. **Compact Car Parking:** Parking spaces numbered 8, 9 and 10 on the Site Plan be designated compact car parking only in an effort to prevent interference with fire apparatus access while those spaces are in use.
7. **80,000 lb. Vehicle Load:** HVV must produce a certification from a licensed engineer that the northern fire access lane will be able to handle an 80,000 lbs. vehicle load prior to receiving an occupancy permit.

For Council Vote:

1. **Special Speed Regulation #7957 from the MassDOT re: Hartz Street**

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to adopt pursuant to MGL c. 90, §18, Special Speed Regulation #7957 to impose the following speed limits in which motor vehicles may be operated on Hartz Street as follows:

HARTZ STREET – NORTHBOUND

Beginning at the junction of Bass Avenue (Route 127A), thence northerly on Hartz Street 0.24 miles at 20 miles per hour ending at the junction of Eastern Avenue (Route 127); the total distance being 0.24 miles.

HARTZ STREET – SOUTHBOUND

Beginning at the junction of Eastern Avenue (Route 127), thence southerly on Hartz Street 0.24 miles at 20 miles per hour ending at the junction of Bass Avenue (Route 127A); the total distance being 0.24 miles.

Unfinished Business: None.

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

Update on the Poet Laureate Selection Committee by City Council Representative, Councilor Paul Lundberg who highlighted the following:

- The Code of Ordinances established a Poet Laureate, appointed by the Mayor, and confirmed by the City Council. There is a Selection Committee comprised of: Judith Hoglander representing the Committee for

the Arts; the Mayor or a representative of the Mayor appointed by her, Rufus Collinson (former city Poet Laureate); a member of the City Council or representative of the Council (Councilor Lundberg), and two members chosen by the Committee for the Arts who have demonstrated substantial expertise and knowledge of poetry and reside in the city. They are: Amanda Cook from the Gloucester Writers Center and Chris Anderson from the Eastern Point Literary House.

- A meeting of the Selection Committee is scheduled for next week for the purpose of reviewing the applications and make a recommendation to the Committee for the Arts who then forwards its recommendation to the Mayor and it then comes to the Council for approval.

Councilors' Requests to the Mayor:

Councilor Nolan thanked a great friend, artist and contributor to many of the non-profits in Gloucester, Dan Diamond who is the artist who created and painted the Cape Ann Brew Company's mural and wished him his best on his adventures in California.

Councilor Orlando wished Councilor Nolan a very happy birthday.

Councilor Gilman noted that Thursday, Sept. 28, at 6:00 p.m. there will be a conversation on Marijuana & Youth that will be held in the Gloucester High School Library, featuring Dr. Kevin Hill, author of "Unbiased Truth about Marijuana" which is open to the public. She noted that this past Saturday night, Avis Murray, her former tennis coach when she was a young teen who has taught three generations of her family held a celebration on the occasion of her 80th birthday at Bass Rocks Country Club. She advised that in the nearby the Council will have before them a request for a possible dedication of the tennis courts on the Boulevard in Ms. Murray's honor.

Councilor O'Hara thanked the 40 people who contributed to the Red Cross Blood Drive at the Magnolia Library recently and advised another Blood Drive is scheduled for Wednesday, Nov. 29.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:50 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

BUDGET & FINANCE MEETING MINUTES

10/05/2017

(UNDER SEPARATE COVER)

Ordinances & Administration Committee
Monday, October 2, 2017 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara; Councilor Sean Nolan

Absent: None.

Also Present: Councilor Cox (entered the meeting at 6:29 p.m.); Councilor Gilman (entered the meeting at 6:06 p.m.); Joanne Senos; Chip Payson

The meeting was called to order at 6:00 p.m. Upon the arrival of Councilor Cox there was a quorum of the City Council. The Committee recessed at 6:16 p.m. and reconvened at 6:29 p.m.

1. New Appointments:

Boards, Committee, Commissions:

Zoning Board of Appeals Adria Reimer-Nicholosi (Cont’d from 09/18/17) TTE 02/14/20

Ms. Reimer-Nicholosi recounted that that she grew up in Gloucester and Rockport, and has just finished law school. She has worked at a law office of Attorney Robert Visnick in Rockport for the last 7 years primarily in real estate but also gaining experience in land use which gained her an understanding of what goes into those applications and ordinances. She advised she’s attended three ZBA meetings to date saying there was an “interesting dynamic” at each meeting and that she enjoyed the site visits. She said she’s finished with her evening law school commitment and is now ready to volunteer in the city where she lives.

Councilor LeBlanc noted that the ZBA is one of the boards where applicants need great assistance from the Board, and that after going between all the different city departments for sign-offs before appearing before the Board. He asked she remember it can also be a frustrating experience for some applicants because of that. He recounted recently that the Council took steps in trying to make things easier for ZBA applicants by streamlining some of the permitting processes.

Councilor O’Hara thanked Ms. Reimer-Nicholosi for her enthusiasm and energy. **Ms. Reimer-Nicholosi** said that the staff and members of the Board have been very supportive of her appointment.

Councilor Nolan said Mr. Visnick whom she works for is an excellent attorney with a wealth of knowledge about the community and knew she was well trained by him. He conveyed that people can have a lot of stress in their lives, and that city permitting processes at times isn’t as user friendly as the Council might wish to see for its citizens. He asked that if she sees any roadblocks where she might be able to work with the Building Department, sees something commonly coming up and being missed, he asked that she alert them if she feels there is something that can be improved or streamlined where the ZBA process is concerned, and they will take that to the Administration for their consideration.

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 Adria Reimer-Nicholosi to the Zoning Board of Appeals, TTE 02/14/20.

2. CC2017-036 (Memhard): Amend GCO Ch. 22, Sec. 22-270 “Parking Prohibited at all times” & GCO Ch. 22, Sec. 22-291 Tow-away zones” re: Pond Road, northerly side from its intersection with Eastern Avenue in a westerly direction for a distance of 250 feet (Con’t from 09/18/17)

Councilor LeBlanc said the Committee reached out to General Counsel on this matter as it was the Committee understands that Pond Road was a private way and were concerned about instituting traffic changes to the private way. **Chip Payson**, General Counsel, said that if an abutter or an owner of a parking lot along a private way requests it, according to state statute, the Council can pursue instituting the requested traffic restrictions. He reminded the Committee that the property owner has to be okay with the action -- if the property owner is okay then it can move forward but that a lessee can’t make that request/decision – that lessee would need the property owner to provide a letter saying they were in agreement with the request.

It was confirmed that 3 Pond Road was owned by the Cape Ann Transportation Company (the requestor was acting on behalf of the Cape Ann Transportation Authority) through the city’s GIS Viewer program which provides property data. The request to make the northerly side of Pond Road from its intersection with Eastern Avenue in a

westerly direction for 250 feet was generated by CATA and confirmed in a letter from Paul F. Talbot, CATA's Administrator dated September 27, 2017 (on file). Councilor LeBlanc pointed out that as the owner of the property at 3 Pond Road has asked for this change for traffic safety on a private way and documentation is on file confirming that request, the Council is able to take action to make those changes pursuant to Mass. General Law.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, 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 "Pond Road, northerly side from its intersection with Eastern Avenue in a westerly direction for a distance of 250 feet."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, Amend GCO Ch. 22, Sec. 22-291 "Tow-away zones" by ADDING "Pond Road, northerly side from its intersection with Eastern Avenue in a westerly direction for a distance of 250 feet."

This matter will be advertised for public hearing.

3. *CC2017-037 (LeBlanc): Request the Traffic Commission make a recommendation for the placement of stop signs and proper markings on Rockland Street, Gloucester Avenue & Madison Court (Cont'd from 09/18/17)*

Councilor LeBlanc explained that the traffic minutes show that the Commission agreed with what he was trying to do in creating a better traffic pattern in a particular area abutting Gloucester Avenue. He described that driving up from Washington Street onto Gloucester Avenue with the Baptist Church on one's left there is a small wedge of land that borders Madison Court where it intersects with Rockland Street and pulling directly onto Gloucester Avenue which was not a very safe situation. He described the proposed changes which will place a stop sign at Madison Court with Rockland Street and at Madison Court at its northerly intersection with Gloucester Avenue. A yield sign, at the recommendation of the Traffic Commission, should be placed on Rockland Street near its intersection with Gloucester Avenue towards the Cape Ann Lanes, he advised.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, Amend GCO Ch. 22, Sec. 22-269 "Stop Intersections" by ADDING "Madison Court at its intersection with Rockland Street."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, Amend GCO Ch. 22, Sec. 22-269 "Stop Intersections" by ADDING "Madison Court on its northerly side at the intersection with Gloucester Avenue."

The Committee recessed at 6:16 and reconvened at 6:29 p.m. upon the arrival of Councilor Cox. With her arrival, there was now a quorum of the City Council.

4. *CC2017-011 (Cox) Request Traffic Commission review parking spots & traffic flow on Pleasant St. from Franklin Sq. to 32 Pleasant St. to address safety issue of 2-way traffic & depending on review recommend to Council possible GCO amendments (Cont'd from 09/18/17)*

Councilor Cox requested that CC2017-011 be withdrawn.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-011 pursuant to traffic changes affecting Pleasant Street from Franklin Square to 32 Pleasant Street without prejudice.

5. *CC2017-033 (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*

Councilor Cox explained that she needs two more weeks as she hadn't been able to meet with the priest at Our Lady of Good Voyage Church.

This matter is continued to October 16, 2017.

6. As returned to Committee from City Council meeting 09/12/17: Amend GCO Ch. 9 "Trash Recycling and Litter" Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec. 9-12, which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12

Councilor Cox explained that the matter returned to O&A because something was missed when this matter was last before the Committee for discussion. They have the order in its original form (on file) and noted amendments she wished to make that she circulated by email (on file) that were discussed at Council. In the original definition said "checkout bags only" and it says in the definition that it excludes all other bags and says bags that you put your produce in.

Councilor LeBlanc said that if this evening the Committee makes substantive changes to the Committee's recommendation the Single Use Plastic Bag ban now before the Council, the matter will have to be readvertised for public hearing. **Chip Payson**, General Counsel suggested that what this committee voted on July 31 isn't what Councilor Cox thinks the Committee voted on. What went to Council and was considered by O&A is not a two page (Council Order) and is much shorter than that. He said that there was no way to amend what's before the Committee by removing "b) 10 cents per bag fee," because it's not before the Committee. **Councilor Cox** said what came out of City Council wasn't correct. **Mr. Payson** reiterated that procedurally what was before the Committee was what came out of Committee and went to the Council and then was returned to Committee. He said if the Councilor wants to amend that to replace it with what was originally proposed then procedurally that is something the Committee is going to have to review. **Councilor Cox** gave Mr. Payson her recollection of the meeting that there was a discussion of certain amendments to the original order such as the removal of 10 cents per bag cost, that produce bags were exempt and the start date was changed and that those amendments didn't make it from Committee to the Council. **Mr. Payson** citing the language voted on by the Committee on July 31 said that it was that language which was before the Council so whatever the intent was at the Committee level for the record, that's the language that went up to Council and came back to the Committee. The Committee needs to consider how to change this language back to the original Council Order as the amendments seem to amend the earlier version.

Councilor LeBlanc advised that he spoke to the Administration today who is set on resolving the enforcement issue before this matter goes forward. He suggested the matter be continued for two weeks as he wanted to move this initiative forward first but wanted to ensure that the enforcement piece is in place. **Councilor Cox** discussed the involvement of the Health Department on the matter with **Mr. Payson** briefly. **Councilor Cox** pointed out that the Health Department as the enforcement agency for the polystyrene ban made sense but that for the single-use plastic bag ban, it made more sense that the Building Inspector be responsible for enforcement. She reminded the Committee that enforcement action(s) would only be triggered if there was a complaint. She said when she reviewed both the both ordinance amendments with the CAO, Jim Destino, he'd indicated to her that he was in agreement and gave her the "green light."

Councilor Nolan said that when the Committee voted on the matter of the single-use plastic bag ban on July 31 the language which was contained in the original Council Order didn't get put forward attached to the new Council Order. He suggested that they can't change what is coming back to them now but said they made amendments to knock off the fees and change the start date. He said there are several matters that have to be hammered out.

Councilor Cox said there is consensus that what was discussed at O&A wasn't what was put forward at Council.

The statement by Councilor Cox prompted a discussion between **the Committee, Mr. Payson** and **Councilor Cox** which resulted in a consensus that best process would be to withdraw Council Order 2017-026 at the Council meeting of October 10 by Councilor Cox who will simultaneously submit a new Council Order incorporating all the single-use plastic bag ban language that is needed and some changes as were discussed at previous meetings of O&A and Council to create an all-encompassing single-use plastic bag ban ordinance with the appropriate enforcement agent included.

Stephen Rhodes, 50 Ledge Road, confirmed with the Committee that the single-use plastic bag ban will not be voted on at the next Council meeting, which was confirmed by the O&A Committee, and expressed his concern as to how long it would take to actually institute such a ban.

Councilor Nolan assured that although this process is prolonged by the fact that O&A will have to deliberate on the new/revised language of an upcoming Council Order on a single-use plastic bag ban through Councilor Cox,

the start date of the ban will remain January 1, 2019, ensuring the ban would be instituted at the same time as previously anticipated.

No action taken by the O&A Committee on this matter.

7. *CC0217-039 (Cox/Orlando): Amend GCO Ch. 22, Sec. 22-274 “Two-hour-parking – Between certain hours” & Amend GCO Ch. 22, Sec. 22-277 “One-hour parking-Generally” re: Commercial Street for a distance of 27 feet from its southerly intersection with Beach Court (TBC 11/06/17)*
8. *CC2017-040 (Nolan) Amend GCO Ch. 22, Sec. 22-267 “One-way streets-Generally” by ADDING Park Lane from Norman Avenue to Linden Road (TBC 11/06/17)*

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:50 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

Planning & Development Committee
Wednesday, October 4, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Melissa Cox; Councilor Gilman

Absent: None.

Also Present: Chip Payson

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

1. RZ2017-002: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (Cont'd from 09/20/17)

Corey Grammas, 141 Western Avenue, owner of the parcel at Rust Island Road #4, Map 233, Lot 72, zoned R-10 (Medium/High Density Residential) asked that the parcel be rezoned as EB (Extensive Business) explained Lobsta Land, a restaurant he owns at 84 Causeway Street, was operating with a failed septic system, and in the process of replacing that failed system underground under the restaurant, it turned out to be an overly large and complicated system. In the process of financing the project, it was learned Rust Island Road #4 was available for purchase which he bought it for the sole purpose of solving the restaurant's septic system issue. The property perked and the restaurant is now operating with a viable system that was professionally re-engineered with two lines going to and from Rust Island Road #4. When the leaching field was being designed, there was an opportunity to place vehicles on the property whether for employee parking from the restaurant or overflow patron parking, so the system was engineered to be able to tolerate vehicles being driven over it and parked on it, he recounted. The restaurant season being the inverse of the boating season, **Mr. Grammas** said he observed that it made sense in the off-season to use the property for winter boat storage. In light of the fact that the septic system was engineered to be driven and parked on, Mr. Grammas explored how his Rust Island property might be used for boat storage. He was told by his contractor that the system could support the weight of boats, he said, and his engineer confirmed that to be the case also. A neighbor, and only abutter within eyesight of Rust Island #4, who was a supporter of the leaching field being installed, conveyed he had no issue with boat storage on the property. Other area neighbors were contacted about the plan who voiced to Mr. Grammas they had no objection. He said an attorney he contacted advised him that it could be done as the system was engineered to deal with such situations but that the zoning was R-10, a residential designation, and as such the property wasn't zoned to enable its use for parking cars or boat storage.

Mr. Grammas said that the boat storage wasn't a "make or break" situation but a way to help to off-set the financial burden of the installation of the septic system. He observed that Lobsta Land is zoned EB (Extensive Business) at 84 Causeway Street. He pointed out that both the restaurant property and Rust Island Road #4 are inextricably joined by the septic system, and that by rezoning the property it would make it consistent zoning that would allow him legally to store boats on Rust Island #4. He also pointed out that because Rust Island Road #4 is not currently zoned for business, should there was an insurance claim, the insurance company would have cause to not support a claim. He observed that Sudbay's, Modern Heat, Lobsta Land, the residential portion, and then to Grand Banks and Nichols Candy, this is a mix of businesses and residential activity in the immediate area.

Councilor Lundberg said that the Committee had a recommendation of the Planning Board who voted 6 in favor, 0 opposed, for the rezoning of Rust Island Road #4.

Chip Payson, General Counsel, explained that he looked at this rezoning in conjunction with Max Schenk, Assistant Health Director and Thor Ackerley, Sanitarian of the city's Health Department. He said from a legal standpoint, Mr. Grammas came to the Council to install the leaching field there were easements granted, and wanted to ensure that the easements weren't being interfered with which "is fine" from his perspective. He explained that he, Mr. Schenk, Mr. Ackerley and Mr. Grammas visited the site today with an eye to see if the leaching field was able to sustain the weight of boats. He recounted they saw several boats on the property on trailers, 15 ft. up to a 21 ft., smaller boats shrink wrapped. Mr. Schenk and Mr. Ackerley were satisfied that the infrastructure in the ground can sustain the weight of the boats, he reported. Mr. Grammas agreed, he said, that boats in cradles (braces) would not be appropriate due to their weight and size. He noted that Mr. Grammas had indicated he was working with Brown's Yacht Yard, and Brown's does all the winterizing maintenance on these trailered boats, draining fluids from the engines at their site, shrink wrapping them and then are backed onto the property on trailers. He said the

proposed property use makes sense from the legal standpoint, which as Mr. Grammas observed, the site and Lobsta Land are linked and that, in his opinion, is the stronger argument to rezone Rust Island Road to the EB designation.

Councilor Cox observed that the septic system must undergo yearly inspections by the Health Department. She said with boats parked on the property during the winter, if something failed in the septic system during that timeframe, there are checks and balances. She said she wouldn't have necessarily thought of the insurance issue and expressed appreciation for Mr. Grammas's position. She said the rezoning makes sense. **Mr. Grammas** pointed out that this is an unbuildable lot and no building will be erected on it, he assured.

Mr. Payson said he observed today that the front of the property has a slight incline but the center and back portion of the property is level with the center of the lot having a manhole which allows for inspection of the septic system. He said the manhole won't be covered by a vehicle or a boat on a trailer, noting that Mr. Grammas had made that suggestion even before the Health Department did.

Councilor Lundberg pointed out that the boats on trailers are easily moved. **Mr. Grammas** added that this is an unbuildable lot and no building will be erected.

Councilor Gilman reviewed with Mr. Grammas the location of 4 Rust Island Road in relation to Lobsta Land at 84 Causeway Street on the map on file. **Mr. Grammas**, in response to an inquiry by **Councilor Gilman**, said the abutters were noticed about the Planning Board public hearing and that there'd been no negative feedback.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee under Gloucester Zoning Ordinance Section 1.11 and MGL c. 40A, §5, voted 3 in favor, 0 opposed, to recommend that the City Council Grant the proposed rezoning petition of the owner of Rust Island Road #4 to change the zoning designation for Rust Island #4 (Assessors Map 233, Lot 72 with a property depth of 80 +/- feet, a frontage of 500 +/- feet and a lot area of 18,540 +/- square feet, from R-10 (Medium/High Density Residential) to EB (Extensive Business) and the Zoning Map is to be changed accordingly.

This matter has been advertised for public hearing which will return to the City Council's agenda on October 10, 2017.

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:43 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: PH2017-052
SUBJECT: Amend GCO Chapter 2, "Administration", Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund"

DATE OPENED: 10/10/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 9/18/2017

GCO

LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, October 10, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:



Amend Chapter 2, "Administration", Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund" (full text on file in the City Clerk's office).

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-277 "One hour parking - generally" by ~~ADDING~~ **XXXXXXXX** Washington Street on the westerly side from its intersection with Grove Street for a distance of 110 feet in a westerly direction in front of 179 Washington Street".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" - "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" - "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same - off-street parking areas" 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".

Amend Chapter 22 "Traffic And Motor Vehicles", Sec. 22-292 "Fire Lanes" 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)".

At the public hearings, all interested persons will have the opportunity to be heard. 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.

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

Ad#13614580
CAB 9/29/17



2. *Memorandum from City Auditor re: New Departmental Revolving Fund Ordinance*

Kenny Costa, City Auditor, explained the following: Through the annual budget process the Council votes on the Revolving Funds for the Schools and City. Under the state's Modernization Act the state broke that up into two parts. Later during the budget process the spending limits will be voted on by the Council as part of the annual passage of the city's budget. The action the Council is being asked to take is to authorize the actual funds and memorializing them in the Code of Ordinances. A chart (on file) was referenced for the School Revolving Funds and City Revolving Funds that will be added into the Code of Ordinances. There are no dollar amounts noted on the ordinance amendment's chart as that is handled during the city's budget process and vote.

Mr. Costa advised that the Department of Revenue has provided guidance on the ordinance amendment language and that General Counsel has reviewed the ordinance and ok'd it as presented.

Councilor Gilman asked why the Council is being asked to take this action. **Mr. Costa** said this action was more geared for the state's towns as by-law which he said he gained from his being a member of the Mass. Auditors & Town Accountants Association. Since they did something for towns, they did ordinance recommendations for cities, he noted. He pointed out that the city's being asked to do the same thing they've always done but breaking it up into two parts. **Councilor Gilman** asked how this would affect what the Council does typically during a budget process and would O&A have anything to do with that fiscal process. **Mr. Costa** said what the Council is being asked to do is to set up the Revolving Funds. Using the Vaccination Revolving Fund for the Board of Health as an example, he explained that it is noted in the list of city Revolving Funds to be enacted the ordinance, but that the B&F Committee reviews and votes on the annual Revolving Funds spending limits during the city's budget process and then forwards that to the Council for the fiscal year voting. He reiterated this action is to set up the actual ordinance.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 2 "Administration", Article VI "Finance" by ADDING new "Division 5 – Departmental Revolving Funds" as follows:

Section 5-616 - Purpose

Purpose. This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

Section 5-617 – Expenditure Limitations

Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by the City Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Mayor and City Council.

Section 5-618 - Interest

Interest. Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the General Fund.

Section 5-619 – Procedures and Reports

Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this ordinance, the laws, charter provisions, ordinances, rules , regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement and the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.

Section 5-620 – Authorized Revolving Funds

Authorized Revolving Funds. The Table establishes:

- A. Each revolving fund authorized for use by a City department, board committee, agency or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the City Auditor,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this ordinance.

Section 621 – School Revolving Funds Table

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Summer School Program	School	Fees collected From Users	Salary/Expense to Run summer school Program	None	None	Fiscal Year 2018 and Subsequent years
Transportation	School	Contracts/ Charters collected To Users	Transportation Services for Students	None	None	Fiscal Year 2018 and Subsequent years
ROTC	School	Fees/Charges Collected from Users	Salary/Expenses	None	None	Fiscal Year 2018 and Subsequent years
Preschool	School	Fees/Charges Collected from Users	Salary/Expenses of Teachers and Materials	None	None	Fiscal Year 2018 and Subsequent years
Professional Developm	School	Fees/Charges Collected from Users	Training Expense For Gloucester School Teachers	None	None	Fiscal Year 2018 and Subsequent years
Non Resident Student Tuition	School	Fees/Charges Collected from Users	Salary/Expense for Non resident Students	None	None	Fiscal Year 2018 and Subsequent years
West Parish Before School Program	School	Fees/Charges Collected from Users	Salary/Expense to Run West Parish Before School Program	None	None	Fiscal Year 2018 and Subsequent years

Section 622 – City Revolving Funds Table

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Building Use	DPW Director	Fees/Charges Collected from Users	Janitorial/ Maintenance for School Buildings	None	None	Fiscal Year 2018 and Subsequent years
City Hall User	DPW Director	Fees/Charges Collected from Users	Janitorial/ Maintenance for Kyrouz Auditorium	None	None	Fiscal Year 2018 and Subsequent years
Court Repairs	DPW Director	State Reimbursement	Repairs to the Court Building	None	None	Fiscal Year 2018 and Subsequent years
Septic Loan - BOH	City CFO	Fees collected From Homeowners	Salary/Expenses Related to Septic Systems	None	None	Fiscal Year 2018 and Subsequent years
Vaccine – BOH	BOH Director	Fees collected From insurance and Users	Vaccinations for flu and other	None	None	Fiscal Year 2018 and Subsequent years
Fire Training	Fire Chief	Fees	High Angle Training	None	None	Fiscal Year 2018 and Subsequent years
<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
RFR Study	Community Development Director	Fees collected From applicant	Radio Frequency Study	None	None	Fiscal Year 2018 and Subsequent years
Dental – BOH	BOH Director	Fees collected From insurance And Users	Child Dental Services	None	None	Fiscal Year 2018 and Subsequent years
Solid Waste/Recycling	DPW Director	Fees collected From Users	Materials/Supplies For Recycling Program	None	None	Fiscal Year 2018 and Subsequent years
City Clerk Pres. Perm. Records	City Clerk	Fees	Archival Preservation	None	None	Fiscal Year 2018 and Subsequent years
Vacant Building	Inspectional Services Director	Fees	Secure Vacant Buildings	None	None	Fiscal Year 2018 and Subsequent years
Lanes Cove Fish Shack	DPW Director	Fees	Repairs to the Fish Shack	None	None	Fiscal Year 2018 and Subsequent years
Various Fire Trainings	Fire Chief	Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years
DPW - Newell Stadium Maintenance	DPW Director	Fees collected From users	Maintenance for Newell Stadium	None	None	Fiscal Year 2018 and Subsequent

						years
DPW - Stage Fort Park Maintenance	DPW Director	Fees	Maintenance for Stage Fort Park	None	None	Fiscal Year 2018 and Subsequent years
Police - Student Officer Training & Equipment	Police Chief	Reimbursements From Student Officers	Training for Student Officers	None	None	Fiscal Year 2018 and Subsequent years
Fire Decon. Drill Training	Fire Chief	State Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years

This matter, in addition to being heard by the Budget & Finance Committee at its 09/21/17 meeting, will be advertised for public hearing.

3. ***CC2017-016 (Memhard/O'Hara) Request that the city adopt the Commonwealth of Mass DEP Noise Regulation (310 CMR 7.10) and after adoption amend GCO Ch. 13 "Noise" (Cont'd from 08/14/17)***

Councilor LeBlanc advised he spoke with General Counsel and Councilor Memhard, both of whom recommended that this matter be postponed. He said they will need some input from the city, not just the Administration, but the businesses throughout the city an ordinance amendment like this will affect. He said he'd like to see a joint effort of the Administration and the Council to get some meetings together over the next several weeks starting with a memo to the Council and Administration about coordinating such an effort. He also suggested that a Request to the Mayor to fund a legal consultant to help to draft an integrated Ordinance amendment for the Code of Ordinances should be generated by Councilor Memhard.

This matter is continued to November 6, 2017.

4. ***CC2017-011 (Cox) Request Traffic Commission review parking spots & traffic flow on Pleasant St. from Franklin Sq. to 32 Pleasant St. to address safety issue of 2-way traffic & depending on review recommend to Council possible GCO amendments (Cont'd from 08/14/17)***

Councilor LeBlanc advised that Councilor Cox has requested that this matter be again continued.

This matter is continued to October 2, 2017.

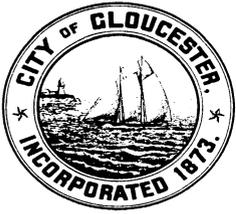
5. ***CC2017-022 (Cox): Amend GCO Ch. 22, Sec. 22-277 "One Hour parking-Generally" re: Washington Street (Cont'd from 07/31/17)***

Councilor LeBlanc said that the owners of Double Exposure have reached out to Councilor Cox to ask for one-hour parking in front of their business. He advised he spoke to other businesses in the direct vicinity who said they had no issue with the proposed change. He pointed out that the Traffic Commission recommended this matter move forward.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-277 "One hour parking-Generally" by ADDING "Washington Street northerly side from its intersection with Grove Street for a distance of approximately 150 feet in an easterly direction to the entrance of Oak Grove Cemetery."

This matter will be advertised for public hearing.

6. ***CC2017-027 (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 (TBC 09/18/17)***



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-043
SUBJECT: Amend GCO Ch. 9 "Trash, Recycling and Litter" by **ADDING** a new Sec. 9-12 re: Prohibition of Plastic Checkout Bags; and **ADDING** a new Sec. 9-13 re: Penalties for Violation of new Sec. 9-12
10/10/2017

DATE OPENED:
CONTINUED TO:
CONTINUED FROM: 9/12/2017
COMMITTEE: O&A 7/31/2017, 10/02/2017
City Council 8/22/2017, 9/12/2017

GCO

LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold a public hearing on **Tuesday, August 22, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

Amend Chapter 9 "Trash, Recycling and Litter" Sec. 9-12 (reserved) by ADDING a new 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.

At the public hearing, all interested persons will have the opportunity to be heard.

By Vote of the City Council
Joanne M. Senos

AD#13597851
CAB 8/11/17

this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

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4. PH2017-043: Amend GCO Ch. 9 “Trash Recycling and Litter” Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec. 9-12, which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12

Council President Ciolino recused himself under MGL c. 268A as a business owner on Main Street because his business uses single-use plastic bags. With that he handed the gavel to Vice Chair, Councilor LeBlanc and stepped away from the dais.

This public hearing opened at 7:24 p.m.

Those speaking in favor:

Ainsley Smith, 14 Pine Street, Clean City Commission Chair, explained the following (written statement placed on file):

- Two additional Chamber of Commerce survey responses were received, one from an anonymous business not in support of the bag ordinance but in support of the polystyrene ordinance. Another was from the Schooner Adventure which supported both the bag and polystyrene bans.
- The Clean City Commission has submitted a grant application for \$1,000 that if awarded would be used to purchase reusable bags for the Open Door Food Pantry and for the Senior Center to distribute.
- Two letters were submitted to the Gloucester Daily Times this week; neither was published.
- Seaside Cycle in Manchester reports that while paper bags are a larger expense than plastic bags, it hasn't negatively affected their business and customers haven't complained about the switch.
- Outreach efforts: A letter describing the bag ban was hand delivered to 407 city businesses, and the Cape Ann Chamber of Commerce delivered an electronic survey about the ban in its weekly newsletter which was distributed to 485 city businesses.

Ms. Smith reviewed that this ordinance amendment was first proposed two years ago. She reported that in the interim, many cities and towns in Massachusetts and throughout the United States and around the world has adopted similar ordinances. On the state's North Shore, Newburyport, Hamilton, Ipswich, Manchester, Marblehead and Salem have all backed such a ban, and now 55 cities and towns have already banned single use plastic bags. She said as a coastal city whose economy relies greatly on the ocean, the city has a responsibility to take care of the resources that provides so much – fishing, whale watching, eco-tours, and beaches. She pointed out that an ocean full of plastic litter doesn't support healthy fisheries, harms wildlife and deters tourism. Noting that the Clean City Commission throughout the year organizes volunteers to clean up beaches, parks, and neighborhoods around the city, she said it is important to first reduce reliance on single-use plastic bags. Pointing out that Gloucester is proud to be an innovator, a city that promotes biotechnology and is designated by the state as a Green Community, she pointed out. She urged the Council to approve the ordinance amendment to ban single-use plastic bags.

Jerry Houle, 24 Lincoln Park, said that Gloucester is the best part of the world, noting he walks two to three miles a day seeing a great deal of trash every day on city streets. He said they can take care of the city better.

Debra Darby, 553 Washington Street (written statement placed on file) said she supported both bans up for consideration for this evening. She advised she worked for a company that manufactures bioplastic film for compostable bags. She pointed out if compostable plastic alternative to conventional plastic is inadvertently outlawed, it will impair what she said she considers being a more important environmental consideration; that unregulated decomposition of organic and compostable materials in a landfill produces unrecoverable methane, a greenhouse gas which she noted was more damaging than CO₂. She also suggested that the city support a collection system for compostable replacements. She highlighted the policies of the City of Seattle, WA, that she said should serve as a model for Gloucester as to what is possible. She pointed out that the city has a trash problem. She said they should reduce waste and implements organics recycling and encouraged both the ban on single-use plastic bags and non-recyclable cups and clamshell containers.

Mary Flaherty, 20 Leonard Street, Unit 5, a new Gloucester resident, formerly of California, noted the state of California has banned single-use plastic bags. She showed the Council a recycled bag she uses regularly which she

said was painless to use and was the right thing to do. She encouraged replacing Styrofoam cups with reusable cups. People receiving WIC funds do not have to pay for their recyclable plastic bags, she pointed out.

Laura Richane, 423 Essex Avenue, urged the Council to support the plastic bag ban because plastic bags degrade into micro-plastics that can't be removed from the soil and ocean which "poisons" both. She said she loves Gloucester and as a newer resident she didn't want to see the streets, beaches and beautiful vistas spoiled by plastic bags. She asked the Council to leave a legacy for the city where her young daughter, whom she held in her arms, will live in a clean city and make it a better place.

Pilar Davis, 178 East Main Street, said she and her young friends are concerned about plastic bag pollution. **Atticus Anderson**, 24 Highland Street said that 100,000 sea animals die every year because of plastics. Both **Meadow Anderson**, and **Lotus Marshall**, 110 East Main Street displaying a hand-made poster, and voiced together that only 3% of plastic bags are actually recycled. **Ms. Davis** concluded their remarks by saying that she and her friends want to protect their community by a plastic bag ban.

Ian Kerr, Ocean Alliance, residing at 3 Ledge Road, said he studies pollution as his livelihood. He pointed out that a lot of plastics break down, and release phthalates which has an odor that fish are attracted to. The fish eat plastic because they think it is food, he said. He cited that he brought his organization to Gloucester because of the city's reputation for its innovation and creativity. He conveyed that there is a blue economy ahead and that the city has an opportunity to lead rather than follow. By voting for the ban the city will continue to lead, he added.

Clayton Kern, 28 Green Street, pointed out living next to the Market Basket supermarket, in the trees in his backyard when the wind blows, "you can hear the plastic bags" lodged in them. He said he uses plastic bags at home, but noted that the environmental impacts outlined this evening and his street's issues with plastic bags lead him to support a plastic bag ban.

Karen Ristuben, 4 Bickford Way, noted she did a project on the plastics industry and use since the 1950's and was on a research boat in the Pacific from Hawaii to Vancouver, B.C. and was at sea with a group of marine scientists who study the issue of marine debris and plastics. She recounted they had a shallow trawl system rigged and when deployed they picked up plastics debris each time 2,000 miles from any land mass. She said that plastics get into the ocean and break down into micro-plastics ending up being eaten by fish. Billions of tons of plastics are floating in the oceans around the planet, she said. Plastic bags and polystyrene can't be recycled or composted, she noted, and that the only way to stop the problem is by reducing use of plastics and have manufacturers of plastics provide good alternatives.

Heather Dagle, 7 Seas Whale Watch Manager, resident of 11 Marina Drive, said 7 Seas is in favor of the bag ban. She noted that whale watching attracts over 75,000 people a year to the city. She highlighted that 7 Seas educates their customers on ocean ecology, conservation, and protection of the oceans. Citing that Gloucester is one of the top five places in the world for whale watching, she noted that the city is known as a fishing community priding itself for its seafood. She highlighted that if the city isn't behind protecting the ocean, and then asked why anyone else would. She said she disagreed that visitors may see this ban as unwelcoming, as many communities are already charging 10 cents a bag as they are throughout Europe. She urged that the plastic bag ban be passed.

Laurie Hagar, 54 East Main Street, asked the Council to support the plastic bag ban she said will help the litter situation in the city. She noted concerns were raised about the inconvenience to the elderly and others and said she found that hard to believe. She said everyone can easily adapt to not using single-use bags.

Jamie Matheson, 47R Parker Street, owner of One Ocean-One Love Shop, recounted that five years ago she was snorkeling in the Caribbean and saw a turtle looking at a plastic bag and dove down and took the bag away. She said since then she has viewed plastic bags as an issue. She noted her business makes donations to keep the ocean clean. She said she and her sister work to collect trash; noting that polystyrene products and plastic bags are prevalent. She said her businesses in Gloucester and Rockport don't use plastic bags and has never been an issue for them and has never affected their cost of doing business.

Eric Magers, Clean City Commission, 7 Marchant Street, added that a new study out on Sept. 7 said that in the U.S., 94% of the drinking water has plastic in it.

Duncan Nelson, 115 Leonard Street voiced an "ode" he composed regarding the pollution of plastics to the environment, and added his support for the plastic bag ban.

Hannah Sargent, 637 Essex Avenue, a volunteer at Maritime Gloucester, said the most asked question is what happened to all the mussels and the ocean life visitors normally saw in the recent past. She said climate change, population growth and pollution from plastic bags is the main cause. She asked that the Council pass the ban because visitors are noticing and are being affected by this pollution.

Brad Verter, Mass Green Network, 27 Walnut Street, Williamstown, said he was offering a state-wide view highlighting finances. He said plastic bags cost Gloucester -- about 15.3 million bags are used in Gloucester annually and local retailers spend \$611,478 per year which he said was a substantial cost, not including the city's

cost to clean up. He noted that business owners have voiced they'll lose business if the ban is passed -- local businesses are competing with on-line purveyors. He said in Massachusetts or in the country there has been no evidence that businesses lost money because of a bag ban. Anecdotally and statistically, he reiterated, no business has lost custom because of a ban on plastic bags. He said he heard there was a concern about enforcement, and a need to hire more Health Department staff. He said in his opinion this ban doesn't need to be enforced, as people comply quickly and everyone knows bags are bad for the environment. In no instance anywhere in the state or country has anyone had to hire additional enforcement agents in practice, he pointed out.

Capt. Paul Cohan, 44 Whittemore Street, said they all want to clean up the city. He said they all can get something they can live with. He suggested that plastic bags have a real function in the food industry to prevent cross contamination and for produce and dry goods. The public health has to be kept in mind as well, he noted. He further suggested that the city enter into a partnership with an organization that has better alternatives rather than Barney bags that businesses can buy and reduce their costs and financial impact. He highlighted that education is important. He said they should commit to educating the community's youngsters in how to do this. He suggested looking forward to a way to protect the health of the citizens by using the bags in ways they're best suited for. He said that the city in order to protect businesses could partner with them to mitigate the financial impacts. He said if they consider the ban he asked they specify where these bags are unnecessary and "inappropriate" and leave the option for plastic bags food sanitation to eliminate potential cross contamination in food service establishments.

Those speaking in opposition:

Judy Lane, 7 Liberty Street, said she enjoys the city beaches, and is disabled. Carrying a lot of food in a cloth bag is difficult for her, she pointed out, and paper bags in the rain are problematic. She said she reuses her plastic bags for trash which she collects. She noted she recycles her bags at the grocery store. She urged they find an alternative and asked the Council to consider how they can make this work for folks like her.

Robert Whynott, 27 Poplar Street, (written statement placed on file) noted single use bags in his household is used over and over. He said he respected those who spoke in favor of banning plastic bags, but that he viewed plastic bag litter as a symptom of an overall litter problem. He suggested they need to invest in the litter problem to remedy it, but not at one item at a time. He noted plastic bags are recycled at grocery stores in the city, or they go out in the Barney bags and are incinerated. He said the incinerators make electricity and the bags don't go to landfills. Meat packages and frozen foods leak and paper bags aren't as thick as they once were, he said, and suggested that consumers will need to have paper bags double or tripled especially in rainy conditions. He said that a plastic bag allows him to make one trip from his car into his home rather than carrying multiple paper bags. He noted that he's spoken to many elderly people in the community who tell him that the plastic bag ban will be difficult for them. Newspapers no longer are placed inside a person's home, he pointed out, and when it rains they're placed in a plastic bag to protect their delivery. People begrudgingly pick up after their dogs with single use plastic bags, he reported, and if the bags are banned he suggested that the city will see more dog waste on city streets. If the city goes to all paper bags, he asked about all the trees that will be destroyed. Plastic bags are a small part of the litter problem, and he said they should spotlight people who litter rather than ban plastic bags.

Amanda Orlando Kesterson, 2 Western Avenue, said it isn't the Council's job to ban anything nor is it the role of government. She pointed out that there are ways to get rid of plastic from the environment but banning it and creating a penalty isn't the job of government -- people work to find a way to get around it. When you make a law and there is little enforcement it is just as wasteful, she pointed out, saying that banning is a "dangerous practice" by any government.

Joseph Ciolino, 28 High Popples Road, owner of The Weathervane, Main Street, said that if the ban goes forward with no provision for who is to monitor it, it will label the city as unfriendly to retail business. There are three major supermarkets that employ many, including 300+ restaurants. It is not the Council's purview that they can make sure that people don't use plastic bags, he said. He said it is a nice idea, but the Council can't legislate everything. When locating a business in Gloucester, people look at rent, taxes, water and sewer, and he highlighted that the plastic bag issue will be looked at as an expense. A chain like Dunkin' Donuts will consider such a ban a hardship, as will the elderly, he pointed out. He noted he sells many greeting cards and if his customers don't come in with a bag, he asked what he would do if it is raining and has to send the customer out without protection for their purchase. He said as a retailer such a ban will create a hardship. The city needs to be consumer friendly and asked they consider how it affects businesses.

REBUTTAL:

Ms. Smith said the Clean City Commission asked for this information from 400 city businesses and got no information back from them to start a dialog about what the costs would be, and they didn't respond. She said this is an opportunity for businesses to save money by not purchasing plastic bags and an opportunity for businesses to make money by selling reusable bags. She advised when they spoke with Market Basket they were "excited" to hear

they wouldn't have to use plastic bags which will allow them to continue to use their boxes and sell their reusable branded bags. She added that the plastic bag industry makes \$4 billion a year off of "us."

Communications:

Those in favor of the ban: Jennifer Hayes, 15 Norrock Rd.; Jane Panicucci; Courtney Hayes, 1057R Washington St.; Christine Manning & Jody Stoddard, 15 Uncas Rd.; Susanne Flynn; Karen Ristuben; Mary Johnson, 13 North Kilby St.; Patricia Anders, 80 Prospect St. #9; Alexandra Muise (on behalf of Gloucester HS Environmental Issues Class); Madeline Moffett, 374 Essex Ave.; Fran Aliberte, 10 Cedar Lane; Danielle Glantz; Rich & Rosie Sagall, 35 Starknaught Hts.; Simon & Beth Paddock, 65 Mt. Pleasant Ave.; Dianne Eason; Laura Wiessen, 18 Commonwealth Ave.; Sheila McCarthy, 368 Washington St.; Kevin & Judy Flaherty, 150 Prospect St., Unit 4; Laura Lepoinka, 9 Beacon St.

Those in opposition to the ban: Bill Thoms, 1174 Washington St.; Christine Rasmussen

Councilor Questions:

Councilor Gilman asked about the start date of the ban would start, noting that the amendment didn't speak to that as presented. **Councilor Cox** said on page 5 of the Order it says the ban shall take effect six months after passage. She said in the initial order the ban was to have started six months from date of passage plus the 30-day waiting period. If someone needed a waiver due to hardship, it could be waived for six more months, she noted. She offered that she will propose an amendment to have the ban if passed to begin on Jan. 1, 2019 which is a little over a year to have it be effective to give businesses time to use their stock up of plastic bags. **Councilor Gilman** asked about enforcement of the ban, which was noted by a speaker that it wasn't a big deal because people are usually compliant, noting that the Board of Health (BOH) sent an update (on file) to the Council. She said the update advised the BOH wasn't sure if enforcement should fall under the DPW who traditionally oversaw recycling matters or if it should fall under the BOH purview. **Councilor Cox** said enforcement wouldn't be either the BOH or the DPW. She conveyed that plastic bag bans are generally covered under the Building Inspector. The Order says the BOH, and she advised she would offer an amendment as it makes more sense that the Building Inspector be the enforcing officer like other communities. She said her Council Order specifies the penalty of \$50 for the first offense and \$100 thereafter. Someone would have to report a violation and then that report would be investigated, rather than a store-to-store method. **Councilor Gilman** asked if non-profits will be considered exempt, such as The Open Door that uses plastic bags. **Councilor Cox** read from the ordinance, "Retail establishment" under definitions which she said naturally excludes non-profits such as the Open Door Food Pantry -- most non-profits don't fall in the retail establishment guideline nor are they solely a food establishment. Second Gance would fall under the ban because they are a retail establishment, but most non-profits don't fall under this retail establishment guideline. **Councilor Gilman** noted that Marine Biodegradable bags are not manufactured in the U.S. and wondered if that clause should be struck. **Councilor Cox** said they should build for the future, that just because the product isn't manufactured in the U.S., if a business wanted to use them they should be able to do so. She noted that science is coming a long way and suggested such a product could become locally available soon. She cited that there are other companies that are establishing marine degradable plastics in the country and said she would rather keep this subsection in the ordinance as science moves forward. **Councilor Gilman** asked if outside vendors who come to sell their goods at special events in the city would be included in the definition. **Councilor Cox** said they would as they are retailers. She pointed out that through the Special Events Committee they will educate event organizers seeking a Special Event permit to advise their vendors of the bag ban. **Councilor Gilman** said she assumed that if they move forward (with the ban) that there would be a group that would continue with a roll-out plan working on education and material they'd need to get people up and running. She said other municipalities that have put a ban in place also have an educational plan. **Councilor Cox** said because the city isn't the first community to do this she spoke with Newburyport, Lexington, Ipswich, and Manchester and has good examples from them such as flyers that would be given out by the Special Events Committee. She said she has personally paid for clings for store windows and will distribute them to city businesses upon passage. There is a lot of education to do, she pointed out, and that upon passage she will continue to be involved, she assured. She noted she will offer an amendment for food drives. She advised that she spoke with The Open Door who partner with the letter carrier food drive, and when they used to do it with just a post card notification they got a grant for plastic bags to be delivered for each household which caused donations to go up 80% in a timeframe prior to the holidays. This amendment will allow food drives to use manufactured bags for that specific purpose and then the bags can be recycled by The Open Door and should be allowed for the time being. **Councilor Gilman** extended her thanks to all the speakers at the public hearing.

Councilor Orlando asked if they have the DPW or the Building Inspector weighing in on who would be the most appropriate enforcement agent. He asked if the Administration had any position on the issue as to what entity will be charged with enforcement of the ban. **Mr. Destino**, citing the memo from the BOH that said it would cost 1.0 to 1.5 FTEs (Full Time Employees) for oversight and inspection. He advised they'd not yet run an analysis, and

haven't made a determination where enforcement would be best suited. He suggested that most businesses will comply with the ban, and didn't anticipate non-compliance once passed. At this time they've not made that determination, he said.

Councilor Nolan asked about the difference between point-of-sale bags, bags for packing produce and meats and how the ban would affect such bags. **Councilor Cox** said the bag that contains a loaf of bread is a product bag and is excluded from the ban; Cape Pond Ice bags to hold their product is not part of the ban. Produce bags weren't included in this ban. **Councilor LeBlanc** added. Bags to wrap meats are not part of the bag ban either, **Councilor Cox** explained that not included in the ban are newspaper bags and bags for dry cleaning.

Councilor Gilman asked if it was anticipated if newspaper bags weren't part of this proposed ban that there could be a way to bring those back to a store so people can recycle them and use them for dog waste. **Councilor Cox** said anything is possible, but it wasn't likely.

Councilor LeBlanc said he had many unanswered questions about the ban and the ramification as to associated costs at O&A. It isn't so much the cost of what people are willing to pay for plastic bags but that people are struggling to live on a budget, he pointed out, and such pass-through costs to the consumer were concerning to him. **Mr. Magers** said that over the course of the last few years competitive prices have come down for alternatives materials other than plastic bags. He said he "can't imagine" an entity would pass on costs as it isn't that expensive. He said he didn't have the research on what things cost in bulk. He advised he went to a major city supermarket, and they informed him it wasn't an issue. **Councilor Cox** said if the businesses aren't forced to purchase plastic bags for their consumers then there's no cost to them or to be passed onto consumers. She gave an example of a yarn store that orders large reusable bags with a snap closure and sells them for \$1 in the store. She said she knew he's not paying more for that because he is still a businessman and needs to make money, buying in bulk. She said that Shaw's Supermarket sells a reusable plastic bag, not part of this ban, for 10 cents with a lifespan about 55 uses. If they're not asking the retailer to purchase anything, the cost is "nil." At O&A, she reported, the 10 cent fee was excluded from the final ordinance. **Councilor LeBlanc** pointed out that with the purchase of a specific bio-degradable bag in compliance with the ordinance there will be a cost to the business, and passed on to consumers.

Councilor Orlando said even without the requirement to charge 10 cents a bag the replacement product is more expensive. He suggested that Councilor LeBlanc is asking for data on the difference in what the business owner pays for plastic bags and for the same amount of a different product and what data there is for passing the cost onto consumers. He asked if they can obtain such data from Newburyport as this affects people on fixed income and should be strongly considered. **Councilor Cox** said it depends on the business if they choose to pass on that cost to the consumer. She said she was unsure there was any statistics. **Councilor LeBlanc** said he was concerned as to the enforcement issue and asked who would carry the burden between the city departments. He said the Building Inspector and DPW Director as well as the Health Department are maxed out and that he was unsure as to who the enforcement agent would be. **Councilor Cox** said that is something the Administration will work through and won't be something that would occur on a daily basis. She pointed out that Mr. Destino said he would make it work.

Councilor O'Hara thanked Councilor Cox and former Councilor Verga for their efforts. He said he is a business owner, and a business can absorb costs but they have to stay in business and make money. He added it is a fair assumption that businesses will pass the cost along. He said being conscience of the environment, this is another step but said that there will a cost and inconvenience to the public. To protect the environment for the future they have to look at what is the right thing to do, he said.

Councilor Cox said some concerns were addressed during the public hearing portion that paper bags were not the only option, which is why there is reusable cloth and recyclable plastic bags. She said she's used both for the last two years, washing her cloth bags and reusable bags for reuse. She advised she uses produce bags to wrap her meats. Other communities are well ahead of Gloucester on this issue, she pointed out. Stores are going out of business but not because of a plastic bag ban, she said.

Councilor Nolan said as a business owner he comes across toxic chemicals that are bad for the environment and for people which increases the cost of doing business. He said there is a time to determine what is better for the people and the planet. He said as a business they may have to absorb (costs) a little bit, and will be passed on to consumers just as when insurance rates go up, or property taxes or water rates go up is a cost of business. The cost of not supporting this bag ban is "a lot worse" than what it will cost for a few pennies to get groceries, he said.

This public hearing is closed at 9:02 p.m.

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 recommend that the City Council 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.

DISCUSSION:

Mr. Destino said some of the things that the Council spoke about in Councilor Cox's original order isn't what Councilor O'Hara just read that came out of Committee and that was advertised. The discussion around the single-use bags that could be used for vegetables in a grocery store is banned in the motion just read, "Single use bags are banned." The discussion about start date that Councilor Gilman brought up was answered in the original Order but is not in the motion that was read and not advertised, he pointed out. He said if the Council is going to correct those things to the original Order, that it needs to be done or the ordinance will be incomplete. If there is enforcement piece in the original Order, it didn't come forward out of Committee that way and hasn't been advertised that way.

Councilor Orlando said he had similar concerns and suggested it may be prudent to have a good faith debate, and to have more data as to the effect to the consumer and the enforcement, all valid issues. He said he appreciates that most people will follow the law but not everyone, so there needs enforcement delineated.

Councilor Orlando moved, and **Councilor O'Hara** seconded to refer the single-use plastic bag ban ordinance back to the O&A Committee to get answers to questions posed by the Councilors regarding costs to businesses and consumers and to enforcement of the ban.

DISCUSSION ON MOTION TO REFER MATTER BACK TO O&A COMMITTEE:

Councilor Lundberg said sending the matter back to O&A is a good idea which he illustrated by highlighting that the definition in Item (a) which he read. He said that what they were supposed to ban was point-of-sale single-use bags. Under subsection (f) says no retail establishment shall provide single-use plastic bags to customers, which bans the bag you put your vegetables in and creates an inconsistency. He said the "nuts and bolts" of the ordinance need to be correct, and that O&A needs to fix these things, as Councilor Orlando said, to ensure that they get it right, addressing the issues of enforcement and what they're really banning. He added that he is in favor of the single-use plastic bag ban.

Councilor Gilman expressed her agreement with Councilor Lundberg. She said much work has gone into the ordinance and they are so close and expressed she was in favor of approving the ban. She said she supports the matter being sent back to subcommittee because they have to get the language right.

Councilor Memhard said as a business person he is strongly opposed to "unnecessary bureaucratic intervention" but that this (ban) is good public policy and environmentally responsible. He said it is time to institute a ban, but it needs to be done correctly. He advised he's been contacted by many constituents who are in favor of this regulation.

Councilor Cox said she also agreed with Mr. Destino that this isn't what was advertised. She thanked everyone for being present tonight, pro or con. For the last several years she advised she's delved into plastic bag education and processes. She said she learned that anything people eat with a belly that eats plastic bags, people are ingesting -

- micro-plastics are embedded in fish now. She said it is time the city follows suit with other communities, and that she is in favor of this ban. She said she was in support of returning the matter to the O&A Committee.

Councilor LeBlanc thanked Mr. Magers, Ms. Smith and Councilor Cox and former Councilor Verga for their efforts. He said he is a fisherman, hunter and environmentalist and that litter was a bigger issue than just a plastic bag ban, listing some of the trash he observed around the city. He said he isn't against the plastic bag ban, but that that the ordinance needs tweaking. He supported this matter going to the O&A Committee for further discussion.

MOTION: On a motion by Councilor Orlando, seconded by Councilor O'Hara, the City Council voted 8 in favor, 0 opposed, 1 (Ciolino) recused, to return the matter of amending GCO Ch. 9, "Trash, Recycling and Litter" Sec. 9-12 and Sec. 9-13 (reserved) by adding a new section 9-12, which prohibits the use of plastic checkout bags, and ADDING a new section 9-13 regarding penalties for violation of new section 9-12 to the O&A Committee.

The Council continued this matter to October 10, 2017. **Council President Ciolino** returned to the dais.

The Council recessed at 9:20 p.m. and reconvened at 9:30 p.m.

5. PH2017-044: Amend GCO Ch. 9 "Trash, Recycling and Litter" by ADDING a new Article II, Sec. 9-20 "Prohibition of Polystyrene-Based Disposable Service Items" and ADDING a new 9-21 "Definitions" and AMENDING Ch. 1, Sec. 1-15 "Penalty for violation of certain specified sections of Code"

This public hearing opened at 9:30 p.m.

Those speaking in favor:

Ainsley Smith, 14 Pine Street, Clean City Commission Chair, explained the following (written statement placed on file):

- Two additional Chamber of Commerce survey responses were received, one from an anonymous business that supports the polystyrene ordinance and one from the Schooner Adventure which supported both the bag and polystyrene bans.
- The Clean City Commission reached out to the manager of Dunkin Donuts in Lee, Mass. where a similar polystyrene ordinance has been in place for months. She indicated she'd speak with Braga Management about how to make such a transition to paper cups successfully. She said it is their understanding that the national Dunkin Donuts Corporation's supplier is prepared to provide franchisees with non-Styrofoam cups as need by per changing regulations.
- Outreach was the same for the polystyrene ban in contacting businesses as it was for the single-use plastic bag ban to 407 Gloucester businesses, along with the Cape Ann Chamber's electronic survey. Only three responses were received, one from the outreach letters, all in support of the ordinance.
- It is the Commission's recommendation that the Council adopts the ordinance and includes the original language that bans polystyrene plates, bowls, cups, trays and clamshell containers to have an effective, comprehensive ordinance.

Ms. Smith touched on the possible ways certain businesses could approach the transition to reduce waste and save money overall. She also touched upon the trash strewn about the city caused by improperly discarded polystyrene products on land and the ocean and how it not only causes pollution but mars the city's landscape. She again said that the city as a coastal community whose economy relies on the ocean, that the city has a responsibility to care for its resources. This ban, she said, supports an "enduring, healthy fishing industry, tourism" and sustaining Gloucester as they know it.

Coleen Apostolos-Marsh, 110 East Main Street, said that at Good Harbor Beach she fills two bags with trash each visit. As to the inconvenience, (using bags other than single-use plastic bags) it is an adjustment, she said. She pointed out while it may add a few cents, she'd rather spend the money and have a safe container that doesn't leach into her food. She said that it is the Council's job to make these kinds of decisions to ban certain products. She encouraged the Council to start with the polystyrene containers and by starting small to help change the environment for the better. She asked for the Council's support.

Laurie Hagar, 54 East Main Street, said she is in favor of this ban but that it doesn't go far enough. She encouraged the Council to take a "multi-pronged approach" to be more environmentally conscience and to reduce litter further.

Ken Hecht, 191 Main Street, said the objection is the cost of business. There are a number of small city food purveyors that are struggling, a few whom he named, but have taken this upon themselves to be environmentally responsible and use materials friendly to the environment to serve beverages. He pointed out that Starbucks has

A TRUE COPY, ATTEST

CITY CLERK

DISCUSSION:

Councilor LeBlanc thanked Councilor O'Hara and his family for bringing this issue forward which came out of an incident at St. Peter's Fiesta where goldfish were being given away as prizes with many that didn't survive. He advised there was a discussion of the \$100 fine at O&A which was clarified that the fine is per animal.

Councilor Memhard thanked Councilor O'Hara for his efforts and that the amendment to the Code of Ordinances under GCO Sec. 4-3 should be known as "Rowan's Law" in honor of her St. Peter's goldfish, "Sparkles."

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to 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."

7. PH2017-042: Amend GCO Ch. 4 "Animals" Art. I "In General" by ADDING new subsection 4-3 re: prohibition of giving live animals as prizes or awards.

This public hearing is opened at 9:56 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:56 p.m.

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."

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. 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."

8. PH2017-043: Amend GCO Ch. 9 "Trash, Recycling, and Litter" Sec. 9-12 & 9-13 (reserved) by ADDING a new Sec. 9-12 which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12 (TBC 09/12/17)

Council President Ciolino declared under MGL Ch. 268A, that there is a possible conflict of interest for the next matter to come before the Council as he is a small business owner who uses plastic bags in the transacting of business and would step away from the dais for the duration of the Council's consideration of this matter. He left the dais and **Councilor LeBlanc** took up the gavel as Acting Council President.

This public hearing is opened at 9:58 p.m.

Acting Council President **LeBlanc** announced that this matter is continued to September 12, 2017.

This public hearing is continued at 9:58 p.m.

Council President Ciolino returned to the dais.

9. PH2017-044: Amend GCO Ch. 9 “Trash, Recycling, and Litter” by ADDING a new Art. II, Sec. 9-20 “Prohibition of Polystyrene-Based Disposable Service Items,” and ADDING a new Sec. 9-21 “Definitions” and AMENDING Ch. 1, Sec. 1-15 “Penalty for violation of certain sections of Code” (TBC 09/12/17)

This public hearing is opened at 9:59 p.m.

Council President Ciolino announced that this matter is continued to September 12, 2017.

This public hearing is continued at 9:59 p.m.

10. 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 09/12/17)

This public hearing is opened at 9:59 p.m.

Council President Ciolino opened the public hearing and announced that it was continued with the assent of the applicant to September 12, 2017.

This public hearing is continued to September 12, 2017 at 9:59 p.m.

For Council Vote:

1. Warrant for Primary Election September 19, 2017

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to approve the warrant for the Municipal Preliminary Election to be held September 19, 2017.

2. Decision to Adopt: Denial of SCP2017-009: River Road #36, Map 118, Lot 55, GZO Sec. 1.8 re: Use Table Special Permit for an Art Gallery

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the Special Council Permit decision (SCP2017-009) for River Road #36 pursuant to Sec. 1.8 of the Gloucester Zoning Ordinance under Use Table Special Permit for an Art Gallery.

Unfinished Business: None.

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

Update on the Fisheries Commission by City Council Representative, Councilor Memhard who highlighted the following matters:

The Council will receive an update soon from Sal DiStefano, the city’s Economic Development Director on the Gloucester Fresh Program. There was a recent visit by the USDA on the city’s harbor which he said was encouraging. He urged the Council and the public to join the Fisheries Commission at the Mile Marker Restaurant on Thursday, August 24 for a “Sea to Supper” event which will honor Fisheries Commission member, and long-time President of the Gloucester Fishermen’s Wives Association, Angela Sanfilippo for her advocacy on behalf for the city’s fishing industry. The Commission recently recognized Maritime Gloucester’s outgoing Executive Director, Tom Balf for his service and advocacy on behalf of the city’s seafood industry.

Councilors’ Requests to the Mayor:

Councilor Cox said five years ago she was involved with the Cemetery Advisory Committee and at that time the Assistant DPW Director would make recommendations for changes to increase plot fees for the city’s public cemeteries to be forwarded through the DPW Director. She advised now that the Committee is fully reconstituted and active, such a request to raise fees comes directly from the Cemetery Advisory Committee, and that the Council would be seeing a fee increase coming through soon. She said that the city needs to be able to fund the upkeep and maintenance of its public cemeteries appropriately. She advised also that the Committee wrote a letter about

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 flyers 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.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-045
SUBJECT: RZ2017-002: Rust Island Road #4 Map 233, Lot 72 from R-10 (Medium/High Density Residential) to EB (Extensive Business)
DATE OPENED: 10/10/2017
CONTINUED TO:
CONTINUED FROM: 9/26/2017
COMMITTEE: P&D 8/2/2017, 9/6/2017, 9/20/2017, 10/4/2017
City Council 9/12/2017, 9/26/2017

4 Rust Island Road
**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

Pursuant to MGL Ch. 40A, Section 5, and Section 1.11 of the Gloucester Zoning Ordinance, the Gloucester City Council will hold a public hearing on **Tuesday, September 12, 2017 at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall, 9 Dale Avenue**, to consider the following petition to **amend the Zoning Map and Zoning Ordinance as follows:**

Rezoning of property located at 4 Rust Island Road (Assessors Map 233, Lot 72) from R-10 (Medium/High Density Residential) to EB (Extensive Business).

The complete application is available for review during regular business hours at the City Clerk's Office, 9 Dale Avenue, and at the Community Development Office, 3 Pond Road. At the public hearing, all interested persons will have the opportunity to be heard.

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

AD#13602362
CAB 8/25, 9/1/17

City Hall
Nine Dale Avenue
Gloucester, MA 01930



RICHARD NOONAN
Chairman
planning@gloucester-ma.gov

CITY OF GLOUCESTER
Planning Board

Date: October 3, 2017
To: City Council
From: Planning Board
Re: Petition to rezone one parcel of land, 4 Rust Island Road

CITY CLERK
GLOUCESTER, MA
2017 OCT -3 AM 9:38

At a public hearing held on September 21, 2017, the Planning Board voted unanimously (6-0) to recommend the City Council amend the Gloucester Zoning Map and corresponding zoning districts in the Zoning Ordinance by rezoning approximately 0.43 acres in the Medium/ High Density Residential (R-10) District to the Extensive Business (EB) District at 4 Rust Island Road (Assessors Map 233, Lot 72).

Planning & Development Committee
Wednesday, October 4, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Melissa Cox; Councilor Gilman

Absent: None.

Also Present: Chip Payson

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

- 1. *RZ2017-002: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (Cont'd from 09/20/17)*

Corey Grammas, 141 Western Avenue, owner of the parcel at Rust Island Road #4, Map 233, Lot 72, zoned R-10 (Medium/High Density Residential) asked that the parcel be rezoned as EB (Extensive Business) explained Lobsta Land, a restaurant he owns at 84 Causeway Street, was operating with a failed septic system, and in the process of replacing that failed system underground under the restaurant, it turned out to be an overly large and complicated system. In the process of financing the project, it was learned Rust Island Road #4 was available for purchase which he bought it for the sole purpose of solving the restaurant's septic system issue. The property perked and the restaurant is now operating with a viable system that was professionally re-engineered with two lines going to and from Rust Island Road #4. When the leaching field was being designed, there was an opportunity to place vehicles on the property whether for employee parking from the restaurant or overflow patron parking, so the system was engineered to be able to tolerate vehicles being driven over it and parked on it, he recounted. The restaurant season being the inverse of the boating season, Mr. Grammas said he observed that it made sense in the off-season to use the property for winter boat storage. In light of the fact that the septic system was engineered to be driven and parked on, Mr. Grammas explored how his Rust Island property might be used for boat storage. He was told by his contractor that the system could support the weight of boats, he said, and his engineer confirmed that to be the case also. A neighbor, and only abutter within eyesight of Rust Island #4, who was a supporter of the leaching field being installed, conveyed he had no issue with boat storage on the property. Other area neighbors were contacted about the plan who voiced to Mr. Grammas they had no objection. He said an attorney he contacted advised him that it could be done as the system was engineered to deal with such situations but that the zoning was R-10, a residential designation, and as such the property wasn't zoned to enable its use for parking cars or boat storage.

Mr. Grammas said that the boat storage wasn't a "make or break" situation but a way to help to off-set the financial burden of the installation of the septic system. He observed that Lobsta Land is zoned EB (Extensive Business) at 84 Causeway Street. He pointed out that both the restaurant property and Rust Island Road #4 are inextricably joined by the septic system, and that by rezoning the property it would make it consistent zoning that would allow him legally to store boats on Rust Island #4. He also pointed out that because Rust Island Road #4 is not currently zoned for business, should there was an insurance claim, the insurance company would have cause to not support a claim. He observed that Sudbay's, Modern Heat, Lobsta Land, the residential portion, and then to Grand Banks and Nichols Candy, this is a mix of businesses and residential activity in the immediate area.

Councilor Lundberg said that the Committee had a recommendation of the Planning Board who voted 6 in favor, 0 opposed, for the rezoning of Rust Island Road #4.

Chip Payson, General Counsel, explained that he looked at this rezoning in conjunction with Max Schenk, Assistant Health Director and Thor Ackerley, Sanitarian of the city's Health Department. He said from a legal standpoint, Mr. Grammas came to the Council to install the leaching field there were easements granted, and wanted to ensure that the easements weren't being interfered with which "is fine" from his perspective. He explained that he, Mr. Schenk, Mr. Ackerley and Mr. Grammas visited the site today with an eye to see if the leaching field was able to sustain the weight of boats. He recounted they saw several boats on the property on trailers, 15 ft. up to a 21 ft., smaller boats shrink wrapped. Mr. Schenk and Mr. Ackerley were satisfied that the infrastructure in the ground can sustain the weight of the boats, he reported. Mr. Grammas agreed, he said, that boats in cradles (braces) would not be appropriate due to their weight and size. He noted that Mr. Grammas had indicated he was working with Brown's Yacht Yard, and Brown's does all the winterizing maintenance on these trailered boats, draining fluids from the engines at their site, shrink wrapping them and then are backed onto the property on trailers. He said the

proposed property use makes sense from the legal standpoint, which as Mr. Grammas observed, the site and Lobsta Land are linked and that, in his opinion, is the stronger argument to rezone Rust Island Road to the EB designation.

Councilor Cox observed that the septic system must undergo yearly inspections by the Health Department. She said with boats parked on the property during the winter, if something failed in the septic system during that timeframe, there are checks and balances. She said she wouldn't have necessarily thought of the insurance issue and expressed appreciation for Mr. Grammas's position. She said the rezoning makes sense. **Mr. Grammas** pointed out that this is an unbuildable lot and no building will be erected on it, he assured.

Mr. Payson said he observed today that the front of the property has a slight incline but the center and back portion of the property is level with the center of the lot having a manhole which allows for inspection of the septic system. He said the manhole won't be covered by a vehicle or a boat on a trailer, noting that Mr. Grammas had made that suggestion even before the Health Department did.

Councilor Lundberg pointed out that the boats on trailers are easily moved. **Mr. Grammas** added that this is an unbuildable lot and no building will be erected.

Councilor Gilman reviewed with Mr. Grammas the location of 4 Rust Island Road in relation to Lobsta Land at 84 Causeway Street on the map on file. **Mr. Grammas**, in response to an inquiry by **Councilor Gilman**, said the abutters were noticed about the Planning Board public hearing and that there'd been no negative feedback.

COMMITTEE RECOMMENDATION: On a motion by **Councilor Cox**, seconded by **Councilor Gilman**, the Planning & Development Committee under Gloucester Zoning Ordinance Section 1.11 and MGL c. 40A, §5, voted 3 in favor, 0 opposed, to recommend that the City Council Grant the proposed rezoning petition of the owner of Rust Island Road #4 to change the zoning designation for Rust Island #4 (Assessors Map 233, Lot 72 with a property depth of 80 +/- feet, a frontage of 500 +/- feet and a lot area of 18,540 +/- square feet, from R-10 (Medium/High Density Residential) to EB (Extensive Business) and the Zoning Map is to be changed accordingly.

This matter has been advertised for public hearing which will return to the City Council's agenda on October 10, 2017.

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:43 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

fund the redesign of five of the City of Gloucester's most vulnerable wastewater pump stations located in flood prone areas. This is a reimbursement grant and all scheduled work must be completed no later than June 30, 2018. There is a 25% required match for the total project cost.

Ordinances & Administration: September 18

There are no matters for Council action from this meeting under this heading

Planning & Development: September 20

There are no matters for Council action from this meeting under this heading

Scheduled Public Hearings:

- 
1. **PH2017-045: RZ2017-002: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business)**

This public hearing is opened at 7:21 p.m.

Council President Ciolino opened the public hearing and continued it to October 10, 2017.

This public hearing is to be continued to October 10, 2017 at 7:21 p.m.

2. **PH2017-049: Loan Order: Amend Loan Order 2016-002, in the amount of \$1,300,000 by increasing it to \$1,570,000 to pay costs of improvements to the Gloucester Avenue & Breezy Point Sewer Pump Stations**

This public hearing is opened at 7:21 p.m.

Councilor Orlando declared under MGL c. 268A that there is an appearance of a conflict of interest as he lives on Breezy Point Road, and this is the pumping station directly next to his home but it will not affect his vote.

Those speaking in favor:

John Dunn, CFO, explained this is a proposal to amend a loan order passed in July 2016 that was for \$1,300,000 and to increase it by \$270,000. He relayed that as the project moved forward, and the city put it out to bid, bids came in much higher than projected -- the city is facing continued inflation for infrastructure construction - not only for this amended loan order but for the next loan order that will come before the Council. He said the city received bids; the low bidder was the same in the first and second round of bids, a very competent construction firm. He noted that the bids came in about 10% to 20% higher than the actual anticipated construction costs. As a result, he said the loan order needs increasing by \$270,000. Larry Durkin, the city's Environmental Engineer was present to respond to Councilor inquiries, he advised.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Gilman suggested that the city was very low in its cost estimation on this project and asked what increased by \$270,000 from what was initially estimated. **Mr. Durkin** advised there was a lot of bidding this past spring and noted that this is a state revolving fund project. In trying to have the project bid this summer, the city only got one bid in the first go-round. In the second round prices came in higher. He pointed out in the second bidding round that they had to account for the fact that the Gloucester Avenue pump station is a 1950's era building which is in a substantive deteriorated condition, more than expected by the engineer, and was also reflected in the prices over the estimate. He reiterated there was more of a building component than the original estimate and prices are elevated overall.

This public hearing is closed at 7:26 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Ciolino, seconded by Councilor Memhard, the Budget & Finance Committee voted 2 in favor, 0 opposed, 1 (Orlando) absent, to recommend that the City Council authorize the following Loan Order:

- The area surrounding the Elizabeth Smith Garden and the Gloucester Garden Club Garden;
- The area between the Visitors Welcome Center and the fort which is a wetlands protection area.

18. Overnight camping or tenting before, during and after the Gran Prix of Gloucester Cyclo Cross Event at Stage Fort Park is prohibited:

Overnight camping/tenting is expressly prohibited at Stage Fort Park before, during and after the Gran Prix of Gloucester Cyclo Cross event. Event organizer is to prominently display this fact on their website and at the event informing all participants when registering and checking in to the event of this prohibition.

19. This permit is contingent upon Essex County Velo receiving any necessary approval by the Licensing Board in order to serve alcoholic beverages during the event as needed.

3. RZ2017-001: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (Cont'd from 08/02/17)

NOTE: The Committee does not yet have a recommendation from the Planning Board. The applicant, Corey Grammas, has yet to appear before the Planning Board.

This matter is continued to October 4, 2017.

4. 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" (Cont'd from 08/20/17)

Gregg Cademartori, Acting Community Development Director, explained that the Planning Board, in developing the temporary moratorium language, utilized models provided from law firms and communities who've adopted similar ordinances. This proposed zoning amendment takes a "belt and suspenders approach" while awaiting feedback from the Cannabis Control Commission ("CCC") on how this use will be regulated and puts an extension beyond that point that provides the community more of an opportunity to address the zoning if the regulations come forward at a later date. He advised that this is language tested and adopted by other communities; defining uses and timeframes which have been reviewed by the Attorney General's office that is acceptable learn more about it, to discuss with the community, and how to suit the zoning to the city.

Councilor Gilman, Council representative to the city's Recreational Marijuana Task Force, noted that 95 people attended five city forums, and highlighted a common theme that even with some people indicating they were in favor of retail establishments, that a moratorium was not untoward because of changing regulations at the CCC, which won't be released until March 2018. Of the 95 attendees, she reported that approximately 36% of attendees thought a moratorium was acceptable; 31% recommended a ban and no established retail outlets; 11% were in favor of four or more establishments; and 22% were in favor of one or two establishments. She expressed her agreement that a moratorium is the best way to move forward right now. She said the city needs to figure out appropriate zoning and learn what the regulations will be.

Councilor Cox said she didn't want the city to become complacent while awaiting the establishment of rules and regulations but to actively continue to work on city planning and the zoning ordinance. **Jim Destino**, CAO, said the Administration would be very aggressive ensuring appropriate zoning will be in place with an eye to have it completed by April or May 2018 so when July 2018 comes around the city isn't in a position to be challenged on the moratorium. **Councilor Cox** said they were at one point talking about July 1 date versus the moratorium date in December. She asked if there was a ruling on the institution of moratoriums from the state. **Chip Payson**, General Counsel, said, "It is legal." He advised that the Attorney General's office has issued a ruling on Tyngsboro, Mass., which said that town can extend its moratorium out to December 31, 2018. He noted there have been arguments raised despite that ruling, but said getting things done sooner rather than later, would be advisable, but reiterated December 31, 2018 is legal.

Councilor Gilman added a reminder that for people to better understand all the details of this new law, that Governor Baker's office issued a document in July 2017 which describes all the specific things that have to be done by March 15, 2018 about recreational marijuana packaging, safety for kids, advertising, etc., as to the totality for the issues and regulations.

TOTAL: \$576.00

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the City Council voted 3 in favor, 0 opposed, to accept under MGL c. 44, §53A a donation of \$50,000 from the Norma L. Andrews Living Trust for the purpose specifically to be used by the Gloucester Archives Committee in connection with the maintenance and the creation of a building fund (if applicable) for the Gloucester Archives of Gloucester, MA. Funds are to be deposited in the Archives Vault Construction Fund #3318.

DISCUSSION:

Councilor Memhard conveyed that the donation of \$50,000 from the Norma L. Andrews Living Trust, advised she envisions this funding being utilized for the stabilization, preservation, maintenance and provide additional access to and digitization of archived materials of the city of Gloucester. It was confirmed at the B&F Committee meeting that the city's Archivist can spend these funds not only for the future construction of an archival vault, but that pursuant to the donation documentation the funds can be expended for the maintenance and protection of city archived documents.

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, §53A a donation of \$50,000 from the Norma L. Andrews Living Trust for the purpose specifically to be used by the Gloucester Archives Committee in connection with the maintenance and the creation of a building fund (if applicable) for the Gloucester Archives of Gloucester, MA. Funds are to be deposited in the Archives Vault Construction Fund #3318.

Ordinances & Administration: September 4 – No Meeting – Holiday

Planning & Development: September 6

There are no matters for Council action from this meeting under this heading.

Scheduled Public Hearings:

- 1. PH2017-0 45: RZ2017-002: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (Note: the 7/25/17 agenda reflects RZ2017-001 in error)

This public hearing is opened at 7:16 p.m.

Council President Ciolino opened the public hearing and announced its continuance to September 26, 2017. This public hearing is continued to September 26, 2017 at 7:17 p.m.

2. 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"

This public hearing is opened at 7:17 p.m.

Council President Ciolino opened the public hearing and announced that it was continued with the assent of the applicant to September 26, 2017.

This public hearing is continued to September 26, 2017 at 7:17 p.m.

3. PH2017-046: Loan Order 2017-004: Brooks Road Repairs and Improvements in the amount of \$130,000

This public hearing is opened at 7:17 p.m.

Those speaking in favor:

John Dunn, CFO, said that this is a loan order to fund the repaving of the private way, Brooks Road. The project was approved at the August 22 at the City Council meeting. This funding follows the Code of Ordinances prior to its recent amendment, he advised, and this Ordinance procedure Brooks Road fell under the old ordinance where approval of the project came first and the funding approval followed. He asked that the Council allow this project to be funded.

Planning & Development Committee
Wednesday, September 6, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Val Gilman, Vice Chair, Councillor Joe Ciolino (alternate)

Absent: None.

Also Present: Rick Noonan, Planning Board

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

- 
1. *RZ2017-001: Rust Island Road #4, Map 233, Lot 72, from R-10 (Medium/High Density Residential) to EB (Extensive Business) (Cont'd from 08/02/17 & TBC 09/20/17)*

This matter is continued to September 20, 2017.

2. *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 08/02/17)*

Councillor Gilman announced that Sub Committee Chair Paul Lundberg was unable to attend the meeting as well as Sub Committee Vice Chair Melissa Cox. She was grateful that Council President Ciolino was able to attend short notice so we could proceed as a quorum.

She conveyed a request from the P&D Chair Councillor Paul Lundberg, that the committee would not be making a recommendation based on the information received tonight, as recommendations have not been received from all required departments heads, as well as the site plan. She expressed that the Committee has viewed the letter from Karin Carroll, Board of Health Director, as well as a letter from the Fire Chief which was received today. **Councillor Ciolino** advised the Committee that the Fire Chief is not on board with the permitting as of now. **Councillor Gilman** asked that Atty. Favazza please give the Committee an update to see where he stands in the process up to this point.

Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing Happy Valley Ventures Massachusetts INC. for a Major Projects Special Council Permit for a Medical Marijuana Treatment Center and Cultivation Facility at 38 Great Republic Drive conveyed the following information to the Committee:

Through email communication with Councillor Lundberg, it was determined that the full presentation would wait until after the site plan review is completed. As a result, there are no slides to show at this time. Councillor Lundberg asked Atty. Favazza to touch upon each of the requirements in GZO Sections 5.7.3, 5.7.4, 5.7.5, and 5.8 (Site Plan Review). Atty. Favazza reviewed the following:

GZO Section 5.7.3 Departmental Reviews [Building Department; Conservation Commission; Engineering Department; Fire Department; Public Works Department; Public Health Department]

The Building Department has not raised any issues at this time. They have received copies of updates through Community Development. Atty. Favazza has been submitting updates to Acting Community Development Director and Planning Director, Gregg Cademartori.

The Conservation Commission is not done with their departmental review. The secondary letter giving “ok” has not been given yet. They issued an order of conditions, and there have been minor tweaks to the site plan since that order was issued. It is likely that the applicant will ask Conservation Commission Agent Ken Whittaker for a minor modification. There is no change to the impervious surface or the direction of surface runoff near the wetland. Atty. Favazza does not see it as being of any impact to what was proposed.

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.

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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: PH2017-048
SUBJECT: 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
DATE OPENED: 10/10/2017
CONTINUED TO:
CONTINUED FROM: 9/26/2017
COMMITTEE: P&D 8/16/2017, 9/20/2017
City Council 9/12/2017, 9/26/2017

1 Colburn Street
**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

In accordance with the provisions MGL Chapter 40A, Section 11, the Gloucester City Council will hold a public hearing on **Tuesday, September 12, 2017 at 7:00 p.m. in the Kyrouz Auditorium, City Hall**, relative to the following Special Council Permit application:

SCP2017-011: The application of Sam Avola, owner of property Jean O'Gorman, for a Special Council Permit Application pursuant to GZO Sec.3.1.6(b) and Sec. 3.2 for a building height over 35 feet located at **1 Colburn Street**, Assessors Map 157, Lots 72 & 39 (929 Washington Street) in the R-20 Low/Medium Density Residential 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#13602019
CAB 8/25, 9/1/17

will be a good thing, he pointed out. He said he goes to the Fort area in the evening and on weekends, and knows that its biggest problem is parking. Any additional parking to the neighborhood is an improvement, he said.

Councilor Lundberg said he understood Councilor LeBlanc's constituents' stance, but more parking is better to help to ameliorate the issues of parking in that area. He extended his support.

Councilor Orlando also extended his support for the permitting of an open-air parking lot. He recounted that having grown up in Ward 3, he understood that the whole downtown area is congested and parking is important. He noted a precedent was set across the street at 44 Commercial Street and that fact should weigh in the Council's decision.

MOTION: On motion by Councilor Lundberg, seconded by Councilor Nolan, the City Council voted by ROLL CALL 6 in favor, 1 (LeBlanc) opposed, 2 (Memhard, Cox) absent, to grant a Special Council Permit (SCP2017-004) under MGL c. 148, §56, GZO Section 2.3.6.1, "Parking of motor vehicles to service a use permitted in the MI District, and GCO Sec. 22-153 for an open air parking lot located at Commercial Street #33, Assessors Map 1, Lot 22, Zoned MI, to William Mondello, applicant, owner, Mac Bell for 1907, LLC, for the purpose of operating an open air parking lot which is found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

1. That this License shall be valid from April 30, 2017 to May 1, 2022 upon payment of appropriate fees to the City Clerk;
2. That the number of cars allowed to park on the public accessible lot and not reserved for an existing commercial building by tenant and/or owner use at any one time is limited to 40 with two (2) spaces designated as handicap parking, one (1) of which is to be handicap van accessible;
3. That the individual parking spaces shall be delineated and be in accordance with the lot plan approved by the Building Inspector and on file in the City Clerk's office upon adoption of decision of the City Council;
4. That any grassed and/or landscaped area(s) in the parking lot be kept neat and regularly maintained;
5. That an attendant shall be on duty at all times during hours of operation;
6. That the parking lot maintains a carry-in/carry-out trash policy and assures such a policy is adhered to by its paying patrons;
7. Signage: the following shall be posted on a sign to be erected by the applicant, The size and location of said sign to be agreed with the Building Inspector:
 - a. Fee for parking;
 - b. Number of cars allowed by the permit;
 - c. Hours of operation;
 - d. Specify for which businesses and places patrons may utilize parking lot for;
 - e. Parking lot trash policy of carry in/carry out;
8. That the Permit Fee is to be paid yearly to the City Clerk on April 30. The application is to be reviewed by the City Council in five (5) years unless it deems there is a cause to review the Permit sooner due to any violations of conditions herein.
9. The City of Gloucester shall not be held liable for any claims incurred by the parking lot operation;
10. That the applicant obtain a certificate of insurance in the aggregate amount of \$1 million naming the City of Gloucester as the Certificate Holder and that the coverage run for the duration of the yearly permit;
11. And that the applicant have prepared and present a certified locus map of the Open Air Parking Lot showing all designated public parking spaces for a fee, indicate the location of the parking attendant, handicap spaces, and those spaces reserved for tenant parking, by a Professional Engineer to the City Council at the time of the public hearing.

MOTION PASSES.

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5. PH2017-048: 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 (Cont'd from 09/12/17)

The City Council put forward to suspend its Rules of Procedure to open this public hearing at its beginning and by unanimous vote of the Council this public hearing was allowed to proceed from the beginning.

This public hearing is opened at 8:03 p.m.

Those speaking in favor:

Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, representing Sam Avola, applicant of 9 Trueman Dr., Malden, MA, regarding an application (and purchaser of 949 Washington Street and 1 Colburn Street) for a Special Permit for Building Heights in Excess 35 feet, under GZO Sections 1.8.3, 3.1.6(b) and 3.2, as purchaser of Colburn Street #1 utilizing and Washington Street #929 in order to access and build a duplex at Colburn Street #1 (addendum to Purchase & Sale Agreement for both properties on file with application) was offered by **Council President Ciolino** to either proceed this evening with seven Councilors present understanding that in order to pass a Special Council Permit six votes were needed or to continue this public hearing to the Council's October 10 meeting. **Mr. Geisel** opted to have the public hearing continued.

The Council voted unanimously to permit this public hearing to be continued to October 10, 2017.

This public hearing is continued to October 10, 2017 at 8:04 p.m.

6. PH2017-051: Initiation of Zoning Amendments to GZO Sec. VI "Definitions" – "Recreational Marijuana Establishments" and Sec. 5.31 "Temporary Moratorium on Recreational Marijuana Establishments"

This public hearing is opened at 8:05 p.m.

Those speaking in favor:

Joshua Ulrich, 7 Grandview Road, said he and his wife, a school nurse, have raised their family here, and noted his involvement with law enforcement as a homicide investigator with the State Police, and has been a coach of youth sports in Gloucester. He said he was speaking as a private citizen. He advised the Council he is in favor of the moratorium but wasn't in favor of any recreational marijuana retail establishments in the city. He said a lot of people who support having recreational marijuana retail outlets will say there is no violence involved with the sale of marijuana, that it's not a drug that leads to more dangerous drugs. He said they'll say alcohol is worse than marijuana. He recounted that they'll say there are many "upright citizens" that recreationally use marijuana and that a lot of revenue can be brought into the city and all will be fine. He conveyed it was his opinion that there is a lot of data that can be manipulated, citing the history of cigarettes, and genetically modified organisms. He explained that through his personal experience which has brought him into homes with suicides, accidental deaths, drug overdoses, homicides, speaks to the contrary of those claims. As for no violence, he said that he's personally been involved (investigating) murders and attempted murders related to situations that came about because of drugs. He pointed out that marijuana dealers are a target for gangs looking to score more drugs or rob people in Essex County. He said people say marijuana isn't a gateway drug but in speaking with heroin addicts, he said they've told him that what got them started in drug use was marijuana. As for the "upstanding, good citizens," some folks may be harmless that smoke marijuana, he said that this is a drug that has people involved in crime that aren't hardworking people in the community. There is enough to manage with alcohol and prescription drug abuse, he said. He mentioned the issue with opiates which he touched upon. Alcohol is bad, he said, and asked if they want to bring in another drug into the city, pointing out that many towns and cities are banning (recreational marijuana) retail outlets in their communities. He asked if they want a proliferation of this substance among the city's youth, expressing concern for them. Recreational marijuana is getting to younger and younger children, he advised. As adults and responsible members of the community, he said they should stand up and say it is legal to smoke if one is an adult, but that it should not be a place where retail marijuana outlets should be allowed. He said this is a risk for the health and psychological wellbeing of the city's children.

Leora Ulrich, 7 Grandview Road, expressed she was in favor of a moratorium.

Lisa Groleau, 598 Western Avenue, said that the city isn't ready for retail (recreational) marijuana yet. She said she understood that recreational marijuana comes in a liquid form and expressed concern for children ingesting that substance by vaping, and for law enforcement being able to do their jobs appropriately. She said they don't need to add something that will cause harm to the city's children and the city's reputation.

Brian Hamilton, 6 Lawrence Mountain Road, said the Council should pass a moratorium as the Cannabis Control Commission hasn't completed state regulations and won't complete that until sometime next year. He cited that the city would then only have a couple of months to figure this out if the regulations come out. He said the moratorium is the only responsible thing to do.

Joseph Giacalone, 16 Gould Court, said he supported the moratorium as the state isn't ready to provide guidance yet, and there will be many issues – enforcement, zoning, to name two, and that it is important to ensure this is done correctly.

Those speaking in opposition: None.



5. As returned to Committee from City Council meeting of 09/12/17: 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

Councilor Lundberg recounted that this matter was before P&D several meetings ago and the Committee made a recommendation to the Council that it approve this Special Council Permit application. The Council took up this matter on Sept. 12 at a public hearing. After the close of the public hearing because there was such an interest of the neighborhood in this project, the City Council voted to return the matter to P&D so that the Committee could conduct a Site Visit and answer questions that were raised by neighbors. He reported the Site Visit was conducted (Friday, Sept. 15); questions have been submitted, with some of them answered when the Councilors were conducting the Site Visit to specific facts. There will be a review of answers to the questions submitted to the applicant and other questions that may seem relevant that came up during the Site Visit that the public has submitted through Councilors. **Councilor Lundberg** made clear to those in attendance that this was a public meeting, not a public hearing, and no testimony will be taken from any interested parties, rather the Committee will complete the record and return this matter to the City Council at its next meeting. He confirmed that the Council is considering the six criteria under GZO Sec. 1.8.3 and the specific language of the zoning and what needs to be addressed.

Councilor Gilman thanked Mr. Geisel for the answers and noted she'd sent by email those answers to eight people who signed up at the site visit with her. She then reviewed the questions with Mr. Geisel's answers (on file).

Councilor Lundberg thanked the applicant for the answers to the questions that were submitted and on file which he called above and beyond what is required of an applicant in cases such as this which was helpful considering the inquiries received by Councilors from the neighbors. He noted that the four corners of the proposed building were staked out for the purpose of the Site Visit.

Fred Geisel, P.E., representing the applicant for a Special Council Permit for Colburn Street #1 for a height exception responded to **Councilor Gilman's** posing questions based on further submitted questions grouped by the six criteria under GZO 1.8.3 which the Council considers when deciding on a Special Council Permit with input from the Planning Director and members of the Committee as follows:

1. Social, Economic, or Community need served by the proposal. From the application: This project would provide a duplex housing unit on a property that has sat vacant for 50 years. The site has been over-run by invasive trees, brush and vines and became a dumping ground for trash. Developing the site will remove this dumping ground and provide an aesthetically pleasing landscape.

QUESTION: Does it benefit the developer in any way in the permitting process pursuant to zoning that the applicant's immediate family will share the site in the form of a two-family home. **Mr. Geisel** said, "Yes," adding that it is an "emotional" issue; that the term "developer" has a negative connotation and that "homeowner, family" have positive connotations. They can't avoid their emotions and feelings as much as they try to be objective, he said.

QUESTION: Do FEMA height requirements affect the character of the neighborhood? "FG" said a building twice this footprint could be built and comply with zoning. The building's size is well within zoning requirements. If this building was to assume a maximum height of 20 feet, which is less than 30 feet seeing that the existing height starts at 9 feet for a structure, would any permitting be required from either ZBA or Council? **Councilor Lundberg** said that if the building was under 30 feet an applicant could simply go to the Building Inspector and obtain a building permit. **Mr. Geisel** added that current lot coverage is slightly over 11% and they could take the two floor areas and spread it over one story with a roof and comply with zoning. He advised that isn't what they want to do and said he didn't believe it would serve the neighborhood.

Councilor Cox said she'd like to draw attention to, if they adopted the FEMA Flood Maps, then this would have been by right because of their recommendations, and most of it is mandatory now. **Mr. Geisel** said the city has adopted the FEMA flood zone maps and must abide by them. Because they have rising sea levels and more flooding, that eventually for situations by these, the city may have to change heights to be excepted. **Councilor Lundberg** said outside of FEMA regulations, in the Zoning Ordinance currently, any structure to be built over 35 feet the Council has to approve. He added that if they were saying could they amend the Zoning Ordinance and say "except if it's required by FEMA it is a matter of right," it could be done. They've adopted the FEMA flood maps not a change in the city's Zoning Ordinance. **Gregg Cademartori**, Planning Director, said this is a rare instance with the base flood elevation is nine feet above the existing average grade. There are about 71 properties in the community that aren't built upon currently in the "V" (Velocity) zone -- 50 of which are at the tip of Magnolia (including the south side of Shore Road) and the Back Shore. He said there is a handful of property in this very situation, and 1 Colburn Street is a "very unique case" where the first floor elevation is going to have to be 11 feet. He reiterated it is a unique situation where there is construction proposed in a V zone.

Councilor Cox said a concern was raised that such structures are going to start proliferating all over the city. **Mr. Cademartori** said there is a distinction between V but “A” (Coastal Flooding) zone and in those A zones there a lot of structures that exist and if they hit a threshold of investment and have to meet the code, the property owners have to meet the new regulations where they may have to raise their structures up several feet – some may be able to be accommodated within the 30 foot restriction. This, he said, is this is a unique case and potentially some in the Wingaersheek area would be in a similar situation, he pointed out.

Councilor Gilman then read GZO Sec. 3.1.6(b) building heights in excess of 35 feet. **Councilor Lundberg** said there are parts of the Zoning requirements for the Council to consider for a Special Council Permit that are subjective in nature and each Councilor will have their own opinion as to neighborhood character and as to what they consider it consists of in Bay View. He pointed out that everyone can have their own opinion on that but in the end it is the Council that decides. **Councilor Gilman** noted eight out of nine Councilors had already visited the property prior to the site visit on their own, and said that Councilor O’Hara, in addition to the P&D Committee members was present at the Site Visit.

2. Traffic Flow and Safety. **Councilor Gilman** noted there was nothing new to add to this heading as it was the same as on the original application, nothing has changed.

3. Adequacy of Utilities and other public services. From the application: There are pressure sewer and an eight inch water main on Colburn Street. Both have more than adequate capacity. Natural gas ends at the property line on Washington Street and will be extended to the dwelling with an easement to serve #3 Colburn Street (not part of this Special Council Permit). Electrical and communications utilities are by overhead service -- they will be connected to the proposed building via underground conduit if allowed by Waterways, otherwise it remains overhead.

QUESTION: Some neighbors were concerned about the water pressure on upper Colburn that is already inadequate. Can you further explain what Mike Hale told Councilor Gilman that was shared at the site visit for the record?

Councilor Gilman noted Mr. Geisel had contacted Mike Hale, Public Works Director, and talked about the Bond Hill water tower, and that because the end of Colburn Street is higher than the water tower, the water pressure will not be affected at all -- even if it was a YMCA facility at 1 Colburn Street, it wouldn’t affect the water pressure.

4. Neighborhood character and social structure. From the application: The neighborhood is a mixture of housing types. The neighborhood character is comprised of long-term residents with independence and community pride. This proposed project will not adversely affect the neighborhood character or values. QUESTION: Will two 2,700 (square foot) side by side homes, by definition, overshadow the homes of a neighborhood with mostly 1,500 square foot homes? What is an alternative if special permit didn’t get approved -- there could be a widow’s walk? Is the rail of a widow’s walk part of the Zoning height requirement or is it exempt? **Mr. Geisel** said he understood that to be exempt as it is a ridge of the building and that adornments are not considered part of the height. He commented that they have compared two 2,700 foot side by side which is actually less than 2,700 square feet, using the criteria which the assessors judge living space which is not a full height, they use factors of .2 to .9, and he used a factor of .9 for the second floor, which gives 2,415 square feet for each of the units. He mentioned a neighbor, Ted Reed, who submitted by email and handout (on file) an assessment of houses in the area which he indicated averaged 1,500 square feet and that the proposed duplex is 3 ½ times that size. **Mr. Geisel** said they are not – is 1,500 square feet versus 2,400 square feet, and suggested it is about 50% higher. He noted examples from Mr. Reed’s compilation, 924 Washington Street which across the street from the subject property is 3,434 square feet of living space for a single-family home with five bedrooms; 954 Washington Street is 3,476 square feet for a single-family home; next door is 956 Washington Street at 2,794 square feet. He cited that in the immediate neighborhood there are homes equal to or substantially larger than the application proposes and all of them fit in with the neighborhood based on those criteria. He pointed to a photograph of 925 Washington Street saying it has a substantial presence in terms of visual impact to the street being nearly the same size as proposed through this application. The proposed duplex is set back from the road.

5. Qualities of Natural Environment. From the application: The natural environment is dominated by moderate to heavy tree stands with invasive species removed. Overflow from the Klondike Reservoir feeds a nearby pond which goes to a stilling basin and is then piped to the cove. The proposal is to replace the entire pip to keep the area from flooding. The open ocean of Hodgkin’s Cove and Essex Bay dominate the westerly landscape. Significant changes to the natural environment will not result from this project. QUESTION: Will the stream water flowing from above #3 lot pond come through #1? How will be diverted? **Mr. Geisel** explained water won’t be diverted; it will be collected and discharged to the cove with a 24” pipe set at a lower elevation which has four times the capacity of the existing pipe which is being reviewed under application for #3 Colburn Street with the Conservation Commission (ConCom). He pointed out because it isn’t on this property they have no say what is done there – that’s left up to that left up to that applicant and ConCom. QUESTION: How will this structure effect my house and possibly flooding (that I have never had) at 927 Washington Street? **Mr. Geisel** previously answered that

FEMA requires the building be raised on piers to allow flood waters to pass through the structure without significant damage and without displacing flood waters to other properties. **Councilor Gilman** asked if this meant that the back side of the garages will be moved up in case of flooding. It was noted that Mr. Geisel had previously commented at the site visit that cars would be removed prior to any flooding. **Mr. Geisel** said that there is no back wall as these are in essence, car ports. He noted the rendering of the face of the building (on file) shows garage doors which enhances the look of the home which serves as a screen and assured there will be no backing -- there'll be lattice and flood waters will pass right through. There will be screening so that it doesn't appear that a house is built on piers.

Councilor Lundberg said this matter now goes back to the Council. The public hearing was concluded and they were at the point of Council discussion where he will report on the Site Visit and the answer to these questions, and if it is the will of the Council, by vote they can reopen the public hearing.

This matter is closed.

6. *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 09/06/17)*

Joel Favazza, Seaside Legal Solutions, 111 Main Street, representing Happy Valley Ventures Massachusetts INC. ("HVV") for a Major Projects Special Council Permit for a Medical Marijuana Treatment Center ("MMTC") and Cultivation Facility ("MMCF") at 38 Great Republic Drive. With him was Michael Reardon, Manager of the Happy Valley LLC and Chair of the Board of the non-profit. **Mr. Favazza** conveyed the following information: **GZO Sec. 5.7.3** - Department Review: No issues came from the Building Department. The Conservation Commission (ConCom) issued an Order of Conditions in May 2017, and that Ken Whittaker, Conservation Agent, has written a letter (placed on file) that there is nothing on this application that requires further ConCom consideration. The Engineering Department issued a memo recommending the application move forward. The Fire Department issued a memo that the Fire Chief is satisfied with the fire access lanes and reminded that they want to make sure of certified qualified engineer assures that the Fire Department vehicles can access along the back side of the property which is held up by a large retaining wall. There is a memo from Public Works Director, Mike Hale saying he's confident the permit to connect sanitary sewer will serve to protect the interests of the city. The applicant reached out to Mr. Hale regarding landscaping in the public way up to the back of the existing sidewalk which is a distance of several feet between the property line and that. As part of the screening landscaping design they will landscape into that. At Mr. Hale's suggestion the applicant's attorney has reached out to General Counsel and is in early discussions to craft a perpetual agreement for maintenance and responsibility agreement for that landscaping. The Health Department had questions regarding the kitchen facilities. It was noted that the state Department of Public Health Department examined all the floor and site plans including that kitchen and certified that as proposed the kitchen satisfies state requirements.

GZO Sec. 5.7.4 - Planning Board Review: The Planning Board put forward a positive recommendation.

GZO Sec. 5.7.5 - Special Permit Criteria in addition to Sections 1.8.3 and 1.8.4 in acting upon Major Projects: (a) Access from an arterial or collector street via ways serving not more than ten single-family homes. It was noted that Great Republic Drive is one of the widest streets in the city and one of its newer roads. (b) When not connected to municipal sewerage assisted living facilities, multi-family or hotel, motel or motel in ...this subsection doesn't apply. (c) Site plan shall include access, drainage and utilities serving each structure ..." All plan requirements have been met. (d) All other requirements of the Zoning Ordinance and of all applicable building codes must have been satisfied..." All requirements to Zoning Ordinance have been met. Subsections (e), (f) and (g) are not applicable to this Major Project which relate to multi-family residential or assisted living facility use, and shopping centers.

GZO Sec. 5.8 - Site Plan Review: The Planning Board completed its Site Plan Review and issued their approval at their last meeting.

GZO Sec. 5.8.7 - Review Guidelines and Approval: A) A reasonable effort shall be made to conserve and protect natural features... The property is a dirt lot with invasive species which is being replaced with a comprehensive landscaping plan, and that there will be mitigation planting on the westerly side of the property because that is where the parking lot is closest to the existing wetland. B) Topography and drainage plan.... touched on briefly. C) The placement of buildings, structures, fences, lighting, signs, and fixtures on each site shall not interfere with traffic circulation... During the Site Plan Review this subsection was reviewed in great detail, and the traffic flow plan "heavily scrutinized." Access will be adequate for employees, patients and city vehicles accessing the property during emergencies. D) All areas designed for vehicular use shall be paved.... this is met. E) All

then the applicant can go through the permitting and get engineering and other plans put into place to move forward with the next phase of construction. He reiterated that in order for the applicant to move forward with his plans he first needs the Council to permit the fill to remain on the properties.

Councilor Orlando said that this will mean that the neighbors will have notice and some ability to be heard in front of other city permitting authorities to ensure the neighbors' concerns are heard.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, 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.

- 7. PH2017-048: 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

This public hearing is opened at 10:31 p.m.

Those speaking in favor:

Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, representing Sam Avola, applicant of 9 Trueman Dr., Malden, MA, regarding an application (and purchaser of 949 Washington Street and 1 Colburn Street) for a Special Permit for Building Heights in Excess 35 feet, under GZO Sections 1.8.3, 3.1.6(b) and 3.2, as purchaser of Colburn Street #1 utilizing and Washington Street #929 in order to access and build a duplex at Colburn Street #1 (addendum to Purchase & Sale Agreement for both properties on file with application). He conveyed the following information:

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

Because the property is filled tidelands are "severe" restrictions on the use of the site (the presumptive tidelands were pointed out on the displayed plan of land by Mr. Geisel on file) which covers most of the property. There can be no construction of any kind, fill, grading, building, driveways within 100 feet of the current high tide line which was also pointed out on a site map as well as where no work could be done on the property. The site is also restricted because it is a corner lot so there is zoning which dictates a 30 foot set back from Washington Street and Colburn Street. The site is further restricted because it is in a FEMA (Federal Emergency Management Agency) Flood Zone, Elevation 20 in a Velocity Zone (VE) requiring the lowest structural member of any building to be at least two feet above the current flood zone, which equates to Elevation 22. When filing with the Mass. Coastal Zone Management (CZM) through the Mass. Environmental Protection Act process, it was strongly recommended that because of the FEMA Flood Zone doesn't take into consideration the rise in sea levels that the structure be built at least two feet higher than the requirement at Elevation 22 -- that the lowest structural member be situated at Elevation 24.

Another plan (on file) displayed depicted the front elevation of the proposed building which was described as being built on piers with a spread footing underground. So that the building doesn't appear to have been built on stilts, there will be garage doors which can be opened up during floods to allow flood waters to pass through. Parking will be underneath the building. The lower level is a basement level. The building is 1-1/2 stories above that platform that is sited nine feet above the existing grade. The existing grade is Elevation 15; the structure will be built to Elevation 24. The total height of the building is 38 feet to the peak of the roof from existing grade. Without the requirement for nine feet rise above existing grade the total height of the building would be 29 feet, negating the need for a Special Council Permit.

The site has been vacant for more than 50 years, and previous attempts to develop the property has been not possible with so many restrictions associated with it. If the Special Council Permit is successful, **Mr.**

Geisel advised the applicant's next step is to go to Waterways (Mass. Dept. of Environmental Protection the permitting authority for Ch. 91 permits), and obtain a curb cut permit (through MassDOT). He pointed out a picture of the lot (on file) that shows the building superimposed on it. He said the proposed structure is in scale with the rest of the buildings in the neighborhood saying that the closest building's first floor elevation is approximate to the proposed building's first floor elevation. He said the proposed building won't sit above other structures as the property is situated at a low point in the area. All the other houses, he said, up the road are upland from the lot at higher elevations, he pointed out saying that their first floor elevations are at 32, 35, 40 travelling up the road. He said the neighbors would, "not be particularly impacted" by this property. He cited that all the existing houses would still have views to the bay although some neighboring side views towards "the bridge and the cove" may possibly be affected.

Mr. Geisel then reviewed the six criteria for a Special Council Permit under GZO Sec. 1.8.3 as follows:

1. Social, Economic, or community need served by the proposal: This project would provide a duplex housing unit on a property that has sat vacant for 50 years. The site has been over-run by invasive trees, brush and vines and became a dumping ground for trash. Developing the site will remove this dumping ground and provide an aesthetically pleasing landscape.
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 is pressure sewer and an eight inch water main on Colburn Street. Electrical and communications utilities are by overhead service -- they will be connected to the proposed building via underground conduit if allowed by Waterways, otherwise it remains overhead.
4. Neighborhood character and social structure: The neighborhood is a mixture of housing types. The neighborhood character is comprised of long-term residents with independence and community pride. This proposed project will not adversely affect the neighborhood character.
5. Qualities of the natural environment: The natural environment is dominated by moderate to heavy tree stands. Overflow from the Klondike Reservoir feeds a nearby pond which goes to a stilling basin and is then piped to the cove. The proposal is to replace the entire pipe to keep the area from flooding. 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. It is estimated the final assessed value in excess of \$1,000,000.

Erin Jewell, 24 North Kilby Street, noting she was an abutter of 13 years to the subject property, said that she is in favor of the project being permitted. She described Colburn St. #1 is a, "wasteland," a breeding ground for deer ticks and other insect pests. She also described trash on the property currently such as tires, remnants of vehicles, bottles, etc. She said she would rather go by "this," pointing to the plan of the building, than what is currently there. She added that this is responsible building pursuant to FEMA regulations which sets a precedent of stewardship for the environment given the recent hurricanes in the country's south where building practices such as this may have saved lives and property. She said she didn't see the proposed height as being an issue as there are a lot of taller buildings in the neighborhood. She said she was in favor of the application.

Patty Knaggs, 10 Perkins Road, said she was speaking for the seller of the subject property, noting that this is a more complicated project than anyone imagined. She said that the owner is partial to this applicant; not only was adhering to the required 30 feet setbacks but utilizing additional setbacks. Additionally, the applicant has volunteered to create a space in memory of the owner's son who died 40 years ago, with a long-standing piece of granite on the property that will be preserved, already engraved with her son's name, and the area will not be developed. **Ms. Knaggs** said she is interested in seeing people work within the environment and the city's codes; with over 5,000 building lots/residences within the city's VE Zone it behooves them to learn to work within such restrictions and comply with them.

Those speaking in opposition:

Linda MacCarriston, 16 Quarry Street, a direct abutter to Colburn Street #1, advised she had attended the August 15 P&D meeting saying that the P&D Chair noted it was a public meeting and no public input would be sought (that evening). She said as representative of the applicant, Mr. Geisel was able to give his views on how the project met the six criteria saying that the assertions he put forward under GZO Sec. 1.8.3 were not as the neighbors

found them. She conveyed that, "The neighborhood is a mixture of housing types and the project would not adversely affect the neighborhood characters or values" because he asserted that the homes he was making were modest, each with three bedrooms upstairs. She said with a "fourth down" and three baths, this building actually contains eight bedrooms and six baths; and that at 5,700 square feet of living space, 38 feet tall and 74 feet wide, isn't "modest" in an area where the average-sized 100 nearby homes closest by is 1,600 square feet. She said he (Mr. Geisel) described the building as 1-1/2 story house. She said that it is 80% to 90% percent of all four sides (of the building) are two stories with the exception of a decorative gambrel. She said it is not a modest 1-1/2 story three bedrooms home. She proffered that Mr. Geisel asserted that the building lot is a dumping ground for trash. She said it is not. She said that the assumption that the lot will be more aesthetically pleasing with a duplex was questionable to her. She noted Mr. Geisel said that significant changes to the natural environment will not result from this project. She said she believed that the developers went in with "no Conservation Commission (ConCom) knowledge or consent or permit" with heavy equipment and mowed down green space.

Ms. MacCarriston said that the abutters/neighbors haven't had any input into this development until this public hearing. She said most concerning was Mr. Geisel's assertion that he has spoken to neighbors whom he said were favorable to the project. She posited that abutters and abutters to abutters know of no such neighbors. He said neighbors supported this project, even when they were aware of its height. She said "they" didn't know about the height until the ConCom meeting when it was mentioned. She said "they" were under the impression they "might" contest it at the Zoning Board of Appeals (ZBA).

She relayed that at the P&D meeting Mr. Geisel mentioned, as an example of the support the neighbors had given him, that someone had phoned the morning of the meeting asking for more information on the project which she said he further implied that that caller was lending their support. She said it was her that made the call and gave him no reason to assume her support. She contended there'd been no meeting with neighbors which she said Mr. Geisel agreed to do at the P&D Committee meeting. She said that this is a complex development because the property is filled tidelands, a Flood Zone, a buffer zone for wetland. She conveyed that concerned neighbors are trying to do their best to participate in this permitting -- that they express their concern, as she is, not just for their backyard but the city with the building in a flood zone -- building housing on stilts will happen all around the city especially if there is a water view or close to the property, like this property directly across from Hodgkins (Cove). She explained that the neighborhood is comprised mostly of traditional, small wood-frame dwellings with a "great aesthetic appeal" and is not enhanced by homes on "stilts." She suggested that visually the area is "working class," which is why people are attracted to the city. She further suggested that development of small properties to their maximum capacity for profit isn't "hardship." She said variances and Special Permits shouldn't be used in this manner.

Raymond Borsman, 7 Colburn Street, said that people come to the city for its beauty. Zoning is a shared commitment to preserve the environment, and those who move here buy into this shared agreement, he pointed out. He said he wasn't in favor of this development (written statement placed on file).

Ted Reed, 10 Quarry Street, asked that the application for a height exception be rejected. He submitted a petition signed by 51 residents in opposition to the Special Council Permit and a flyer entitled, "Neighborhood ALERT: City Council to Rule on Coastal Zone Duplex Project Tuesday September 12" (placed on file). He said the size of the proposed building is oversized for the neighborhood. He pointed out that granting of the Special Council Permit appears inappropriate indicating that under certain circumstances the relief under the ZBA can grant a height exception when "topological" issues create a hardship. Noting that the City Council can grant a height exception for a building over 35 feet in height but to do so must involve "significant hardship." He contended in this instance this was not the case. He pointed out that the developer doesn't own the property but has an offer in place contingent upon this permitting being granted on his plans. Highlighting a previously submitted communication which enumerated the square footage of 100 surrounding area homes (on file), he indicated that the average square footage is 1,600 square feet and that the proposed building is three and a half times larger.

Mr. Reed reported that in canvassing the neighborhood the previous week no resident approached was in support of the project referencing the submitted petition. He asked that on behalf of himself and his fellow concerned neighbors that the Council not grant the Special Council Permit. He encouraged the Council to conduct a site visit to view the site for them, to view the scale of the homes in the neighborhood -- then make an "informed" decision.

Regina Ryan, 925 Washington Street, an abutter, said that she is in opposition to the Special Council Permit saying the process was "flawed;" and that there'd been no community comment until this time. She alleged there was inadequate notification of the abutters and that the neighborhood had no voice in the process before now, and said that P&D didn't allow for public comment.

A motion was made, seconded and voted unanimously by the City Council to extend the meeting at 11:00 p.m. to 11:30 p.m.

Ms. Ryan continued by further claiming that some of Mr. Geisel's comments on the record at P&D were misleading as to community support. She said she knew of no neighbors, other than the two who spoke this evening, that are in favor, and contended that Mr. Geisel hasn't met with any neighbors even though he'd been encouraged to do so by the Committee, although noting that there is no requirement that he do that. The home could still be built within the Zoning regulation at a lesser height, she said. The developer is asking for the height increase for economic reasons, she asserted. She said when the scale and scope exceeds the Zoning law every opportunity should be taken to assure that the review process is fair and inclusive. The 30 foot height should be held to, and there should be no height exception for relief from hardship for which she said there was none. She said they need to have confidence and trust in the process and asked the Council to deny the application.

Jekabs Vittands, 945 Washington Street, lives within 300 feet of the property in question, he noted. He said at first he was pleased to learn of this property's development but that this is a corner lot on Colburn and Washington Streets. The abutter on Colburn Street is on the inland side of Hodgkins Cove; and that the abutter on the other side is a "parklet" that the city recently built for people to enjoy the Cove, he said. He explained that the building a house would be fine, he said, but to build something that has to be built through a variance is maximizing a "momentous" profit at the expense of the neighborhood because the character of it changes if buildings are of such "magnitude." He described the neighborhood homes as being older, but that they've been modernized in character with their surroundings. This will be a big change to the neighborhood; he pointed out, and asked the permit not be granted.

Deborah Schwendman, 40 Quarry Street, said she was in opposition to the Special Council Permit. She said the property in question is a natural passageway for animals and is beneficial. Two large homes there will see a loss of animals that add to the ecological balance of the area, which she said that ConCom was interested in preserving, she said.

REBUTTAL:

Mr. Geisel said that at P&D he explained he had spoken to several people who were in favor of the project. He said he didn't have a neighborhood meeting but did send out notices to those abutters whom he was required to notify. In that notice he said he gave his name, address and phone number, email address and to contact him with any questions, and one neighbor did contact him, he said, to whom he provided information by email. He said he didn't say that person spoke in favor but only said they'd contacted him. He pointed out that the building is a duplex project -- two houses consisting of approximately 2,500 square feet per unit which he said is not three and a half times the average size of a home in the neighborhood. He said it may be one and a half times the size of older housing stock in the neighborhood. He said they are before the Council to be granted a height exception. The project meets all other zoning requirements -- for setbacks, lot coverage and "everything else." The height exception is required because the property is in a Flood Zone and must meet certain requirements, and to "meet the future," he said, and not to build something that will flood out in the near and distant future. He pointed out that he didn't represent anything about an economic hardship but said that building a duplex house was economically feasible because of the cost of the property and the time and expense of obtaining all the necessary permits. This duplex, he advised, is being built by someone who will live there and his daughter will be in the other unit. He contended that this building isn't being built by a contractor or developer for a special purpose. He said it is being built for the new owner's personal use, not to make huge profits -- this is for the owner to have a place to live in Gloucester.

Communications: Ted Reed, 10 Quarry Street in opposition to the Special Council Permit application.

Councilor Questions:

Councilor Cox said there was mention of wetlands on the property. **Mr. Geisel** said there are no wetlands on the property -- the wetland is Hodgkins Cove and only a very minor amount of filling is planned to even things out within the 100 foot buffer zone of the wetlands. He advised the applicant has a permit from ConCom and approval under MEPA for this project. **Councilor Cox** asked what the permitting is for "Waterways." **Mr. Geisel** explained that the applicant has to apply for a Chapter 91 permit from Waterways (Mass. Dept. of Environmental Protection) and are very strict, he said, and must have all other permits in line before CZM will review the Chapter 91 application.

Councilor Gilman said at the P&D meeting she had asked if he would be willing to speak with the neighbors before the public hearing. He said they did speak with neighbors after the P&D meeting in City Hall and he conveyed he'd asked people to call him with their questions and that they would make themselves available. He further advised that no neighbors who were at City Hall called him after that time for any further information.

Council President Ciolino said they're building on pilings because of the FEMA Flood Zone. **Mr. Geisel** said that was correct, that they can't have a solid foundation structure because of the FEMA Flood Zone and must have a

raised platform as it is a Velocity Zone. **Council President Ciolino** pointed out that these are all new rules that when a building is built on a flood plain that buildings are required to be built up. He said this is something that comes before the Council frequently now. He added that they can build what the Council is viewing with a flat roof and then there'd be no need for a height exception and bypass this entire process. He clarified that he wasn't saying that a flat roof is an option. **Mr. Geisel** said it is possible to build a flat roof but wouldn't recommend it in Gloucester and the northeast. He said snow would have to be shoveled off such a roof, and is just one reason why a shallow-pitched roof is inappropriate. **Council President Ciolino** emphasized that this is a Special Council Permit to exceed the height limit which requires the applicant to come before the Council. He noted the six criteria (under the Zoning Ordinance) which were discussed. They have to determine as a Council if those criteria have been met (for a height exception).

This public hearing is closed at 11:13 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Sam Avola, purchaser, 91 Truman Drive, Malden, MA, through property owner Jean O'Gorman, a Special Council Permit (SCP2017-011), for the property located at Colburn Street #1 (Assessor's Map 157, Lot 72), and Washington Street #929 (Assessor's Map 157, Lot 39) zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 3.1.6(b) and 3.2 for a building height in excess of 35 feet, for a home to be 38 feet (for a total height increase of 3 feet over 35 feet) for a Special Council Permit. This permit is made on the basis of the plans and elevations dated 3/16/2017 by Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, MA, submitted to the City Clerk on July 27, 2017, entitled, "Site Development Permit Plan, 1 Colburn Street, Gloucester, MA for Sam Avola." This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

DISCUSSION:

Councilor Lundberg clarified further on the comments of the Council President pointing out that several speakers spoke to "hardship." He said "hardship" is not in the Zoning Ordinance and is not a requirement that the developer prove hardship. This is a height exception only, he said, and that all the other criteria under the Zoning Ordinance have been met. He further clarified that as the Council President had pointed out that if the roof of the proposed building was flattened out they "wouldn't even be here." The Council is strictly talking about a height exception and the neighborhood character, he said.

Councilor Gilman said as Ward 4 Councilor that seeing the neighborhood concerns raised this evening, she suggested that this matter be referred back to P&D for the purpose of scheduling a site visit (for Colburn Street #1), that was seconded by **Councilor O'Hara**.

DISCUSSION ON THE MOTION TO RETURN THE MATTER TO THE P&D COMMITTEE FOR THE SOLE PURPOSE OF CONDUCTING A SITE VISIT TO COLBURN STREET #1

Councilor Orlando suggested that the Zoning Ordinance calls for a site visit when there is a Special Council Permit under Rule 25 in the face of the opposition of the Special Council Permit.

Councilor Cox said that there is no need for this application to go back to P&D to discuss the matter but just to conduct a site visit and the Council can continue the matter to the next regularly scheduled City Council meeting.

Council President Ciolino suggested it was better process to send the matter back to P&D to conduct its site visit and then they will have it on their agenda for the Committee's next meeting prior to its returning to the Council.

Council President Ciolino asked whom amongst the Councilors had done their own site visit, and six of the nine Councilors raised their hands.

Councilor Gilman said the purpose of the site visit is not just for the P&D Committee and any other city officials, but to make sure the public on both sides are able to ask questions and get confirmation saying she viewed that as helpful. **Council President Ciolino** pointed out for clarification of the Council that it is the Councilors who ask the questions. He advised a site visit is not a public meeting or public hearing, that the public can't ask questions at a site visit. He said if there is a site visit the purpose is to review the six criteria of the Zoning Ordinance Sec. 1.8.3 when viewing the property in question. It was noted that the public could submit questions to Councilors in advance of a site visit.

MOTION: On a motion by Councilor Gilman, seconded by Councilor O'Hara, the City Council voted 9 in favor, 0 opposed, to have the P&D Committee conduct a Site Visit to Colburn Street #1 and sent the matter back to that Committee.

This matter is continued to September 26, 2017 and will be taken up at the point of Council Discussion pursuant to the Committee Recommendation on the table. Further, the matter will appear on the P&D Committee's September 20, 2017 public meeting agenda.

For Council Vote:

1. City Council vote of August 9, 2016 regarding renewal of Rogers Street Parking Lot at #65 Rogers St.

Councilor Lundberg explained that when the Department of Environmental Protection gave its permission for the city to use 65 Rogers Street (I4-C2) as a parking lot for a 10 year period, the Council, voted to agree to add the parking lot to the Code of Ordinances. However, the Council, in its wisdom, wanting to ensure that the property was kept in the forefront of the Administration's development plans, voted to institute a five-year plan of yearly renewals. This, he pointed out, is the last year of that five-year renewal cycle by the Council. He indicated that it will be the new Council's responsibility through the Planning & Development Committee to undertake a review with the Administration to determine whether the property at 65 Rogers Street should be allowed to continue for another five years in the Code of Ordinances as a parking lot while the city works diligently towards the development of the property. He noted to date that development has not gotten off the ground through two mayoral tenures. He asked the Council to renew the lot for one more year with the understanding that the P&D Committee will take this matter up in 2018 well before the expiration date the Council sets by taking this vote.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted 9 in favor, opposed, to renew the amendment to GCO Ch. 22, Sec. 22-288 "Off Street Parking Areas" by ADDING Rogers Street Parking Lot at #65 Rogers Street and a description of the lot as 74 parking spaces and 4 handicapped parking spaces for a total of 78 parking spaces as shown on a plan submitted by the Department of Public Works for 65 Rogers Street Parking Lot dated 7/29/13 to expire one year from September 12, 2017 with no further renewal without a City Council review through the Planning & Development Committee.

Unfinished Business: None.

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

Update of the Poet Laureate Selection Committee by City Council Representative, Councilor Paul Lundberg was continued to another City Council meeting.

Councilors' Requests to the Mayor: None.

A motion was made, seconded and voted unanimously to adjourn the meeting at 11:25 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- PH2017-043: Amend GCO Ch. 9 "Trash Recycling and Litter" Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec. 9-12, which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12 – **Written Statements:**
Ainsley Smith, 14 Pine Street, on behalf of the Clean City Commission in support of the single-use plastic bag ban;
Debra Darby, 553 Washington Street, in support of both the single-use plastic bag ban and polystyrene cup and clamshell ban
- PH2017-048: 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 – **Written Statements:**
Linda MacCarriston, 16 Quarry Street in opposition to the Special Council Permit application
Raymond Borsman, 7 Colburn Street, in opposition to the Special Council Permit application

Mr. Favazza concluded his remarks by saying that due to “construction-related concerns, his clients hope to move this project along to enable breaking ground in early fall.

Councilor Cox asked if HVV plans to offer recreational marijuana sales at 38 Great Republic Drive. **Mr. Favazza** said there are “no plans right now” to sell recreational marijuana out of the dispensary that is proposed. He advised that HVV has 58 Great Republic Drive under contract to purchase, anticipated to close the middle of September. He said it is HVV’s intention at this time to permit an approximately a 100,000 square foot production facility for recreational marijuana at that location. He said he’s seen nothing that indicates that his client will be in the retail consumer-facing side of this business “as of yet.” He advised there are on-going discussions as to how the city is going to deal with allowing or not allowing retail recreational marijuana establishments, but that at this time, he said that the applicant is only forwarding plans designed around a Medical Marijuana production facility and dispensary at 38 Great Republic Drive. He added that future plans for 58 Great Republic Drive is still under development.

This matter is continued to September 6, 2017.



3. *SCP2017-011: Colburn Street #1, Map 157, Lots 72 & 39, GZO Sec. 3.1.6(b) Special Permit for Building Heights in Excess of Sec. 3.2 Limits – Building Heights in Excess of 35 ft.*

Councilor Lundberg advised this is a public meeting for the applicant to present their plans to the P&D Committee for a Special Council Permit and the Committee will make a recommendation to the City Council. At that time there will be a public hearing when neighbors can address the Council and make comments for or against this proposal.

Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, representing Sam Avola, applicant of 9 Trueman Dr., Malden, MA, regarding an application (and purchaser of 949 Washington Street and 1 Colburn Street) for a Special Permit for Building Heights in Excess 35 feet, under GZO Sections 1.8.3, 3.1.6(b) and 3.2, as purchaser of Colburn Street #1 utilizing and Washington Street #929 in order to access and build a duplex at Colburn Street #1 (addendum to Purchase & Sale Agreement for both properties on file with application). Also present was Sam Avola, purchaser of the properties and Chad Ketchopulos, builder, Rockport, MA. He conveyed the following information:

The lot is considered restrictive in that it is filled tidelands and is under control of the Mass. Chapter 91 Waterways Division (of Coastal Zone Management or “CZM”) and that they need to apply to that entity for a permit. That state entity wants all local and state permits in place first before building. The applicant has a Conservation Commission (ConCom) Order of Conditions in hand for the application before the Committee, and they will seek drainage and curb cut permits further in the process. There is a presumptive line of fill further back into the property which was the line of the original cove, filled over 150 years ago. There were buildings previously on the site -- a granite processing building and a railroad leading to it from the quarries, which was briefly described. Much of the fill including along the banks of the cove are “chunks” of granite.

FEMA (Federal Emergency Management Agency) established that this property is in a velocity flood Zone VE (El. 20), requiring that the lowest structural member of the dwelling be a minimum of two feet above the Flood Zone (El. 22). CZM has reviewed this project as part of the MEPA (Massachusetts Environmental Policy Act) process and recommended that the structure be raised an additional two feet higher (bottom of lowest structural member at El. 24) (Opinion of CZM on file with application). Under NOAA’s (National Oceanographic & Atmospheric Administration) moderate predictions for sea level rise over 50 years it is just over two feet. To meet those recommendations, the first floor have would be 10 feet above existing grade and the total height of the structure would be 38 feet.

PROPOSED STRUCTURE:

This residential dwelling will be in reality a 1-1/2 story building. Plans for the first and second floor (not a full story) were noted (on file). The lower level is open space for parking with garage doors that can be left open in a flood period. He pointed out the average grade, the Flood Zone height at 20 feet; above that is 22 feet which is the minimum structural member and then 24 feet which is CZM’s recommended minimum horizontal structural member. This then takes the total height from existing grade to the peak of the roof to 37 feet, 10 inches which is rounded to 38 feet. Without the flood zone, if it was just a normal lot, there would be nine feet of clearance from “15 to 24” which would have made the dwelling a total height of 29 feet, therefore

negating the need for a height exception. The foundation plan is a varied spread footing wall with square/rectangular piers coming from that which are finished off; the structure is built on top of that.

A floor plan of the first floor of the building was shown and described (all plans on file). The proposed dwelling is a duplex. The units were described as having a moderate amount of living space, each with three bedrooms upstairs. Water, sewer electrical, telephone and gas come right to the property line on Washington Street, and the gas line can be extended to serve the new dwelling.

Councilor Lundberg noted that this was the former site of the High Line House Restaurant which burned down in 1966 and that the lot(s) have been vacant since that time.

Mr. Geisel pointed out the closest adjacent buildings on a map (on file) of the neighborhood, saying that the first floor level of the proposed dwelling is approximately equal to "their first floor level" which is on Quarry Street. Houses surrounding the property were noted to be positioned substantially on higher ground and uphill. Referring back to the site plan, **Mr. Geisel** conveyed that zoning restrictions, because this is a corner lot require, 30 feet frontage from Washington Street, 30 feet from Colburn Street; 20 feet side yard, and 30 feet in the rear. The applicant is further restricted to be 100 feet away from mean high water, he noted, and pointed out on the site plan -- the dwelling is restricted to where it is shown positioned on the plans.

Councilor Lundberg reiterated that the City Council's role in this particular development is limited to granting the Special Permit for a height exception. Other exceptions are granted by other Boards or Commissions.

Mr. Geisel then reviewed the six criteria for a Special Council Permit under GZO Sec. 1.8.3 as follows:

1. Social, Economic, or community need served by the proposal: This project would provide a duplex housing unit on a property that has sat vacant for 50 years. The site has been over-run by invasive trees, brush and vines and became a dumping ground for trash. Developing the site will remove this dumping ground and provide an aesthetically pleasing landscape.
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 eight inch water main on Colburn Street. Both have more than adequate capacity. Natural gas ends at the property line on Washington Street and will be extended to the dwelling with an easement to serve #3 Colburn Street (not part of this Special Council Permit). Electrical and communications utilities are by overhead service -- they will be connected to the proposed building via underground conduit if allowed by Waterways, otherwise it remains overhead.
4. Neighborhood character and social structure: The neighborhood is a mixture of housing types. The neighborhood character is comprised of long-term residents with independence and community pride. This proposed project will not adversely affect the neighborhood character or values.
5. Qualities of the natural environment: The natural environment is dominated by moderate to heavy tree stands with invasive species removed. Overflow from the Klondike Reservoir feeds a nearby pond which goes to a stilling basin and is then piped to the cove. The proposal is to replace the entire pipe to keep the area from flooding. 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. It is estimated the final assessed value will be over \$1,000,000.

COUNCILOR QUESTIONS:

Councilor Gilman said that she attended the ConCom site visit of Colburn Street #3 and viewed the water issues there, and walked this piece of property as well. She said she didn't see dumping of trash on Colburn Street #1 but rather across the street from it. **Mr. Geisel** said when surveying Colburn Street #1 they had to be careful where they stepped because there were abandoned car parts, old pipes, and some may have been left and buried from the burned down restaurant. He pointed out that this property was used as a staging area by the city during the sewer construction and some of the 'trash' may be discarded items from that time. **Councilor Gilman** said there was a great deal of overgrown brush and weeds. She asked if these plans have been shared with the neighbors. **Mr. Geisel** said they had and even before they went before ConCom and noted they'd have to come before the Council for height, and didn't skirt that issue with the neighbors. **Councilor Gilman** asked if Mr. Geisel would be willing to speak with neighbors before the public hearing because when a tall

house goes up, and a FEMA issue, concerns are raised when it is a height issue in light of the expansive water views across the street. **Mr. Geisel** said that what is blocked is a view of the bridge but not of the water or the cove area or out to Essex Bay by a dwelling as proposed to be situated on the Colburn Street #1 lot. He suggested that perhaps slightly on an angle but the vast majority of homeowners' views will be maintained. **Councilor Gilman** asked if garages with pilings are acceptable to FEMA. **Mr. Geisel** confirmed that was the case. She confirmed with Mr. Geisel that all abutters on the submitted Certified Abutters List with the application were notified of the P&D Committee's public meeting.

Councilor Cox said that this is straightforward height exception, noting that views are not protected. She noted that the Special Council Permit has to be taken as it is.

Councilor Gilman advised those interested parties who were present that this is the recommendation of the P&D Committee now but that at the public hearing they will hear the public's opinions after a presentation of the applicant and encouraged participation in the public discourse on the application in that venue.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Sam Avola, purchaser, 91 Truman Drive, Malden, MA, through property owner Jean O'Gorman, a Special Council Permit (SCP2017-011), for the property located at Colburn Street #1 (Assessor's Map 157, Lot 72), and Washington Street #929 (Assessor's Map 157, Lot 39) zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 3.1.6(b) and 3.2 for a building height in excess of 35 feet, for a home to be 38 feet (for a total height increase of 3 feet over 35 feet) for a Special Council Permit. This permit is made on the basis of the plans and elevations dated 3/16/2017 by Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, MA, submitted to the City Clerk on July 27, 2017, entitled, "Site Development Permit Plan, 1 Colburn Street, Gloucester, MA for Sam Avola." This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

4. 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" (TBC 09/20/17)

Councilor Lundberg advised that this matter is currently with the Planning Board for a public hearing. The Committee will continue this matter to September 20 when it is anticipated that the Committee will have the Board's recommendation.

This matter is continued to September 20, 2017.

5. 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 08/02/17)

Councilor Orlando said that there was a meeting the previous week with Gregg Cademartori, Acting Community Development Director; Matt Coogan, Senior Planner; Frank Wright, Zoning Board of Appeals (ZBA) Chair, to address areas of concerns raised about the proposed zoning amendments. He said they met halfway on many of the issues and came up with satisfactory ordinance amendments to work as intended that the ZBA will be more comfortable with. He explained that rather than the Zoning Administrator being the "ultimate decision maker," that the Zoning Administrator will now be appointed by the ZBA, as always intended, and will have the responsibility of gathering required documentation and certifying to the ZBA that an applicant meets the requirements. The ZBA, if necessary, will hold a public hearing after notice to abutters and take testimony on any issues of neighborhood concern and be the ultimate permit granting authority. The Zoning Administrator will have the same function but that there is a public hearing before the ZBA. This will streamline the ZBA's usual process down to only one meeting which was a goal of the amendments.

Highlighting the "Purpose" section of the proposed amendments, **Councilor Orlando** said it was agreed that once the Zoning Administrator has certified that the applicant has produced all the required documentation, that it is prima facie evidence that it is a "go" unless there are neighbor issues. The goal was to



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-053

SUBJECT: Amend GCO Chapter 22, "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" – "Fort Square" 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"

DATE OPENED: 10/10/2017

CONTINUED TO:

CONTINUED FROM:

COMMITTEE: O&A 9/18/2017

GCO
**LEGAL NOTICE
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The Gloucester City Council will hold public hearings on **Tuesday, October 10, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

Amend Chapter 2, "Administration", Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund" (full text on file in the City Clerk's office).

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-277 "Gas ho parking Generally" by ADDING "Washington Street northerly side from its intersection with State Street for a distance of 110 feet in a westerly direction in front of 179 Washington Street".



Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same off-street parking areas" 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".

Amend Chapter 22 "Traffic And Motor Vehicles", Sec. 22-292 "Fire Lanes" 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)".

At the public hearings, all interested persons will have the opportunity to be heard. 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.

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

Ad#13614580
CAB 9/29/17

						years
DPW - Stage Fort Park Maintenance	DPW Director	Fees	Maintenance for Stage Fort Park	None	None	Fiscal Year 2018 and Subsequent years
Police - Student Officer Training & Equipment	Police Chief	Reimbursements From Student Officers	Training for Student Officers	None	None	Fiscal Year 2018 and Subsequent years
Fire Decon. Drill Training	Fire Chief	State Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years

This matter, in addition to being heard by the Budget & Finance Committee at its 09/21/17 meeting, will be advertised for public hearing.

3. CC2017-016 (Memhard/O'Hara) Request that the city adopt the Commonwealth of Mass DEP Noise Regulation (310 CMR 7.10) and after adoption amend GCO Ch. 13 "Noise" (Cont'd from 08/14/17)

Councilor LeBlanc advised he spoke with General Counsel and Councilor Memhard, both of whom recommended that this matter be postponed. He said they will need some input from the city, not just the Administration, but the businesses throughout the city an ordinance amendment like this will affect. He said he'd like to see a joint effort of the Administration and the Council to get some meetings together over the next several weeks starting with a memo to the Council and Administration about coordinating such an effort. He also suggested that a Request to the Mayor to fund a legal consultant to help to draft an integrated Ordinance amendment for the Code of Ordinances should be generated by Councilor Memhard.

This matter is continued to November 6, 2017.

4. CC2017-011 (Cox) Request Traffic Commission review parking spots & traffic flow on Pleasant St. from Franklin Sq. to 32 Pleasant St. to address safety issue of 2-way traffic & depending on review recommend to Council possible GCO amendments (Cont'd from 08/14/17)

Councilor LeBlanc advised that Councilor Cox has requested that this matter be again continued.

This matter is continued to October 2, 2017.

5. CC2017-022 (Cox): Amend GCO Ch. 22, Sec. 22-277 "One Hour parking-Generally" re: Washington Street (Cont'd from 07/31/17)

Councilor LeBlanc said that the owners of Double Exposure have reached out to Councilor Cox to ask for one-hour parking in front of their business. He advised he spoke to other businesses in the direct vicinity who said they had no issue with the proposed change. He pointed out that the Traffic Commission recommended this matter move forward.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-277 "One hour parking-Generally" by ADDING "Washington Street northerly side from its intersection with Grove Street for a distance of approximately 150 feet in an easterly direction to the entrance of Oak Grove Cemetery."

This matter will be advertised for public hearing.

6. CC2017-027 (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 (TBC 09/18/17)



It was cited that the Traffic Commission did not recommend the first part of the Council Order be instituted because it was noted to be a duplicate ordinance, but that the second part regarding Sec. 22-291 "Tow-away zones should be enacted. **Councilor LeBlanc** pointed out that this Council Order and the ones that follow through Council Order 2017-032 are all related to the Fort section of the city and are simply housekeeping, and assured that nothing is being taken away or added this is updating the ordinance language. He advised that the Traffic Commission meeting was attended by several Fort residents whom he named saying they had no objections to this series of actions as proposed.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-291 "Tow-away zones – "Fort Square" 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."

This matter will be advertised for public hearing.

7. *CC2017-028 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square"*

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was just a wording change.

COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council 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."

This matter will be advertised for public hearing.

8. *CC2017-029 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square" by DELETING "...to Merrimack-Essex pole 1917 and/or..." and ADDING "to the" before the words, "westerly boundary of number 26"*

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was also just a wording change, **Councilor LeBlanc** noted.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council 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 the words, "to the" before the words, "westerly boundary of number 26."

This matter will be advertised for public hearing.

9. *CC2017-030 (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."*

This portion of Sec. 22-270 as named in the Council Order refers to a business that is no longer in that location.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 "Parking Prohibited at all times" – "Fort Square" 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."

This matter will be advertised for public hearing.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-054
SUBJECT: Amend GCO Chapter 22, "Traffic And Motor Vehicles", 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"

DATE OPENED: 10/10/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 9/18/2017

GCO
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Amend Chapter 2, "Administration", Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund" (full text on file in the City Clerk's office).

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-277 "One hour parking - Generally" by ~~ADDING "Washington Street northerly side from an intersection with Grove Street to a distance of 100 feet in a westerly direction in front of 179 Washington Street".~~

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" – "Fort Square" 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".



Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same - off-street parking areas" 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".

Amend Chapter 22 "Traffic And Motor Vehicles", Sec. 22-292 "Fire Lanes" 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)".

At the public hearings, all interested persons will have the opportunity to be heard. 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.

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

Ad#13614580
CAB 9/29/17

It was cited that the Traffic Commission did not recommend the first part of the Council Order be instituted because it was noted to be a duplicate ordinance, but that the second part regarding Sec. 22-291 "Tow-away zones should be enacted. **Councilor LeBlanc** pointed out that this Council Order and the ones that follow through Council Order 2017-032 are all related to the Fort section of the city and are simply housekeeping, and assured that nothing is being taken away or added this is updating the ordinance language. He advised that the Traffic Commission meeting was attended by several Fort residents whom he named saying they had no objections to this series of actions as proposed.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-291 "Tow-away zones – "Fort Square" 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."

This matter will be advertised for public hearing.



7. *CC2017-028 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square"*

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was just a wording change.

COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council 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."

This matter will be advertised for public hearing.

8. *CC2017-029 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square" by DELETING "...to Merrimack-Essex pole 1917 and/or..." and ADDING "to the" before the words, "westerly boundary of number 26"*

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was also just a wording change, **Councilor LeBlanc** noted.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council 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 the words, "to the" before the words, "westerly boundary of number 26."

This matter will be advertised for public hearing.

9. *CC2017-030 (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."*

This portion of Sec. 22-270 as named in the Council Order refers to a business that is no longer in that location.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 "Parking Prohibited at all times" – "Fort Square" 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."

This matter will be advertised for public hearing.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-055
SUBJECT: Amend GCO Chapter 22, "Traffic And Motor Vehicles", 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"

DATE OPENED: 10/10/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 9/18/2017

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Amend Chapter 2, "Administration", Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund" (full text on file in the City Clerk's office).

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-277 "One hour parking, generally" by ~~ADDING "washing in Street" on northerly side from its intersection with Fort Street for a distance of 110 feet in a westerly direction in front of 179 Washington Street".~~

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same - off-street parking areas" 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".

Amend Chapter 22 "Traffic And Motor Vehicles", Sec. 22-292 "Fire Lanes" 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)".

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

Ad#13614580
CAB 9/29/17



It was cited that the Traffic Commission did not recommend the first part of the Council Order be instituted because it was noted to be a duplicate ordinance, but that the second part regarding Sec. 22-291 "Tow-away zones should be enacted. **Councilor LeBlanc** pointed out that this Council Order and the ones that follow through Council Order 2017-032 are all related to the Fort section of the city and are simply housekeeping, and assured that nothing is being taken away or added this is updating the ordinance language. He advised that the Traffic Commission meeting was attended by several Fort residents whom he named saying they had no objections to this series of actions as proposed.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-291 "Tow-away zones – "Fort Square" 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."

This matter will be advertised for public hearing.

7. *CC2017-028 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square"*

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was just a wording change.

COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council 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."

This matter will be advertised for public hearing.

8. *CC2017-029 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square" by DELETING "...to Merrimack-Essex pole 1917 and/or..." and ADDING "to the" before the words, "westerly boundary of number 26"*

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was also just a wording change, **Councilor LeBlanc** noted.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council 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 the words, "to the" before the words, "westerly boundary of number 26."

This matter will be advertised for public hearing.

9. *CC2017-030 (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."*

This portion of Sec. 22-270 as named in the Council Order refers to a business that is no longer in that location.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 "Parking Prohibited at all times" – "Fort Square" 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."

This matter will be advertised for public hearing.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-056
SUBJECT: Amend GCO Chapter 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" – "Fort Square" 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"

DATE OPENED: 10/10/2017
CONTINUED TO:
CONTINUED FROM:
COMMITTEE: O&A 9/18/2017

GCO

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Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-277 "One Way Parking - Generally" by ~~ADDING "Washington Street northerly side from its intersection with Olive Street for a distance of 110 feet in a westerly direction in front of 179 Washington Street".~~

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".



Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same - off-street parking areas" 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".

Amend Chapter 22 "Traffic And Motor Vehicles", Sec. 22-292 "Fire Lanes" 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)".

At the public hearings, all interested persons will have the opportunity to be heard. 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.

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

Ad#13614580
CAB 9/29/17

It was cited that the Traffic Commission did not recommend the first part of the Council Order be instituted because it was noted to be a duplicate ordinance, but that the second part regarding Sec. 22-291 "Tow-away zones should be enacted. **Councilor LeBlanc** pointed out that this Council Order and the ones that follow through Council Order 2017-032 are all related to the Fort section of the city and are simply housekeeping, and assured that nothing is being taken away or added this is updating the ordinance language. He advised that the Traffic Commission meeting was attended by several Fort residents whom he named saying they had no objections to this series of actions as proposed.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-291 "Tow-away zones – "Fort Square" 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."

This matter will be advertised for public hearing.

7. *CC2017-028 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square"*

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was just a wording change.

COMMITTEE RECOMMENDATION: On a motion by Councilor , seconded by Councilor , the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council 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."

This matter will be advertised for public hearing.

8. *CC2017-029 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times"- "Fort Square" by DELETING "...to Merrimack-Essex pole 1917 and/or..." and ADDING "to the" before the words, "westerly boundary of number 26"*

The Traffic Commission agreed with this amendment to the Code of Ordinances as it was also just a wording change, **Councilor LeBlanc** noted.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council 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 the words, "to the" before the words, "westerly boundary of number 26."

This matter will be advertised for public hearing.

9. *CC2017-030 (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."*

This portion of Sec. 22-270 as named in the Council Order refers to a business that is no longer in that location.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 "Parking Prohibited at all times" – "Fort Square" 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."

This matter will be advertised for public hearing.



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-057

SUBJECT: Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same – off-street parking areas" 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"

DATE OPENED: 10/10/2017

CONTINUED TO:

CONTINUED FROM:

COMMITTEE: O&A 9/18/2017

GCO

LEGAL NOTICE NOTICE OF PUBLIC HEARINGS

The Gloucester City Council will hold public hearings on **Tuesday, October 10, 2017** at 7:00 PM in the Kyrouz Auditorium, City Hall, relative to the following proposed amendments to the Gloucester Code of Ordinances:

Amend Chapter 2, "Administration", Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund" (full text on file in the City Clerk's office).

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-277 "One Hour Parking" by ~~DELETING~~ **ADDING** "Washington Street northerly side from its intersection with Grove Street for a distance of 110 feet in a westerly direction in front of 179 Washington Street".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" – "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same – off-street parking areas" 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".

Amend Chapter 22 "Traffic And Motor Vehicles", Sec. 22-292 "Fire Lanes" 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)".

At the public hearings, all interested persons will have the opportunity to be heard. 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.

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

Ad#13614580
CAB 9/29/17





10. *CC2017-031 (Cox) Amend GCO Ch. 22, Sec. 22-290 "Same-off-street parking areas" re: Fort Square*

The Traffic Commission agreed that overnight parking is currently allowed in a specific area as described in the Fort Square, and this is a housekeeping matter, **Councilor LeBlanc** said.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-290 "Same – off-street parking areas" 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."

This matter will be advertised for public hearing.

11. *CC2017-032 (Cox) Amend GCO Ch. 22, Sec. 22-292 "Fire Lanes" re: Commercial Street*

This is a wording change endorsed by the Traffic Commission, it was noted.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-292 "Fire Lanes" as follows:

By DELETING "Commercial Street, northeasterly side from a point at the southeasterly corner of the intersection with Fort Square (pole #3707) at the entrance of 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 By 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)."

This matter will be advertised for public hearing.

12. *CC2017-033 (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*

Councilor LeBlanc said this matter is to be continued at Councilor Cox's request. He noted that the area in question is at the intersection of Prospect and Friend Streets to Prospect and Taylor Streets where there are frequent traffic bottlenecks. With the consensus of the Committee, but with Councilor Gilman expressing her concern for a possible precedent set outside of the Council's Rules of Procedure, a public statement was allowed to be made by **Robert Whynott**, 27 Poplar Street, who recounted that he grew up in this neighborhood and lived there for 27 years and said that there are places that vehicles have to slow down due to a narrowing of the roadway because of parked cars, and that there are not many accidents there. He said there are so many streets that are similar, and suggested that were they to put the Fire Chief on the spot asking him if he thinks this could cause a problem for his department's vehicles to make their way along such a city street, he will say yes. He offered that the same could be said for the many like narrow inner-city streets which would mean they'd have to take all the parking away. He noted previously when the Council voted on such a measure for this area that the parking ban that during church services the parking ban was suspended.

This matter is continued to October 2, 2017.

13. *CC2017-013 (O'Hara) Request that O&A & the Traffic Commission review the beach no parking areas for possible expansion; and that Sec. 22-176 "Penalties for parking violations" "Prohibited area (beach district)" be amended to increase the penalty to the maximum penalty permissible by law (Cont'd from 07/17/17)*



GLOUCESTER CITY COUNCIL 2017 PUBLIC HEARING

PUBLIC HEARING NUMBER: PH2017-058

SUBJECT: Amend Chapter 22 "Traffic And Motor Vehicles", Sec. 22-292 "Fire Lanes" 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)"

DATE OPENED: 10/10/2017

CONTINUED TO:

CONTINUED FROM:

COMMITTEE:

O&A 9/18/2017

GCO

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Amend Chapter 2, "Administration", Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund" (full text on file in the City Clerk's office).

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-277 "One hour parking - Generally" by ~~ADDING Washington Street northerly side from an intersection with Five Street to a distance of 100 feet in a westerly direction in front of 179 Washington Street.~~

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-291 "Tow-away zones" - "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-270 "Parking prohibited at all times" - "Fort Square" 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".

Amend Chapter 22, "Traffic And Motor Vehicles", Sec. 22-290 "Same - off-street parking areas" 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".

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

Ad#13614580
CAB 9/29/17



10. *CC2017-031 (Cox) Amend GCO Ch. 22, Sec. 22-290 "Same-off-street parking areas" re: Fort Square*

The Traffic Commission agreed that overnight parking is currently allowed in a specific area as described in the Fort Square, and this is a housekeeping matter, **Councilor LeBlanc** said.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-290 "Same – off-street parking areas" 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."

This matter will be advertised for public hearing.

→ 11. *CC2017-032 (Cox) Amend GCO Ch. 22, Sec. 22-292 "Fire Lanes" re: Commercial Street*

This is a wording change endorsed by the Traffic Commission, it was noted.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-292 "Fire Lanes" as follows:

By DELETING "Commercial Street, northeasterly side from a point at the southeasterly corner of the intersection with Fort Square (pole #3707) at the entrance of 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"

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Councilor LeBlanc said this matter is to be continued at Councilor Cox's request. He noted that the area in question is at the intersection of Prospect and Friend Streets to Prospect and Taylor Streets where there are frequent traffic bottlenecks. With the consensus of the Committee, but with Councilor Gilman expressing her concern for a possible precedent set outside of the Council's Rules of Procedure, a public statement was allowed to be made by **Robert Whynott**, 27 Poplar Street, who recounted that he grew up in this neighborhood and lived there for 27 years and said that there are places that vehicles have to slow down due to a narrowing of the roadway because of parked cars, and that there are not many accidents there. He said there are so many streets that are similar, and suggested that were they to put the Fire Chief on the spot asking him if he thinks this could cause a problem for his department's vehicles to make their way along such a city street, he will say yes. He offered that the same could be said for the many like narrow inner-city streets which would mean they'd have to take all the parking away. He noted previously when the Council voted on such a measure for this area that the parking ban that during church services the parking ban was suspended.

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13. *CC2017-013 (O'Hara) Request that O&A & the Traffic Commission review the beach no parking areas for possible expansion; and that Sec. 22-176 "Penalties for parking violations" "Prohibited area (beach district)" be amended to increase the penalty to the maximum penalty permissible by law (Cont'd from 07/17/17)*

WARRANT FOR THE CITY OF GLOUCESTER ELECTION

TUESDAY, NOVEMBER 7, 2017

ORDERED, that due notice in the manner provided by law be given to all the voters of the City of Gloucester, qualified to vote, to meet in the ten Precincts of the City, **TUESDAY, THE SEVENTH DAY OF NOVEMBER, 2017** then and there between the hours of **7:00 o'clock** in the forenoon and **8:00 o'clock** in the evening to give in their votes for candidates for the following offices:

- MAYOR.....VOTE FOR NOT MORE THAN ONE**
- COUNCILOR-AT-LARGE.....VOTE FOR NOT MORE THAN FOUR**
- WARD (1) CANDIDATE.....VOTE FOR NOT MORE THAN ONE**
- WARD (2) CANDIDATE.....VOTE FOR NOT MORE THAN ONE**
- WARD (3) CANDIDATE.....VOTE FOR NOT MORE THAN ONE**
- WARD (4) CANDIDATE.....VOTE FOR NOT MORE THAN ONE**
- WARD (5) CANDIDATE.....VOTE FOR NOT MORE THAN ONE**
- SCHOOL COMMITTEE.....VOTE FOR NOT MORE THAN SIX**

BE IT FURTHER ORDERED, that the following locations be and are hereby designated for the meeting of such qualified voters on the **7th** day of **November 2017**.

WARD & PRECINCT	LOCATION
1-1 East Gloucester School	8 Davis Street Extension
1-2 Veterans Memorial School	11 Webster Street
2-1 Our Lady of Good Voyage Church Youth Center	140 Prospect Street
2-2 Our Lady of Good Voyage Church Youth Center	140 Prospect Street
3-1 Gloucester High School Field House	36 Leslie O. Johnson Rd.
3-2 Gloucester High School Field House	36 Leslie O. Johnson Rd.
4-1 Beeman Memorial School	138 Cherry Street
4-2 Lanesville Community Center	8 Vulcan Street
5-1 Magnolia Library Center	1 Lexington Avenue
5-2 West Parish Elementary School	10 Concord Street

Given under our hands this **10th** day of **October 2017**.

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

In Re:)
)
Application of Happy Valley Ventures MA, Inc.,)
and HVV Gloucester, LLC, as successor in title to)
Great Republic, LLC,)
for a Special Council Permit)
for 38 Great Republic Drive)
Pursuant to the)
City of Gloucester Zoning Ordinance)
Section 1.5.3 (c))
Section 1.8.3)
Section 5.7)
Section 5.27)

**DECISION OF THE CITY
COUNCIL OF THE CITY OF
GLOUCESTER**

SCP 2017-006

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 City of Gloucester Zoning Ordinance (“Ordinance”), hereby adopts the following findings and decision (“Decision”) with regard to the application of Happy Valley Ventures MA, Inc. (“HVV”) for a Special Council Permit (“Special Permit”) for 38 Great Republic Drive pursuant to Sections 1.5.3(c), 1.8.3, 5.7 and 5.27 of the Ordinance.

The property is located at 38 Great Republic Drive, Gloucester, and is shown as Assessor’s Map 263, as Lot 64 (“Site”). The Site is located in the BP (Business Park) zoning district. At the time of Application, the Site was owned by Great Republic, LLC, a Massachusetts limited liability company with a business address of 108 Thatcher Road, Gloucester, MA 01930, which entity joined in HVV’s Application in the limited role as consenting property owner; HVV Gloucester, LLC, a Massachusetts limited liability company with a business address of 1 International Place, Suite 1400, Boston, MA 02210, acquired title to the Site from Great Republic, LLC, on April 28, 2017, and thereby joined HVV’s Application in the limited role as consenting property owner.

HVV seeks a Special Permit as required by Sections 1.5.3(c), 1.8.3, 5.7 and 5.27 of the Ordinance. Section 1.5.3(c) of the Ordinance sets out the documentation required for a Special Permit application; Section 1.8.3 lays out the standard for issuing a Special Permit; Section 5.7 outlines the criteria for Major Projects; and Section 5.27 outlines the criteria for a Medical Marijuana Treatment Center and Medical Marijuana Cultivation Facility.

On April 19, 2017, HVV filed an Application for a Special Permit (the “Application”) to construct and operate a medical marijuana treatment center and medical marijuana cultivation facility to be located at 38 Great Republic Drive in the BP zoning district of the Blackburn Industrial Park. The Application and all of its contents are incorporated herein by reference.

On April 25, 2017, the City Council consented unanimously to refer the Application to the City of Gloucester Planning Board (“Planning Board”) and the City of Gloucester City Council Planning and Development Committee (“P&D”) for review.

PLANNING BOARD

In addition to the Application, on May 15, 2017, HVV made a concurrent filing with the Planning Board under Section 5.8 Site Plan Review of the Ordinance (the “Site Plan Review Application”).

Per the Ordinance, the Planning Board reviewed the Application and the Site Plan Review Application at properly noticed public meetings on June 1, 2017, August 3, 2017, August 17, 2017, and September 14, 2017. Throughout the Planning Board review process, various City departments including, without limitation, Community Development, Conservation, Engineering, Fire, Health, Planning, Police, and Public Works conducted an interdepartmental review. City staff met with HVV on September 11, 2017, and on behalf of HVV, Attorney Joel Favazza of Seaside Legal Solutions, P.C., 111 Main Street, Gloucester, MA 01930, submitted a Memorandum dated September 13, 2017, which is incorporated herein by reference (“SLS Memorandum”). Before the Planning Board were plans dated March 30, 2017, with revisions through September 13, 2017; exterior lighting plans dated September 1, 2017; landscape plans dated August 22, 2017, and the Application and Site Plan Review Application, all of which are incorporated herein by reference.

City staff offered a positive recommendation to the Planning Board.

Based on the materials submitted and incorporated herein by reference, on September 14, 2017, the Planning Board voted unanimously (6-0) to recommend to the City Council that the City Council issue a Major Project Special Permit for a Medical Marijuana Treatment Center and Medical Marijuana Cultivation Facility at 38 Great Republic Drive (Assessor’s Map 263, Lot 64), and to issue its Site Plan Review Approval.

The Planning Board recommended the inclusion of HVV’s proposed conditions in substantially the same form as found in the SLS Memorandum with the modification of a condition as it relates to the potential future use of the property as follows:

“Any proposed change in the use of the facility to dispense non-medical marijuana products shall require the modification of the City Council Major Project Special Permit and the Planning Board’s Site Plan Review Approval.”

PLANNING AND DEVELOPMENT COMMITTEE

On May 3, 2017, P&D continued its scheduled review of the Application to May 17, 2017.

On May 17, 2017, P&D received a brief presentation from HVV’s representative, Attorney Favazza, regarding the Major Project permitting path and how HVV intended to proceed thereon; P&D then continued its review of the Application to June 7, 2017.

On June 7, 2017, P&D continued its scheduled review of the Application to June 21, 2017.

On June 21, 2017, P&D continued its scheduled review of the Application to August 2, 2017.

On August 2, 2017, P&D continued its scheduled review of the Application to August 16, 2017.

On August 16, 2017, P&D received a brief presentation from HVV's representative, Attorney Favazza, as to how far along the permitting path HVV had traveled thus far; P&D then continued its review of the Application to September 6, 2017.

On September 6, 2017, P&D received a brief presentation from HVV's representative, Attorney Favazza, as to HVV's compliance with the multiple sections of the Ordinance under which the Application was being reviewed; P&D then continued its review of the Application to September 20, 2017.

On September 20, 2017 P&D reviewed the Application. On behalf of HVV, Attorney Favazza explained that the Application satisfies the following sections of the Ordinance:

Sec. 5.7.3 - Department Review: The Building Department has no concerns. The Conservation Commission ("ConCom") issued an Order of Conditions in May 2017. Ken Whittaker, Conservation Agent, has written a letter, incorporated by reference herein, that none of the subsequent proposed changes to the Site will require further ConCom review. The Engineering Department issued a memo recommending the Application move forward, which is incorporated by reference herein. The Fire Department issued a memo that the Fire Chief is satisfied with the fire access lanes, which is incorporated by reference herein. The Fire Department Memorandum requests that at a later phase of the project, a certified engineer assures that the Fire Department vehicles can access along the backside of the property on which there is a retaining wall.

The Public Works Department issued a Memorandum, incorporated by reference herein, that the permit to connect the sanitary sewer will serve to protect the interests of the City. The Health Department had questions regarding the kitchen facilities, which will be developed at a later phase of the project. It was noted that the state Department of Public Health ("DPH") examined all of the floor and site plans including that kitchen and certified that as proposed the kitchen satisfies state requirements.

Sec. 5.7.4 - Planning Board Review. The Planning Board voted unanimously to put forward a positive recommendation.

Sec. 5.7.5 – Special Permit Criteria for Major Projects:

- (a) The project has access from an arterial or collector street via ways serving not more than ten single-family homes. It was further noted that Great Republic Drive is one of the widest streets in the City and one of its newer roads.

(b) The subsection does not apply.

(c) All plan requirements for this subsection have been by the project.

(d) All requirements of the Zoning Ordinance have been met.

Subsections (e), (f) and (g) are not applicable to this Major Project because they relate to multi-family residential or assisted living facility use, and shopping centers.

Sec. 5.8 – Site Plan Review.

The Planning Board completed its Site Plan Review and issued their approval.

Sec. 5.8.7 – Review Guidelines and Approval.

The project meets the required objectives of the Site Plan Review.

(A) The property currently contains a dirt lot with invasive species, which will be replaced with a comprehensive landscaped area incorporating natural features. There will be mitigation planting on the westerly side of the property because that is where the parking lot is closest to the existing wetlands.

(B) As also determined by other City departments, stabilization and erosion control measures are satisfactory.

(C) During the Site Plan Review, this subsection was reviewed in great detail, and the traffic flow plan has been thoroughly scrutinized. Access to the site will be adequate for employees, patients and City vehicles accessing the property during emergencies.

(D) All areas designed for vehicular traffic are paved and this subsection has been met.

(E) All parking spaces for the project are arranged and clearly marked in accordance with the design and layout standards contained in Sec. 4.14 of the Ordinance. The number of parking spaces exceeds the requirements of the Ordinance, as verified at Site Plan Review.

(F) All utility service transmission systems, where practicable, have been placed underground. There are no overhead wires planned for the project.

(G) All surface water runoff from structures and impervious surfaces will be disposed of on site. The project features a comprehensive on-site stormwater drainage system plan that was approved by ConCom and the state Department of Environmental Protection through the Order of Conditions received by the project. The Engineering Department has also approved the drainage system.

(H) The property is not in an MI District so this subsection is not applicable.

(I) Pedestrian safety and vehicular safety to and from the site have been maximized. Following conversations with the Planning Board and the City's Economic Development Industrial Corporation ("EDIC"), additional sidewalks were added from the original plans and

circulation that was initially proposed as one-way is now two way along the front of the building (southerly side).

(J) The project does not feature any unreasonable departures from the character, materials, and scale of buildings in the vicinity. The project contains a 330 ft. long, 40 ft. high white sheet metal building which fits in with the buildings in the immediate vicinity. Within the Blackburn Industrial Park, #21 Great Republic Drive was noted as a similar structure in size with a similar building face. The nearest building in the Park is of similar size, scale, and material.

(K) The project ensures compliance with the provisions the Ordinance.

(L) The internal circulation design, as has been extensively reviewed, promotes the orderly and reasonable circulation within the site, protects public safety and does not unreasonably interfere with access to a public way or circulation of pedestrian or vehicular traffic on a public way. It was noted that parking spaces are designed, as are walkways, to ensure the safety of employees and patients.

Sec. 5.27 – Medical Marijuana Treatment Centers (MMTC) and Medical Marijuana Cultivation Facilities (MMCF).

Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities must undergo Site Plan Review and Major Project Review. Additionally, HVV must apply criminal background checks, which are completed at state Department of Public Health level. The project satisfies the requirements of this section that there is no MMTC or MMCF located 1,500 feet from any school or childcare establishment, where large numbers of minors regularly congregate, any church or any other structure used in whole are part for religious or spiritual services, etc., and that the project is located 500 linear feet from the property line of any residentially zoned property as well as 1,500 feet from any other similar facility. All these requirements are met by the proposed project.

The signage at the proposed facility is noted to be in compliance with this section. It was noted that any such facility must be directly attached to a MMTC or MMCF with which it is associated, and that in this instance this requirement is met. An annual report must be submitted to the state Department of Public Health and that report will also be submitted to the City as required by this section.

Attorney Favazza explained that the Application satisfies all of the Special Permit criteria of Section 1.8.3 of the Ordinance.

- (1) Social, Economic or Community Need: There will be 97 jobs created with a payroll of approximately \$3.8 million a year. It will cost approximately \$12 million for construction, which will benefit local construction companies.
- (2) Traffic Flow and Safety: Traffic flow and safety was intensely scrutinized through the Planning Board Site Plan Review, and by the Public Works and Engineering Departments. The parking lot meets the requirements of the Zoning Ordinance and the EDIC, as well as the practical demand this facility will place on the site and the

public safety requirements. It is to be ensured that even the City's largest fire truck can get through this site unimpeded.

- (3) Adequacy of Utilities and Other Public Services: 38 Great Republic Drive is located in the Blackburn Industrial Park where the utilities are more than adequate. National Grid has assured HVV that the in-place utilities will be able to handle the facility's electrical demands.
- (4) Neighborhood Character and Social Structure: It was noted that this is the only City Zoning District where an MMTC and MMCF can be located, and that the placement in an Industrial Park at great remove from residential and commercial facilities is consistent with the neighborhood and protective of the values and structures of other City neighborhoods.
- (5) Qualities of the Natural Environment: This facility is located in an industrial park. The site will be improved through this construction and use and through a comprehensive landscaping plan (on file).
- (6) Potential Fiscal Impact: By Year 3 the City will reap a minimum from the Host Community Agreement of \$100,000 in additional revenue annually, which is projected at \$240,000 if HVV meets the projections for servicing its patients. HVV is a non-profit and is leasing the property from a for-profit LLC entity and so property taxes will be paid. It is HVV's hope that the 97 employees will be spending a part of their paycheck locally, which is expected to create very strong economic multiplier effects.

In reviewing the Application and all related materials, Councilor Cox said that there was Site Plan Review and the Department recommendations reflect her conclusions about the project and why it meets the Ordinance's requirements. She said the project was proposed and reviewed thoroughly and she had no questions.

P&D noted that the only outstanding departmental recommendation was that of the Building Inspector. The Planning Director, Greg Cademartori, advised that the Building Inspector conveyed to him that he had no other concerns about this project. A building permit will be required.

Councilor Gilman said she understood two parking spots would be marked compact so that fire trucks can get by and asked how that would be enforced, expressing concern for the fire truck access should an emergency arise.

Mr. Favazza explained that the compact car spaces are included out of an "abundance of caution," and that all the parking spaces are 22 feet deep and even if a larger car were in the "compact" spaces, a fire truck would be able to pass. HVV management will monitor compliance with the "compact" parking restriction in these two spaces.

Councilor Gilman asked if the applicant has spoken with abutters. Mr. Favazza explained they had communicated to all abutters in the past, and there were no objections conveyed to him.

Councilor Lundberg said he spoke with Tom Gillett, the Executive Director of the EDIC who talks with Blackburn Industrial Park constituents on a regular basis, and was advised no concerns were raised by the abutters to the EDIC.

P&D credited Mr. Favazza's presentation, the findings of City Departments and the Planning Board, and concluded HVV satisfied the Ordinance's requirements.

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 issue a Major Project Special Council Permit (SCP2017-006) for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures MA, Inc. (HVV) (applicant), Map 263, Lot 64 at Great Republic Drive #38 pursuant to Sec. 1.5.3(c), Sec. 5.7 "Major Project" & Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" and 1.8.3 of the Zoning Ordinance as shown on the Plans as submitted to the City Clerk's Office on April 19, 2017 and Supplemental Plans submitted to the City Clerk's office on August 3, 2017 and Existing Conditions Plan by Gateway Consultants, Inc., Gloucester, MA dated 3/20/17 with revisions through 9/13/17 consisting of four sheets and Landscaping Plan by Annisquam Land Care, Inc., Gloucester, MA, dated 8/22/17. This Special Council Permit is in harmony pursuant to the governing Zoning Ordinance (all of which are incorporated herein) with the addition of the following conditions:

1. Facade: At least 1,000 square feet of the southern face of the proposed building be covered in tasteful artwork such as murals, the selection process for which must be initiated within thirty (30) days of receiving a Special Council Permit for the proposed facility. An as-built certification by a licensed architect or engineer stating this condition has been complied with shall be provided to the City prior to receiving an occupancy permit.

2. Planting Plan: HVV must enter into a written agreement with the City satisfactory to the Director of Public Works and General Counsel to perpetually maintain the plantings proposed in the public way prior to receiving an occupancy permit.

3. Potential Future Use: Any proposed change in use of the facility to dispense non-medical marijuana products shall require the modification of the City Council Major Project Special Permit and the Planning Board's Site Plan Review Approval.

4. Snow-Related Debris: HVV must maintain a landscaping and/or site maintenance agreement that includes an annual (on or before April 30 of each year) cleaning of the northern stone wall to remove any debris deposited during snow removal efforts from the prior winter.

5. Dedicated Patient Parking: Parking spaces numbered 11 through 27 on the Site Plan are to be reserved solely for patient parking (with the exception that staff requiring handicap parking be permitted to use such spots) and that, should HVV staff require use of more than two (2) of the existing handicap accessible parking spots, HVV will designate additional spots in the eastern parking field for handicap employee use.

6. Safety Fence: A safety fence is to be erected atop the proposed retaining wall along the northern portion of the upland.

7. Compact Car Parking: Parking spaces numbered 8, 9 and 10 on the Site Plan be designated compact car parking only in an effort to prevent interference with fire apparatus access while those spaces are in use.

8. 80,000 lb. Vehicle Load: HVV must produce a certification from a licensed engineer that the northern fire access lane will be able to handle an 80,000 lb. vehicle load prior to receiving an occupancy permit.

The decision and findings of P&D are incorporated herein by reference.

CITY COUNCIL

A public hearing was opened on June 13, 2017, at 7:25 P.M., and continued at multiple subsequent meetings without taking any testimony or receiving any presentations by HVV or City staff until September 26, 2017.¹ On September 26, 2017, the City Council re-opened the public hearing on the Application at 8:32 PM.

Councilors Orlando, LeBlanc, Nolan and Gilman made disclosures pursuant to G. L. c. 268A.

Attorney Favazza appeared on behalf of HVV. He explained that HVV has filed an application for a Major Project Special Council Permit for a MMTC and MMCF at 38 Great Republic Drive. His presentation included a Power Point slide show, which is on file and incorporated herein by reference.

HVV is a Massachusetts not-for-profit corporation compliant with state statutes governing such corporation. HVV leadership has experience in running non-profit corporations, as well as in real estate development.

The state Department of Public Health has issued HVV Provisional Certificates of Registration (“PCRs”) for HVV to operate Registered Marijuana Dispensaries (“RMDs”) at locations in Amherst, Boston and Gloucester at 38 Great Republic Drive. It was noted that since the last time an HVV application was before the Council, plans for 38 Great Republic Drive have expanded to make the location the flagship cultivation facility for HVV’s locations, as well as a state-of-the-art dispensary.

HVV’s history with the City was reviewed:

February 2016. HVV conducted initial outreach with City staff.

Spring 2016. HVV worked with Planning Board and City Council on zoning issues.

¹ There is written assent from Attorney Favazza on behalf of HVV on record with the City Clerk waiving the statutory time limits relative to receipt of a decision from the Special Permit Granting Authority for the Application.

April 2016. HVV hosted a community open house at The Tavern to explain the details and benefits of RMDs to interested residents, answer questions and seek feedback.

May 2016. HVV executed a Host Community Agreement with the City that provides impact fees and other benefits to the City.

Fall/Winter 2016. HVV applied for and received a Special Council Permit to construct and operate an RMD at 38 Great Republic Drive.

Early 2017. HVV's selected site in Fitchburg that was intended for their main cultivation facility experienced unexpected building issues. HVV, in consultation with the City, concluded it would be more appropriate and beneficial to custom build a facility in the City to meet HVV's and the state regulatory needs, as well as the needs of patients.

April 2017. HVV submitted the Application to the City Council.

Summer 2017. After departmental reviews, HVV incorporated all feedback from the Planning, Engineering, Fire, Public Works, Building and other departments. All City Department Memorandum and revisions to the Application made by HVV in response are incorporated herein by reference.

May 2017. HVV received an Order of Conditions from ConCom.

September 2017. HVV received Planning Board Site Plan Approval and a Planning Board positive recommendation by unanimous vote. P&D issued a positive recommendation. EDIC issued a waiver of certain covenants and project approval to operate the proposed project. The record of the Planning Board, P&D, and EDIC proceedings are incorporated herein by reference.

The Benefits to Community were discussed:

HVV will develop the vacant parcel in the "second half" of the Blackburn Industrial Park, turning it into a functional piece of property that will remain fully taxable despite the fact that the entity running the RMD is a non-profit corporation because the entity that owns the property is a for-profit limited liability corporation.

HVV has committed to using local contractors during construction whenever possible. HVV anticipates being an active corporate member of the community. The \$12 million construction project will provide numerous employment opportunities and other economic benefits.

There will be significant local economic benefits. The facility will employ approximately 97 employees at full capacity and HVV has made a commitment to hire local qualified individuals. It was noted that anyone who is hired must be approved by DPH. The main goal of the HVV facility is to provide medical treatment for which Cape Ann residents currently lack access.

The RMD design also was discussed:

HVV's RMD will be a purpose-built MMCF and MMTC. Numerous engineers, architects and other professionals studied the Site and all aspects of the proposed construction in order to custom-design this building for this particular location. There will be a secure garage for which an EDIC covenant requires an open loading dock that an 18-wheeler can back into. HVV received a waiver from that covenant because HVV will use cargo vans that will enter a fully secure garage where credentials will have to be shown and verified. To ensure safety, a door opens up and the vehicle pulls entirely into the bay, and then the door shuts before the van loads or unloads.

The dispensary floor is designed with room for private consultations; room for security cameras and monitoring devices to ensure there are no blind spots to secure the entire facility at all times that it is open. It was pointed out that not only will HVV bring jobs to the facility but "21st century jobs" to Gloucester, such as highly technical agriculture, research and development, technology, and other positions.

The Economic Benefits for Gloucester were discussed:

HVV and the City executed a Host Community (Benefit) Agreement. By Year 3 of HVV's operation, the agreement requires HVV to contribute 5% of gross sales quarterly to the City (with a minimum payment of \$100,000/year). These "impact payments" will occur in addition to the assessment of real estate taxes. HVV's projections estimate that the City will receive more than \$250,000 per year.

Renderings, Photographs of Existing Conditions, Site Plans, and Topographical Site Plans were presented, which are incorporated herein by reference.

It was noted that while HVV had agreed with City planning staff to install 1,000 square feet of murals on the building, the EDIC (which manages the Industrial Park) understood the Planning Board's initiative, but the EDIC holds the aesthetic control of the Industrial Park and expressed that the mural would be inappropriate for an industrial park. Because the EDIC, which governs the Blackburn Industrial Park, did not approve of the 1,000 foot mural on the side of the HVV building, Mr. Favazza asked that the condition related to the façade artwork be struck from the Special Council Permit as recommended by the Planning Board and incorporated in the P&D Committee's recommendation to the Council.

Operations, Employment and Security Protocols also were reviewed:

Sam Tracy of 4Front Ventures ("4Front") explained that his firm will assist with compliance and protocols for operation of the MMTC and MMCF. When the facility is operational, 4Front will implement training modules, job descriptions for all positions and operational support, employee training and rigorous protocols that comply with state law. Operations manuals are kept on site.

Mr. Tracy explained that several patient ailments are treated with Medical Marijuana, such as cancer, ALS (Lou Gehrig's disease), epilepsy in various forms, chronic pain, multiple

sclerosis, post traumatic stress disorder, glaucoma and muscular dystrophy. Treatment, however, is left solely to the discretion of a patient and his or her doctor.

Employee hiring practices are “highly regulated by the state.” In order to work in a facility, whether an MMTC or MMTTC, employees must be registered and approved by DPH. Among other requirements, employees must have a clean criminal history record and employees must demonstrate understanding of DPH regulations regarding transportation and sale of medical marijuana, including age verification and other safety measures, such as dispensing practices and storage.

Mr. Tracy stated that municipal and state compliance is the “highest priority” for HVV. At HVV, an inventory tracking (seed to sale) system prevents diversion. Third-party testing labs test all the products sold in the facility for potency and to ensure that there are no deleterious contaminants in any product. Other compliance measures are developed under the supervision of local law enforcement and state regulators.

The Dispensary Floor Plan was reviewed for the dispensary (the plan is on file and incorporated herein by reference). The dispensary is open only to registered patients and staff, not to the general public. Mr. Tracy presented the physical and operational system whereby a patient’s registration card is inspected and, if verified, the patient is escorted into the secured lobby where staff assists them and where they can wait. The number of patients on the floor of the showroom is tightly controlled. It was stressed that this is a medical facility. There are private consultation rooms available to speak in depth about the patient’s individual situation and gain an understanding of what products would be best for their particular situation. Cashiers are located off the showroom and are in a restricted area. Aside from the vestibule and patient areas, staff areas are secured and closed to the patients. A dedicated patient exit was noted. Of the “many security features” within the dispensary, it was highlighted that there is video surveillance both inside the facility and externally; there is a secure vault where medicine is held and secured when the dispensary is closed, all in compliance with state regulations.

Mr. Favazza noted that in addition to employing 4Front as a lead consultant, HVV has retained the services of Mjardin, experts in the field of the science and cultivation of medical marijuana. HVV is looking to build a “top-of-the-line” facility and has teamed up with industry leaders, including Mjardin. Additionally, HVV has engaged Agoge Compliance Management (ACM) to provide security design services for HVV’s operations. ACM will provide the services of former Special Agents with DEA and law enforcement specialists to oversee a security protocol for the MMTC and MMCF. Local law enforcement coordination is part of these proposed security protocol.

David Hunt, of Commercial Sales with American Alarm and Communications, Inc., explained that HVV will be designing, installing and providing security system and monitoring services. Mr. Hunt showed that cameras will record “every inch of the facility,” and track the movement of people inside and outside of the building. He stated that the state inspects before, during and after installation of security systems for compliance with regulations. He said he will meet with the Police Chief prior to installation to solicit feedback.

On behalf of HVV, Attorney Favazza explained that the Application satisfies the following sections of the Ordinance:

Sec. 5.7.3. The Application triggers requirement of a Special Council Permit from City Council for use which triggers GZO Sec. 5.7 Major Project Review and GZO Sec. 5.8 Site Plan Review, both of which have been completed. The findings and materials from those proceedings are discussed and incorporated by reference herein.

Sec. 5.7.4. Criminal background checks will be performed and are vetted at the DPH level.

Sec. 5.7.5. The project meets the requirements that the facility must be 1,500 feet from schools, churches, playgrounds, other RMDs, etc. and 500 feet from residentially-zoned properties.

Sec. 5.27.7, The project's signage will comply with the City's sign ordinance.

Sec. 5.27.8. The project complies with the requirement that medical marijuana-infused production must be attached to a cultivation or treatment facility.

Sec. 5.27.9. Annual reports must be sent to the City. As there is extensive annual reporting to the state, HVV will copy the City on these reports.

Sec. 1.8.3.

(a) Social, Economic, and Community Needs: The project will provide needed medical service to the community, provide construction jobs for local contractors, ongoing employment opportunities for residents, and substantial economic benefits to the City from taxes and Host Community Agreement payments.

(b) Traffic Flow and Safety: The site is specifically designed for use as an RMD with extensive input from City department heads. The traffic plans have been thoroughly vetted. The site is connected to Great Republic Drive and laid out intentionally for an industrial park.

(c) Adequacy of Utilities and Other Public Services: The project is located in the Blackburn Industrial Park among other manufacturing facilities. HVV has been actively communicating with National Grid to ensure there will be no issues obtaining the electrical demand for the facility.

(d) Neighborhood Character and Social Structure: The industrial park is a mix of commercial and industrial facilities well suited for this use and a facility of this size; this is the only zoning district where RMDs are currently allowed in the City by Special Permit under the Ordinance.

(f) Qualities of the Natural Environment: The site currently is a dirt lot with some scrub vegetation and no drainage with no notable expansion beyond existing fill. The project will provide the addition of significant green space and plantings (noted as being done by Annisquam Landscaping of Gloucester). It was noted that the applicant has reached out to the Public Works

Department and General Counsel as intending to landscape all the way to the back of the existing sidewalk. The parking spaces are very close to the southerly lot line leaving little room for “lush” screening. By offering to take over maintenance of the grounds leading to the existing sidewalk, HVV will be able to make a lush landscaping screening design for the southern face of the property. There is a comprehensive stormwater drainage system to handle on-site demands that has been reviewed by City staff.

(g) Potential Fiscal Impact: As stated, HVV will provide a minimum of \$100,000/year to the City via the Host Community Agreement; the site and buildings will remain fully taxable; and the project will provide dozens of permanent full time jobs.

Sec. 5.7.5 – Major Project Standards:

(a) Access from arterial or a collector street: Great Republic qualifies as a collector street. The Application satisfies this standard.

(b) Relates to septic systems that were noted as non-applicable for this Application.

(c) Site Plan requirements: The project has screened parking areas. High mounted lighting avoids glare and does not affect nearby parcels. With no residents nearby, there is ample parking and turnaround. While 46 parking spaces for a project of this size is called for under the Ordinance, the project provides 75 parking spaces. The project will not expand beyond the footprint of existing fill. Consistent with discussions with the City, the retaining wall at the northern end of the site will be adjusted to allow for access of the City’s largest fire trucks.

(d) Compliance with all other sections of Ordinance: As noted herein, the project complies with this subsection.

(e) Multi-family, (f) Shopping Center and (g) Assisted Living are not applicable to this Application for a Special Council Permit.

Leora Ulrich, 7 Grandview Road, spoke in opposition to the Application. She does not want a marijuana facility in the City.

Lisa Groleau, 598 Western Avenue, said that 588 cars a day coming to this facility is a lot of traffic. She asked how the city would regulate “600 drug dealers” per day to ensure they are not “hitting the streets of Gloucester.”

Mr. Favazza clarified that a speaker in opposition said there were 588 patients per day estimated to visit the RMD, when in fact, it was previously stated by him and in his presentation that it is estimated that there will be 188 patients per day not 588 patients per day. He said the number will have a negligible impact on the Industrial Park’s traffic, which is built to accommodate that volume of vehicle traffic. People seeking to utilize this facility are people who have legitimate medical ailments and are seeking treatment, he pointed out.

Joshua Ulrich, 7 Grandview Road, expressed concern, saying that when he was living in California a doctor would open an office next to a dispensary to give out prescriptions. He opposed the Application.

Councilor questions and responses are recorded in the City Council's Meeting Minutes dated September 26, 2017, which are incorporated herein by reference.

The City Council closed the public hearing at 9:21 p.m.

AMENDMENT

Councilor Orlando moved to amend the main motion by striking Condition #1, as recommended by the Planning Board and P&D, and that the conditions be renumbered appropriately, given the fact that the EDIC, which controls the Blackburn Industrial Park, has said that a mural is inappropriate for the Park. The motion to amend was seconded by Councilor Nolan.

By a vote of 7 in favor, 0 opposed, 2 absent (Memhard and Cox), the main motion was amended to strike Condition #1 of the Committee Recommendation and to renumber the conditions appropriately.

FINDINGS OF THE CITY COUNCIL

The City Council credited Mr. Favazza's presentation, the findings of City Departments and the Planning Board, all materials incorporated herein by reference and concluded that HVV satisfied the Ordinance's requirements.

Councilor Orlando said that the City needs two new schools, a public safety building, public infrastructure improvements, and areas that do not have City sewer in Wards 4 and 5. He noted the social and fiscal impact of this project in that the revenue to the City can be used for projects like this to improve the lives of its citizens. He said he has seen "nothing but professionalism" from the applicants, who he noted are willing to invest in the community and cooperate with all the City's boards and commissions. He pointed out the economic benefit of the manufacturing jobs that the project creates, which are important to the City. He said the public safety impacts are being appropriately addressed and he has complete trust with the City's "excellent" Police Department to become well versed in any issues that may come forward to be handled appropriately. Placing this facility in an industrial park is consistent with the applicable zoning, and given the benefits and revenues and jobs for the community, he termed it as a "no brainer" and expressed his support for the Application.

Councilor LeBlanc said this isn't just about "smoking pot;" that there are medicinal products that do not have THC in them; and that there are tinctures, salves, lip balms, patches and many ways in which the beneficial aspects of medical marijuana can enter a person's system to alleviate pain and medical symptoms without "getting high." He said there is a need for this medical use in the City. He said that the people of HVV are leaders in the industry, and that the Council heard about the layers of security on this property that are impressive to address public safety. The staffing will be with the right people to do the right thing to supply patients in need, he added, and lent his support to the Application.

Councilor Lundberg said the voters approved this, and that this has been vetted more extensively than any issue during his Council tenure – during the zoning of Medical Marijuana Treatment Centers and Cultivation Facilities, the Site Plan Review, Departmental Reviews, and

now through this Special Council Major Project Permit. He recounted that the City has been working for some time with the applicant, whose professionalism and responsiveness has been excellent, he said. This is new jobs and revenue for the City and the Council has protected the City by thoroughly vetting the land use issues. He said he will vote in favor.

Councilor Gilman said she did not vote for the medical marijuana law, but spending time talking to the folks in the community especially in her ward, she learned that medical marijuana has been a tremendous help to people going through chemotherapy. She said it is hard to ask a person that is ill to drive to Salem to get their prescription and there is community need. She noted she has gone by the site to view it and said that the Blackburn Industrial Park is isolated, as is the parcel in it, which makes it an ideal location to accommodate the use. She highlighted that security matters have been reviewed with Interim Chief McCarthy and said that the security is very strong. She expressed her appreciation to the Administration, Planning Division and City department heads and other City staff who did an “excellent job.”

Councilor Nolan offered his thanks to the Administration and HVV, saying he did not think anything was missed. He cited the work of P&D. He said he has watched family members and friends fight and die from cancer. He said his friends who have had cannabis to get them through that situation found that it had made their quality of life better. It is important for people to have this treatment recommended from a doctor and that the Blackburn Industrial Park is the right place for a MMTC and MMCF and said he would support the Special Council Permit.

Councilor O’Hara offered that he, too, has had friends with cancer who used cannabis to alleviate their pain and symptoms. He said he also understood the enforcement issues highlighting an incident this year when a person left a medical marijuana facility and killed a state trooper in Massachusetts. People who need medical marijuana have to go to Salem or Boston now to get their prescription to ease their pain, he pointed out. He found that the security systems are in place with this Application and mentioned that, while he was torn, he would support the Special Council Permit.

Council President Ciolino said he was pleased to see the mural condition struck down. He pointed out that beauty is in the eye of the beholder and noted that the EDIC has the role of protecting the Industrial Park. He said that the Council is approving a cultivation facility and an RMD by the same owner but that the two are different things. He pointed out there is always abuse no matter the situation. He said if the majority of people who use the facility are ill and the prescription helps then it is worthwhile. Addressing the cultivation facility, he pointed out that it is completely enclosed and an appropriate design and use. He noted the economic benefit of the 95 “good paying” jobs and said he hoped the jobs would increase. He said when he goes by the City’s wind turbines, which people objected to, he is reminded that each year the City gets a nice check from National Grid that pays for the electrical expenses of the City’s facilities. He said that all site and access issues have been well addressed, in part, because the facility is in an industrial park where it belongs. He offered his congratulations to the Community Development Department and all department heads involved.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Gilman, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Memhard, Cox) absent, to issue a Major Project Special Council Permit (SCP2017-006) for a Medical Marijuana Cultivation Facility and Treatment Center to Happy Valley Ventures MA, Inc. (HVV) (applicant), Map 263, Lot 64 at Great Republic Drive #38 pursuant to Sec. 1.5.3(c), Sec. 5.7 “Major Project” & Sec. 5.27 “Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities” and 1.8.3 of the Zoning Ordinance as shown on the Plans as submitted to the City Clerk’s Office on April 19, 2017 and Supplemental Plans submitted to the City Clerk’s office on August 3, 2017 and Existing Conditions Plan by Gateway Consultants, Inc., Gloucester, MA dated 3/20/17 with revisions through 9/13/17 consisting of four sheets and Landscaping Plan by Annisquam Landcare, Inc., Gloucester, MA, dated 8/22/17. This Special Council Permit meets the standards and is in harmony with Sections 1.5.3(c), 1.8.3, 5.7 and 5.27 of the Ordinance with the addition of the following conditions:

1. Planting Plan: HVV must enter into a written agreement with the City that is satisfactory to the Director of Public Works and General Counsel to perpetually maintain the plantings proposed in the public way prior to receiving an occupancy permit.

2. Potential Future Use: Any proposed change in use of the facility to dispense non-medical marijuana products shall require the modification of the City Council Major Project Special Permit and the Planning Board’s Site Plan Review Approval.

3. Snow-Related Debris: HVV must maintain a landscaping and/or site maintenance agreement that includes an annual (on or before April 30 of each year) cleaning of the northern stone wall to remove any debris deposited during snow removal efforts from the prior winter.

4. Dedicated Patient Parking: Parking spaces numbered 11 through 27 on the Site Plan are to be reserved solely for patient parking (with the exception that staff requiring handicap parking be permitted to use such spots) and that, should HVV staff require use of more than two (2) of the existing handicap accessible parking spots, HVV will designate additional spots in the eastern parking field for handicap employee use.

5. Safety Fence: A safety fence is to be erected atop the proposed retaining wall along the northern portion of the upland.

6. Compact Car Parking: Parking spaces numbered 8, 9 and 10 on the Site Plan be designated compact car parking only in an effort to prevent interference with fire apparatus access while those spaces are in use.

7. 80,000 lb. Vehicle Load: HVV must produce a certification from a licensed engineer that the northern fire access lane will be able to handle an 80,000 lb. vehicle load prior to receiving an occupancy permit.

GENERAL CONDITIONS

1. The minutes of the P&D meetings and the September 26, 2017, City Council public hearing and all documents and testimony received during the hearings are incorporated herein by

reference. All other meeting records, decisions, materials, and documents discussed in this Decision are also incorporated herein by reference.

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.

Accordingly, by said City Council Vote of September 26, 2017:

1. The 5.27 Special Council Permit for a MMTC and MMCF is granted; and
2. The 5.7 Major Project Special Council Permit is granted.

Decision adopted at the City Council meeting of _____, 2017.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws chapter 40A, and shall be filed within twenty (20) days after the filing of the above referenced Decision in the City Clerk's Office. Copies of the complete Decision and final plans are on file with the City Clerk.

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 September 26, 2017, vote(s) of the City Council sitting as the Special Permit Granting Authority.

Joseph Ciolino
President, City of Gloucester City Council

Joanne M. Senos
City Clerk

Date:



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-038
COUNCILLORS: Joseph M. Orlando, Jr., Sean
Nolan, Steve LeBlanc

DATE RECEIVED BY COUNCIL: 09/26/2017
REFERRED TO:
FOR COUNCIL VOTE: 10/10/2017

ORDERED that the City of Gloucester purchase an ocean skimmer in the amount of \$12,000 for the purpose of eradicating marine pollution in the Gloucester Harbor; and funding source for said purchase is to be determined by the Chief Financial Officer; and

FURTHER ORDERED that the City and the Cape Ann Maritime Partnership enter into a Memorandum of Understanding (MOU) for the responsibility of daily cleaning, emptying debris, maintenance, repair and supervision of said skimmer; and

FURTHER ORDERED that after City Council approval, this matter shall be referred to the Mayor for funding.

Joseph M. Orlando, Jr
Councillor at Large

Sean Nolan
Ward 5 Councillor

Steve LeBlanc
Ward 3 Councillor