

CALENDAR OF BUSINESS - GLOUCESTER CITY COUNCIL
TUESDAY, SEPTEMBER 18, 2007 7:00 p.m. KYROUZ AUDITORIUM, CITY HALL

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

PRESENTATIONS

1. Northeast Health Systems CEO: Steve Laverty

COUNCILLOR'S REQUESTS TO THE MAYOR

CONSENT AGENDA

• **MAYOR'S REPORT**

1. Funding of Gloucester Police Patrolmen's Contract (Refer B&F)

• **CHIEF ADMINISTRATIVE OFFICER PACKET**

1. Request from Historic Burial Ground Committee to accept a grant (Refer B&F)
2. Report from City Auditor "Duty When Appropriations are Exhausted" (Refer B&F)

• **INFORMATION ONLY**

1. Copy of Letter from Senator Tarr to Executive Office of Health and Human Services
2. Notice from SAK Environmental regarding release of Hydraulic Oil
3. Letter of Lease Termination from Director of Blynman Schoolhouse
4. Responses to Oral Communications from September 4th City Council Meeting
5. Responses to various Council Requests from DPW Director

• **APPROVAL OF MINUTES**

1. City Council Meeting 09/04/2007 (Approve/File)
2. City Council Meeting 09/08/2007 (Approve/File)

• **APPLICATIONS/PETITIONS**

1. Petition from "Downtown Gloucester Restoration Committee" requesting a Public Hearing.
2. SCP# 2007-19- 14 Cliff Avenue: Major Project pursuant to Section 5.7

• **COMMUNICATIONS**

1. Letter and Resolution from Recycling Coordinator re: Mass Recycles Paper! (FCV 10/16/2007)

• **ORDERS**

1. #2007-40 Amend 22-270, 22-291 Davis and Chapel Streets *Grow* (Refer O&A, TC)
2. #2007-41 Consideration of DIF for Gloucester Crossing Resolution *Tobey* (FCV 10/16/2007)

• **INVITATION**

1. CACC Breakfast Club 9/21/2007 7:30 a.m.

FOR COUNCIL VOTE

1. #2007-37 Request Mayor to ask EDIC to improve Kondelin Road *Peckham*
2. #2007-39 Mayor instruct Fire and Police Chiefs report on Regional 911 Service *Grow*
3. Recommendation to Mass Highway on 128 Extension Traffic Signal

DECISIONS TO ADOPT

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

SCHEDULED PUBLIC HEARINGS

1. Participation of retirees in State Contributory Group Insurance Plan (Continued from 08/07/2007)
2. SCP# 2007-11 – 142 Wheeler Street: 5.5, Construction of a float (Continued from 09/04/2007)
3. SCP# 2007-12 – 35 Dory Road: 5.22, Commercial Land Based Wind Facility (Continued from 09/04/2007)
4. SCP# 2007-13- 264 Main Street: 1.4.2, 2.3.2.17 Relocation of Cape Ann Moose
5. SCP #2007-14- 26 Railroad Avenue: 1.4.2.2 Drive Through Facility (Continue until 10/30/2007)

COMMITTEE REPORTS

1. P&D: 09/12/2007 (Under Separate Cover)
2. B&F: 09/18/2007 (Under Separate Cover)

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

ROLL CALL - Councillor James Destino

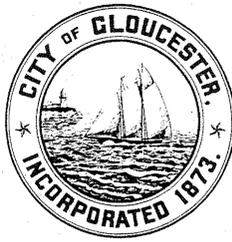
Robert J. M. [Signature]

NEXT REGULAR CITY COUNCIL MEETING, TUESDAY, OCTOBER 16, 2007

Minutes Filed in City Clerk's office Thru 09/12/2007

Archives Vault Designer Select. Cmte.; 7/24: Arts, Gloucester Cmte for the; 12/27/06, 3/28, 4/25, 7/25: City Hall Restoration Cmsn.; jt w/Roof Bldg.Cmte 2/12, jt w/Tower Proj.Bldg.Cmte., 7/16, 7/30: City Hall Roof (Phase II)Bldg Cmte; Final Rept.: City Hall Tower Proj. Des. Sel. Cmte; 2/5, 2/16, 3/5, 3/12: City Hall Tower Proj. Bldg. Cmte.; 3/19, 3/26, 4/2, 4/9, 4/23, 4/30, 5/14, 5/21, 6/4, 6/11, 6/18, 7/2: Comm. Housing Coalition; 1/3, 3/7, 6/19: Conservation Cmsn.; 2/7, 2/21, 3/7, 3/21: Downtown Dev. Cmsn.; 2/21, 5/9: EDIC; 2/21, 3/21, 5/30, 6/5, 6/20: GRA; 9/18/06: Health, Bd. of; 1/18, 2/1, 3/1, 3/15, 4/5, 4/19, 5/3, 6/7: Historical Cmsn.; 1/3, 2/7, 3/7, 4/11, 5/2, 6/6, Paint Factory sub-cmte 6/13, 6/19, 7/18: Licensing Bd.; 1/16, 1/29, 2/12, 3/12, 3/30, 4/9, 5/14, 6/11, 7/9: Licensing Cmsn.; 1/22, 2/21, 3/8, 3/15, 4/26: Planning Bd.; 2/7 (jtP&D), 2/26, 3/12, 3/26/4/9, 4/23, 5/14, 6/11, 7/9, 7/23, 8/13, 8/23: Shellfish Adv. Cmsn.; 1/10, 4/11, 5/9, 6/13, 7/11: Traffic Cmsn.; 6/21, 7/19, neighborhood mtg. 8/10: Waterways Board; 2/7, 3/7, 4/4, 5/2, 6/6, 7/11, 8/1: Waterways Pub.Fac.Sub; 4/25, 6/12, 7/25:

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TO: City Council
FROM: John Bell, Mayor 
DATE: September 10, 2007
RE: Mayor's Report for the September 18, 2007 City Council Meeting

1. **Enclosure 1** is a request that the City Council take the necessary action to fund the Gloucester Police Patrolmen's contract. *Please refer this matter to the Budget and Finance subcommittee for review and approval.*
2. **Enclosure 2 for your information** is a letter from Sharon Lowe, Director of the Blynman Schoolhouse notifying the City of her intent to terminate her lease with the City of Gloucester.
3. **Chief Administrative Officer Packet**

Enclosure 3 is a request from the Historic Burial Ground Committee to accept a grant in the amount of \$3,000. *Please refer this matter to the Budget and Finance subcommittee for review and approval.* Donna Polizzia or Helen McCabe will be available to answer questions and provide further information as required.

Enclosure 4 is a report from City Auditor Joseph Pratt regarding accounts which have expenditures exceeding their appropriations. *Please refer this matter to the Budget and Finance subcommittee for review.*

4. **Responses to Oral Communications**

Enclosure 5 contains responses to Oral Communications from the September 4, 2007 Council Meeting.

5. **Responses to Council Requests**

Enclosure 6 contains responses to Council Requests from the Department of Public Works.

ENCLOSURE 1

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

September 12, 2007

Council President James Destino
Members of the Gloucester City Council

Dear Mr. Destino and Councilors:

I am respectfully requesting that the City Council fund the Gloucester Police Patrolmen's contract. As you will recall, we have established a reserve account for the funds needed for retroactive pay consistent with the agreed upon contract terms. I would request that these funds be disbursed to the patrolmen at this time.

As you will also recall, the FY08 funds were not included in our adopted budget. At this time, if we use the remainder of the over budgeted School Choice funds of \$91,000, we would need an additional \$134,000. I propose we redirect any unused capital funds to address our currently budgeted capital needs, and that the \$134,000 be budgeted from the balance. This will be presented to the Council in the form of specific motions shortly. I would also ask the Council to disburse the retroactive funds while the 2008 funds are being processed. These funds represent contracts dating back to FY2003 and raises that all other City unions already enjoy the benefit of.

Please forward this request to the Budget & Finance subcommittee for review and discussion. Steve Magoon, Chief Administrative Officer, will be available to answer any questions.

Sincerely,


John Bell
Mayor

cc: Steve Magoon, Chief Administrative Officer
Jack Foote, President, GPPA

ENCLOSURE 2

RECEIVED

AUG 31 2007

Mayor's Office

Blynman Schoolhouse
46 Magnolia Ave.
Gloucester, MA 01930
978-525-3255
Tax ID 45-0507425

August 30, 2007

To Whom It May Concern:

The Blynman Schoolhouse, located at 46 Magnolia Ave., will be closing on September 30, 2007. With the rent increase, low enrollment, and high operating costs, it became financially impossible to meet our expenses while still providing affordable childcare for Cape Ann families.

Because of our financial crisis, it is necessary for the Schoolhouse to terminate its lease before we default in our rent payments. Again, our closure date is September 30.

Sincerely,



Sharon Lowe
Director

ENCLOSURE 3

RECEIVED

SEP - 4 2007

Mayor's Office

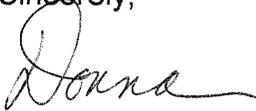
Historic Burial Ground Committee
9 Dale Ave.
Gloucester, Ma. 01930

Mayor John Bell
City Hall
Gloucester, Ma. 01930

Dear Mayor Bell:

Would you please forward a request to the City Council to accept a grant awarded to the Historic Burial Ground Committee from the Essex National Heritage Commission? The grant is in the amount of \$3,000 and will be matched with Burial Ground funds. Helen McCabe or I will be available to the Budget and Finance Committee if they have any questions about the grant. Thank you for your attention in this matter.

Sincerely,



Donna Polizzia
Burial Ground Committee member



ESSEX NATIONAL HERITAGE COMMISSION

221 Essex Street • Suite 41 • Salem, MA 01970
978-740-0444 tel • 978-744-6473 fax
www.essexheritage.org

May 16, 2007

Ms. Donna Polizzia
Gloucester Historical Burial Ground Committee
74 Cherry Street
Gloucester, MA 1930

Dear Ms. Polizzia:

Congratulations! It is with great pleasure that we inform you that the Gloucester Historical Burial Ground Committee has been awarded a 2007 ENHC Partnership Grant in the amount of \$3000. This is the ninth year of our grant program and we are pleased to help organizations such as yours achieve your goals.

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

Your Partnership Grant is subject to the enclosed "Grant Implementation and Reporting Requirements," which outlines several mandated federal provisions. Please note that ENHC is unable to reimburse your organization for expenses incurred prior to the execution of a Partnership Grant contract. Note also that all grant-related deliverables must be completed by June 30, 2008.

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

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

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

Sincerely,

Laurence C. Harrington
President

Annie C. Harris
Executive Director

Enclosures

ENCLOSURE 4

CITY OF GLOUCESTER AUDITOR'S OFFICE

FY2007

AUGUST 31, 2007

RECEIVED

AUG 30 2007

Mayor's Office

TO: CITY COUNCIL

FROM: CITY AUDITOR

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

cc: MAYOR JOHN BELL; ADMINISTRATIVE ASSISTANT, STEVE MAGOON

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

AS OF THE WEEK ENDING AUGUST 31, 2007 THE FOLLOWING ACCOUNTS HAVE
EXPENDITURES THAT EXCEED THEIR APPROPRIATIONS: CITY DEPARTMENTS

<u>ACCOUNT #</u>	<u>ACCOUNT TITLE</u>	<u>AMOUNT OVER</u>
101000.10.152.51970.051	Personnel/Retirement Sick Buy-Back	\$34,367.96
101000.10.211.51360.051	Police Uniform/Beach Over Time	\$4,089.24
101000.10.220.51570.051	Fire Department Workers/Comp	\$21,512.72
101000.10.499.51570.051	DPW Workers /Comp	\$8,443.98
610000.10.450.51570.051	Water Enterprise/Workers/Comp	\$5,996.90

CITY OF GLOUCESTER AUDITOR'S OFFICE

AUGUST 31, 2007

TO: CITY COUNCIL

FROM: CITY AUDITOR

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

cc: MAYOR JOHN BELL; ADMINISTRATIVE ASSISTANT, STEVE MAGOON

S 2-104 DUTY WHEN APPROPRIATIONS ARE EXHAUSTED

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

AS OF THE WEEK ENDING AUGUST 31, 2007 THE FOLLOWING ACCOUNTS HAVE EXPENDITURES THAT EXCEED THEIR APPROPRIATIONS: SCHOOL DEPARTMENT

<u>FUNCTION CODE</u>	<u>TITLE</u>	<u>AMOUNT OVER</u>
1220	Assistant Superintendent Office	(\$19,868.60)
2351	Professional Development Leadership	(\$8,378.90)
6200	Summer Special Needs	(\$11,885.32)

A, SCHOOL FUCTION CODE REPORT

Fiscal Year: 2007-2008

From Date: 7/1/2007 To Date: 8/31/2007

Include pre encumbrance

Print accounts with zero balance

Filter Encumbrance Detail by Date Range

Account Number	Description	FY08 GL Budg	Adjustments	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal % Rem
101000.29.370.51101.1220.00.170.00.051	Assist. Supt. Sal	\$100,000.00	\$0.00	\$100,000.00	\$19,230.75	\$19,230.75	\$80,769.25	\$80,769.25	\$0.00 0.00%
101000.29.370.51102.1220.00.170.00.051	Assist. Supt. Sec. Sal	\$28,985.00	\$0.00	\$28,985.00	\$9,568.00	\$9,568.00	\$19,417.00	\$40,185.60	(\$20,768.60) -71.65%
101000.29.370.57300.1220.00.270.00.057	Assist. Supt. Exp Acct	\$1,600.00	\$0.00	\$1,600.00	\$700.00	\$700.00	\$900.00	\$0.00	\$900.00 56.25%
Func: Asst. Superintendents Office - 1220									
101000.21.385.51101.2351.00.170.00.051	Asst. Supt. Curr. Salary	\$94,400.00	\$0.00	\$94,400.00	\$20,403.85	\$20,403.85	\$73,996.15	\$85,696.15	(\$11,700.00) -12.39%
101000.21.385.51102.2351.00.170.00.051	Asst. Supt. Clerical Aide	\$22,843.00	\$0.00	\$22,843.00	\$1,078.57	\$1,078.57	\$21,764.43	\$21,571.33	\$193.10 0.85%
101000.21.385.51901.2351.00.200.00.051	Admin. Tuition Reimbur.	\$2,328.00	\$0.00	\$2,328.00	\$0.00	\$0.00	\$2,328.00	\$0.00	\$2,328.00 100.00%
101000.21.385.57300.2351.00.200.00.057	Asst. Supt. Memberships	\$800.00	\$0.00	\$800.00	\$0.00	\$0.00	\$800.00	\$0.00	\$800.00 100.00%
Func: Prof Develop. Leadership - 2351									
101000.22.380.51101.6200.70.100.00.051	Summer Program Sal	\$81,500.00	\$0.00	\$81,500.00	\$94,209.78	\$94,209.78	(\$12,709.78)	\$0.00	(\$12,709.78) -15.59%
101000.22.380.55107.6200.70.200.00.054	Supplies Step Summer Prog	\$1,618.00	\$0.00	\$1,618.00	\$708.07	\$708.07	\$909.93	\$85.47	\$824.46 50.96%
Func: Summer Special Needs - 6200									
Grand Total:		\$334,074.00	\$0.00	\$334,074.00	\$145,899.02	\$145,899.02	\$188,174.98	\$228,307.80	(\$40,132.82)

End of Report

ENCLOSURE 5

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

September 10, 2007

Mrs. Margaret D. Rosa
26 Fort Hill Avenue
Gloucester, MA 01930

Dear Mrs. Rosa:

I am writing in response to your appearance during Oral Communications at the City Council meeting on September 4, 2007.

In your comments, you expressed concern regarding uncollected taxes and the lack of attention from both the Administration and City Council regarding this issue.

I have attached a copy of the letter which I sent to the Gloucester Daily times in response to this issue, which has been widely misunderstood. The Administration and City Council have been very attentive to this issue, although it is not the panacea that some believe it to be. We need to be aggressive in collecting revenues which are due to the City and we will make certain that these efforts continue to be a priority.

Thank you for your comments, and please contact me if you have any questions regarding the attached letter.

Sincerely,


Steve Magoon
Chief Administrative Officer

cc: John Bell, Mayor
Gloucester City Council
Anna Tenaglia, Chief Financial Officer
Linda T. Lowe, General Counsel

Attachment

SM/c

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

July 9, 2007

Mr. Dominic Nicastro
Editor
Gloucester Daily Times
Whittemore Street
Gloucester, MA 01930

Dear Mr. Nicastro:

I am writing to express my concern with the Friday, June 15, 2007 editorial about Gloucester tax title property. Several months ago, I learned the outside legal counsel who had been employed by the office of the City Treasurer for many years (long before the new/current Treasurer took office in April 2007), was terminated by the City Legal Department when it was determined that the City tax title matters pending in the State Land Court were not being pursued.

A new tax title lawyer was retained and great progress has been made on these matters in the past few months and will continue to be made until any backlogged cases are resolved. More importantly, this new outside counsel will keep today's tax title matters current, assuring that either delinquent real estate taxes are collected through the tax title process or that tax title properties are sold once the foreclosure process is complete.

It is important to understand that this role has nothing to do with the daily collection of bills by the City. It has to do with the court process of placing liens and the more lengthy process of taking property if an owner continues to refuse to pay their taxes.

The lapse in time has not allowed anyone the opportunity to avoid paying a debt owed. It has only allowed those who have already failed to pay additional time to resolve their debt to the City. I don't find it at all "absurd", however, that I didn't recall the name of the previous representative. My brain, unfortunately, is not my Rolodex.

Mr. Dominic Nicastro, Editor
July 9, 2007
Page Two

I agree the City needs any and all revenue it is due, and we will continue to actively pursue all of these. However, it is important to understand that the City, as any other jurisdiction, bases its revenue projection on the taxes owed. Therefore, these funds are uncollected revenue, not a new source of revenue, nor lost revenue, as we will collect these debts. Those who have not paid their taxes still owe the same amount plus interest. Our revenue is projected each year on the amount of taxes due. The interest owed is the only additional revenue, a portion of which we budgeted in the FY08 revenue projections.

Thank you for the opportunity to explain the significance of tax title property. We will continue to seek every opportunity to collect revenue due to the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Magoon", written in a cursive style.

Steve Magoon
Chief Administrative Officer

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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jbell@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

September 10, 2007

Ms. Barbara Lambert
27 Vine Street
Gloucester, MA 01930

Dear Ms. Lambert:

I am writing in response to your appearance during Oral Communications at the City Council meeting of September 4, 2007.

In your comments, you expressed concern regarding collection of unpaid property taxes, particularly associated with properties subject to development proposals. You suggested that this become a part of the application process.

I believe that this is already the case for at least some applications before the City, but will request that the Planning Director and Building Inspector revisit this issue and take all action as allowed by law.

Thank you for your comments and participation in issues before the City of Gloucester.

Sincerely,


Steve Magoon
Chief Administrative Officer

cc: John Bell, Mayor
Gloucester City Council
Gregg Cademartori, Planning Director
William Sanborn, Building Inspector
Linda T. Lowe, General Counsel

SM/c

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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CITY OF GLOUCESTER
OFFICE OF THE MAYOR

September 10, 2007

Mr. James W. O'Hara
55 Lexington Avenue
Magnolia, MA 01930

Dear Mr. O'Hara:

I am writing in response to your appearance during Oral Communications at the City Council meeting on September 4, 2007.

In your comments, you raised concern regarding a number of pieces of fire department equipment. The first item mentioned was the page-all system at the Magnolia station, to which Chief McKay has already responded and the Council has appropriated funds to address. The second item mentioned was the floating pumps being used to fight the forest fire in West Gloucester. A new pump has been purchased and I understand others have been working adequately in the days following your appearance before the Council. And, finally, you expressed concern about the two engine/pump trucks and their mechanical problems. You suggested the City should consider returning them and broaden participation in selecting any new equipment. We will consider all options regarding the two trucks and must ultimately have them in proper working order. As to selecting new equipment, we will have broad participation and consider input from many sources prior to making a purchase.

Thank you for your comments and continued participation in the issues before the City of Gloucester.

Sincerely,


Steve Magoon
Chief Administrative Officer

cc: John Bell, Mayor
Gloucester City Council
Chief Barry McKay

SM/c

ENCLOSURE 6



CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS • 01930

TO: Steve Magoon, Adm. Assistant to the Mayor
FROM: Joseph P. Parisi, Jr., Director of Public Works
RE: Council Request 8/21/07 and 9/4/07
DATE: August 29, 2007

RECEIVED

SEP 11 2007

Mayor's Office

07-211 (Destino) Request the Mayor instruct the DPW to trim the hillside at Matos Field and especially around the electric box that turns the lights on. - Complete

07-212 (Destino) Request the Mayor instruct the DPW to trim and clean the park off of Parker and East Main. - Complete.

07-213 (Destino/Hardy) Request the Mayor instruct the DPW to cut the grass at Plum Cove and Beeman Schools. - Grass cutting at the schools is the responsibility of school maintenance.

07-214 (Destino/Hardy) Request the Mayor instruct the DPW to repair the pot hole in front of Gleason's on Washington Street. - Completed 8/29/07.

07-215 (Grow) Request the Mayor instruct the DPW to repair the pot holes along Wonson Street. - Completed 8/29/07.

07-216 (Grow) Request the Mayor instruct the DPW to tend to overgrown vegetation in the following locations on Eastern Avenue:

- i). Trees overhanging sidewalks across from Day's Pond, pedestrians have to walk in the street. - Overhanging tree branches are scheduled to be cut the week of 9/10/07.
- ii). Out of Shaw's Plaza (coming from Rockport) on Eastern Avenue (the bad corner) vegetation covers the "Slow Children" sign and sidewalk. - Complete.

07-217 (Tobey) Request the Mayor provide an assessment from the City's environmental engineer as to the status of the City's water supply and the need for use restrictions given ongoing drought conditions and that said report be provided to the City Council by August 28, 2007. - Use restrictions were put in place on August 28, 2007 and a presentation to the City Council was made on September 4, 2007.

07-219 (Hardy) Request the Mayor instruct the DPW to immediately remove and replace the broken (sheared off) guardrail at the intersection of Maplewood Avenue and Poplar Street. - Guard rail is removed and quotes are being obtained to reinstall the guard rail.

07-220 (Hardy) Request the Mayor, on behalf of the taxpayers of the City, file an insurance claim against the operator of the motor vehicle that caused the accident at the corner of

Maplewood Avenue and Poplar Streets which completely destroyed a vital guardrail - said claim to be in an amount equal to the cost to remove and replace said guardrail. -Insurance claim is in process. If insurance payment is not possible, the DPW will utilize operational funds for replacement of guard rail.

07-221 (Destino) Request the Mayor instruct the DPW to clean up Governor's Park. - Complete.

07-222 (Peckham) SECOND REQUEST That the Mayor instruct D.P.W. to use the necessary resources to fix the crumbling Bridge on Concord Street. The stone pilings on both sides of the Bridge are falling into Walker Creek. D.P.W. so far has only filled two small holes in the road created by the falling stones. This is becoming a more potentially dangerous situation by the day. - As stated in response to request 07-159 the bridge repairs are significant and will require wetland permitting. Engineering is in the process of preparing a scope of work and cost estimate for repairs. More information will follow as it becomes available.

07-223 (Hardy) Request the Mayor instruct the DPW to paint the crosswalk at the intersection of Nally Ave, Wheeler St and Thurston Pt. Road as soon as possible for students getting off the bus at this location. - These crosswalks were painted in the spring, but they will be reinspected and if they need to be repainted, a work order will be created to schedule this work.

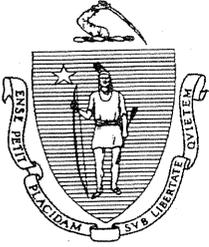
07-224 (Grow) Request the Mayor instruct the DPW that the sidewalks along Eastern Avenue (from Barn Lane to Wolf Hill especially) be repaired, the vegetation cleared and that they be made safe for pedestrians. - The vegetation along this section of roadway has been trimmed back and the sidewalks will be inspected for repairs.

07-225 (Grow) Request the Mayor instruct the DPW that the potholes on Wonson Street be filled and the trash along Horton Street out to the Paint Factory be picked up. - Wonson Street pot holes have been repaired. Trash along Horton Street was picked up on 9/6/07.

07-227 (Destino) Request the Mayor request the DPW Director, Fire Chief, and Environmental Engineer be present at the City Council meeting of September 4, 2007 to answer questions in regards to the Water Ban. - Complete.

C: June Budrow

Word/Council: REQ0712



COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS SENATE

STATE HOUSE, BOSTON 02133-1053

CITY CLERK
GLOUCESTER, MA

07 SEP -4 PM 1:08

SENATOR BRUCE E. TARR
ASSISTANT MINORITY LEADER
FIRST ESSEX AND MIDDLESEX
DISTRICT
ROOM 313A
TEL. (617) 722-1600
FAX. (617) 722-1310
Bruce.Tarr@state.ma.us

COMMITTEES:

SENATE WAYS AND MEANS
CHILDREN AND FAMILIES
ENVIRONMENT, NATURAL RESOURCES & AGRICULTURE
TELECOMMUNICATION, UTILITIES AND ENERGY
ECONOMIC DEVELOPMENT AND EMERGING TECHNOLOGY
HEALTH CARE FINANCING
JUDICIARY

August 29, 2007

JudyAnn Bigby, MD
Executive Office of Health and Human Services
One Ashburton Place, Room 1109
Boston, Massachusetts 02108-1618

Dear Secretary Bigby,

I'm writing to request your approval of funding from the Essential Community Provider Trust Fund for Addison Gilbert Hospital through the recently submitted application of Northeast Hospital Corporation. The financial assistance sought by this request is a significant factor for the continued vitality of the hospital, which is in turn a central and essential component of health care delivery for the citizens of Cape Ann and beyond.

The importance of Addison Gilbert Hospital to the public health of our region cannot be overstated. AGH serves the geographically isolated populations of Cape Ann, and the legions of visitors to the area from around the world throughout the year.

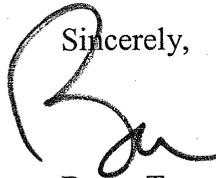
Importantly, AGH must continue to provide all of the services required by the Department of Public Health for the operation of an emergency department including emergency surgery on a 24 hour per day, 7 days per week basis.

Given the challenges of providing these services on Cape Ann, financial support from the Commonwealth is important and appropriate. In the same vein the Executive Office of Health and Human Services and DPH should take any and all available regulatory actions necessary to ensure that all of the eight essential services mandated for an emergency department are operative without interruption for the public health of the tens of thousands of citizens and visitors for whom AGH is the only immediately available option for emergency and acute care.

Clearly Addison Gilbert Hospital should receive support in order to remain a full-service primary care institution, and I request that you provide that support from the Essential Community Provider Trust Fund.

Thank you for your consideration of this request, and my views regarding Addison Gilbert Hospital and Cape Ann. Please do not hesitate to contact me if I may be of any further assistance.

Sincerely,



Bruce Tarr
State Senator

Cc: Representative Verga
Mayor Bell
Gloucester City Council
Rockport Board of Selectmen
Manchester Board of Selectmen
Essex Board of Selectmen
Steven Laverty, CEO Northeast Health Systems

07 SEP 10 PM 1:21

September 7, 2007

Chairperson
City of Gloucester
9 Dale Avenue
Gloucester, MA 01930

Re: Notice of Release of Hydraulic Oil
Varian Semiconductor Equipment
35 Dory Road
Gloucester, Massachusetts
MADEP RTN# 3-26929
SAK Project No.: 05.23.01

Dear Chairperson:

This letter has been prepared in accordance with the public notification requirements of the Massachusetts Contingency Plan (MCP) regulations (310 CMR 40.1403) notifying you that a Class A-1 Response Action Outcome (RAO) Statement has been submitted to the Massachusetts Department of Environmental Protection (MADEP) for a release of hydraulic oil at the Varian Semiconductor Equipment facility located at 35 Dory Road in Gloucester, MA. The submittal is available for public review at MADEP's Northeast Regional Office at 205B Lowell Street in Wilmington, Massachusetts.

If you have questions, please contact Mr. Neil Tyrrell, Environmental Health and Safety Engineer at Varian Semiconductor Equipment at 978-282-2049.

Sincerely,
SAK Environmental, LLC

By:



Zachary M. Taylor
Environmental Scientist

cc: DEP Northeast Regional Office
Neil Tyrrell (Varian)

City Council
Tuesday, September 4, 2007 – 7 p.m.
Kyrouz Auditorium – City Hall

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

Also: Steve Magoon, Maggie Rosa, Barbara Lambert, James O’Hara, Joe Parisi, Barry McKay, Christie Millhouse, Gregg Cademartori, Sam Park, Michele Harrison, Joe San Clemente, Tom Wilder, Clay Smook, Jim McKenna, Matthew Enslow, Denise Raphael, Joseph Orlando, Bob Whyntott, Richard Gaines

Absent:

The meeting was called to order at 7:00 p.m.

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

Maggie Rosa, 26 Fort Hill Avenue stated during the budget process the fact that the city is owed \$4 million in back taxes and has not tried to collect those for the past three years came to light and it is difficult for her to understand that the committee and the Council didn’t notice that the amount in this line item has suddenly become zero and the public has not been given any facts on how this issue was resolved. It seems this should be on the front burner and she asked why the Council and the administration haven’t provided the public with any update. Where is the sense of urgency? She respectfully requests that this be on the agenda of each B&F meeting until this issue is resolved.

Councilor Grow requested an update from Anna Tenaglia, CFO at the next B&F meeting, in addition to a response from the administration to Maggie Rosa.

Barbara Lambert, 27 Vine Street owns the historic Riggs House and one-quarter of Riggs pasture is owned by a developer. The taxes on the property were not paid for 18 years and she was promised in 1997 that this property would be foreclosed and it wasn’t. The developer then transferred the property to his corporation and 8 years were forgiven. She suggested there be a question added to all permit application forms and that should be if taxes are paid or not and if not, then that application should not be considered.

James O’Hara, 55 Lexington Avenue spoke on the “Page-all” system in Magnolia and the importance of having that. There presently is a fire burning over at Haskell’s Pond where they are fighting the natural topography and having fully functional equipment is essential. The pump engines which are only two years old continue to be a problem for the city, as do the faulty or antiquated floating pumps. The city should be looking at legal action because of these trucks. He knows the Chief is working hard and that he has a lot on his plate and feels that a subcommittee may be of help when looking to purchase new equipment. We need to be purchasing and looking at the right equipment. He understands the cost of a floating pump is \$1,500 and compared with the cost of putting 12 to 15 firefighters in the forest, it adds up pretty quickly.

COUNCILLOR’S REQUESTS TO THE MAYOR

07-221 (Destino) Request the Mayor instruct the DPW to clean up Governor’s Park. See e-mail from concerned constituent. “Please help me with the DPW. I’ve been calling them for 2 days to come by and clean this park. The trash barrels are overflowing, there’s broken glass all over, also somebody tossed all their leaves, twigs, and logs from a tree that has been cut down in the brush (lookout street side). The kids play in this park and people walk their dogs, the broken glass makes it very dangerous. The neighborhood has a very bad skunk problem. I would guess because the trash that hasn’t been picked up. I can’t put my dogs out at night to pee because of the skunks. One got a direct hit in the snout and he was in the yard! This trash is going to attract raccoons and rodents. Not to mention possibly coyotes. I have not seen a DPW truck in this park since June. It’s not to say that they haven’t been there, but based upon what I can see, they probably have not.”

07-222 (Peckham) SECOND REQUEST That the Mayor instruct D.P.W. to use the necessary resources to fix the crumbling Bridge on Concord Street. The stone pilings on both sides of the Bridge are falling into Walker Creek. D.P.W. so far has only filled two small holes in the road created by the falling stones. This is becoming a more potentially dangerous situation by the day!!

07-223 (Hardy) Request the Mayor instruct the DPW to paint the crosswalk at the intersection of Nally Ave, Wheeler St and Thurston Pt. Road as soon as possible for students getting off the bus at this location. (Others have been painted in the area, but not this one for some reason???)

07-224 (Grow) Request the Mayor instruct the DPW that the sidewalks on along Eastern Avenue (from Barn Lane to Wolf Hill especially) be repaired, the vegetation cleared and that they be made safe for pedestrians.

07-225 (Grow) Request the Mayor instruct the DPW that the potholes on Wonson Street be filled and the trash along Horton Street out to the Paint Factory be picked up.

07-226 (Hardy) Request the Mayor instruct the MIS department to create an easily accessible, prominently positioned "Emergency" web page on the city web site. This page should contain 24 hour emergency contact information for varying situations including, but not limited to: STEP problems, pot holes, downed trees, rabid dogs, dead birds, flooding, etc., etc., etc.

Further, that this web page be managed by someone who will have 24 hour access to update this information and to post "real time" instructions for emergency situations AS THEY ARISE.

07-227 (Destino) Request the Mayor request the DPW Director, Fire Chief, and Environmental Engineer be present at the City Council meeting of September 4, 2007 to answer questions in regards to the Water Ban.

07-228 (Tobey) Request the Mayor instruct the appropriate City department to repair the warped and missing planking at the Town Landing on Rogers Street adjacent to St. Peter's Park, the lobstermen's marina, and the former Doyon's Building.

07-229 (Grow) Request that the Mayor direct the Personnel Department to participate in current and future State/DLS wage surveys.

CONSENT AGENDA

• MAYOR'S REPORT

1. **Appointment-** Personnel Director: **David J. Bain, Jr.** (*Refer O&A*)

• CHIEF ADMINISTRATIVE OFFICER PACKET

1. Special Budgetary Transfer Request from Treasurer's Office (*Refer B&F*)
2. Memo from City Engineer requesting permission to expend FY08 Funding for STEP Maintenance (*Refer B&F*)

• INFORMATION ONLY

1. Copy of letter from Senator Tarr to Massachusetts Dept. of Education
2. Letter regarding the development of the Cape Ann Community Health Center
3. Notice of Foundation Reserve Award from MA DOE
4. Responses to Various Council Requests

• APPROVAL OF MINUTES

1. City Council Meeting 08/21/2007 (*Approve/File*)

• APPLICATIONS/PETITIONS

1. SCP# 2007-15- 8 Norwood Court: 5.5.4, Construction in a Lowland (*Refer P&D*)
2. SCP# 2007-16- 43 Witham Street: 2.3.1, Multi-Family Dwelling (*Refer P&D*)
3. SCP# 2007-17- 39 River Road: 5.5.2 Lowlands Permit (*Refer P&D*)

• COMMUNICATIONS

1. Memo from City Auditor re: West Gloucester/Little River sewer project funds (*Refer B&F*)

• ORDERS

1. #2007-37 Request Mayor to ask EDIC to improve Kondelin Road *Peckham* (*FCV 09/18/2007*)
2. #2007-38 Request Speed Limit Study on Harbor Loop *McLeod* (*Refer O&A, TC*)
3. #2007-39 Mayor instruct Fire and Police Chiefs report on Regional 911 Service *Grow* (*FCV 09/18/2007*)

- **INVITATION**

1. Mother of Grace Club feast 09/07-09/09/2007

Addendum to the Mayor's Report, Harbor Plan

MOTION: On motion of Councilor Grow and seconded by Councilor Swekla the City Council voted 9 in favor, 0 opposed to refer the Addendum to the Mayor's report, Harbor Plan to both Planning and Development and the Planning Board.

Councilor Tobey requested the e-mail communication from Richard Rosenthal that laid out a second vision of the Harbor Plan and the recently submitted update from the Chamber of Commerce also be forwarded to Planning and Development and Planning Board.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo the City Council voted 9 in favor, 0 opposed to refer the e-mail dated 7/7/07 from Richard Rosenthal and the communication from the Chamber of Commerce, both regarding the Harbor Plan be forwarded to Planning and Development and Planning Board for review.

ITEMS REMOVED FROM CONSENT AGENDA

Councilor Tobey removed information only #1, notice of foundation reserve award from Mass DOE.

MOTION: The consent agenda was adopted by UNANIMOUS consent of the full City Council with the exception of information item #1, notice of foundation reserve award from Mass DOE.

Councilor Tobey noted that the funds may be used for any municipal purpose and requested the matter be referred to B&F.

MOTION: On motion of Councilor Tobey, seconded by Councilor Romeo the City Council voted 9 in favor, 0 opposed to refer the notice of foundation reserve award from Mass DOE.

WATER BAN QUESTION AND ANSWER SESSION BY COUNCIL

DPW Director, Fire Chief and Environmental Engineer

Joe Parisi, DPW Director provided graphs showing water usage and Bonds Hill Reservoir level. (*copies in file*). On 8/28 a water ban was enacted due to the drop in the level at the Bond Hill Reservoir to a critical level of just over 8' at the tank. During the number of days since the ban was enacted there has been a steady increase and we are back to a comfortable range of just below 14'. There still is concern with continued drought and continued high usage that we may get because of it. **Councilor Tobey** asked what the relevance of the level rising.

Mr. Parisi replied that tank provides the pressure throughout the city and as the level in the tank drops so does the pressure throughout the city.

Councilor Tobey asked isn't pressure secondary to the question of having adequate treated water.

Mr. Parisi replied yes, it is treated from both plants and what is not used will either fill up the tank or draw it down if being used.

Councilor Tobey asked in the course of the last few days which treatment plant is the water coming from and how much is left at Babson.

Mr. Parisi stated the water was coming from Babson and there is about 28 days left.

Councilor Tobey stated with dry weather in the foreseeable future it seems the key to resolving this potential crisis is to get the West Gloucester treatment plant on line.

Mr. Parisi agreed and stated in terms of water supply we were more concerned with the dropping level of Bonds Hill but at the same time we know we have a limited capacity at Babson. The facility in West Gloucester is under repair and we expect that to go on line within 20 days.

Councilor Tobey stated we have to be back at West Gloucester within the 28 days.

Mr. Parisi stated there are two filters at each plant and we are at one-half capacity at the West Gloucester plant.

Councilor Tobey stated for clarification that work is proceeding at West Gloucester and you are rehabilitating a filter bed.

Mr. Parisi replied yes. There are two filter beds and the work is going fairly well. There are still minor repairs to be made on two cells out of 80 and the plates went in today and the filter bed will be filled with sand Monday.

Councilor Tobey asked if the device sprays the untreated water down onto the sand filters that remove organics and other materials.

Mr. Parisi stated the sand itself ultimately filters the water. The tracks are used to clean everything that has been filtered out.

Councilor Tobey asked if they have tested the work and have all elements of the work passed.

Mr. Parisi replied they have tested the first filter and it seems to work well. Some of the plates were fractured but most of the plates had a coating that was preventing the water from getting through so we repaired and cleaned the plates and the water seems to be flowing. There are two plates that were allowing some sand to go through but were repaired.

Councilor Tobey asked when they will be getting off Babson and onto the West Gloucester plant.

Mr. Parisi replied we are scheduling a move from Babson to West Gloucester on 9/22.

Councilor McLeod asked how many days water is reserved in West Gloucester.

Mr. Parisi replied there is 179 days at 5 million gallons per day and we are anticipating usage will go down because it is the end of the season and those figures are without any rainfall. We could use the other plant to get the level of Bonds Hill up. We could have trouble filling that up because we weren't able to fire up both plants to get that level back up and that is the reason we had to put on a water ban. We have a lot of water in the West Gloucester system; we just need to get back on line.

Councilor McLeod asked if during this situation Klondike has been used.

Mr. Parisi replied yes, there have been a number of days where we have operated Klondike. We are in a situation where we have to man that operation until we have a certain number of days. We have to have a licensed operator at the site until we have all the systems in place.

Councilor Swekla thought we had plenty of water on the other side of the bridge. We are restricted but yet we have 179 days available but we can't get to it because we aren't operating properly. Do we have a preventative measures about anything in this city.

Mr. Parisi stated for many years we did not but we recently presented a water needs assessment report and requested \$3.5 million of an estimated \$40 million needed to get these repairs under way. We are well on our way but have to continue with that course. We have very fragile water and waste water systems that need to be repaired.

Councilor Foote knows there is a water shortage and asked what is being done to stop people from watering their lawns.

Mr. Parisi stated we certainly can check with the Board of Health whether or not a property has a well and if we are informed that people are using water outdoors we have a flyer and the fines that go with it.

Councilor Foote asked what the fines are.

Mr. Parisi replied the first offense is \$50 and the second offense if \$100. He is sure there are some people abusing it but the usage has gone down and we need to keep that in place until we get West Gloucester up.

Councilor Romeo is concerned about working with the Fire Chief to find out what would happen if there is a major fire.

Mr. Parisi stated if they were at a location where there was a hydrant pressure would be a concern if the level at Bonds Hill were critically low. He will find out if there is anything they can assist with fighting the Haskell Pond area fire. They are looking at the reservoir as a source of water and need pumps that work.

Councilor Romeo asked if they regularly inspect pipes and hydrants.

Mr. Parisi stated the instance Councilor Romeo is referring to was a problem with a pipe and not related to the Bonds Hill issue. We know where there are problems with the infrastructure.

Councilor Romeo feels we should increase those fines; \$50 is not sufficient.

Mr. Parisi is sure those fines haven't been revised in a number of years and he will get back to the Council with a proposal for revised fees.

Councilor Hardy asked how many days we have to operate Klondike before we can pull out of there.

Christie Millhouse, Environmental Engineer replied 90 days is the minimum staffing before we can apply for satellite status – not to have to staff the plant but only perform short daily inspections.

Councilor Hardy asked how many days we have so far.

Ms. Millhouse replied 70 or so. There are still computer issues over there and she has an appointment set up with a systems integrator to begin repairs of the software and we also had a mechanical problem with the filter itself. We fought many months with the manufacturer to put on new valves even though they were out of warranty and they finally did the repairs. The remaining issue is the software and she hopes to complete the 90 days this fall and have significant work done on this system. There is nothing that stops us from running this year round.

Councilor Hardy stated this is frustrating and would like to see a return on the \$3 million we put into Klondike. She also requested a comparative water usage chart from year to year to project if the rates should go up.

Mr. Parisi agreed to put that together.

Councilor Hardy asked if we know how much water we used on the fire in West Gloucester or the cause of the fire.

Chief McKay replied we have been pumping non-stop along with Essex firefighters in the daylight hours – at least 100 gallons per minute and have used well over 20,000 gallons. As to the cause, we found at the very edge of the fire a campfire that must have been left and spread.

Councilor Hardy asked if we have a ban on open burning as well.

Chief McKay replied we closed the woods in anticipation but we could ask the public to ban open burning. Our problem is people in the woods; this fire is burning furiously and deep and is a dangerous fire.

Councilor Hardy received a call the other night regarding a neighbor burning a chimenea.

Chief McKay stated most of the chimineas have screens and a flame trap on the top. They are not outlawed in the state.

Councilor Hardy requested the Chief and administration get together to work on an outside burning ban.

Chief McKay agreed.

Councilor Peckham spoke to the Mayor who mentioned the fire was getting extremely serious and was thinking of calling in the National Guard.

Chief McKay process of talking with the mutual aid begun the conversations with Mass Emergency agency and state to access national guard helicopters for water drops this is no small undertaking in allowing those state assets to fly they want assurance from the city that they will not be held responsible for any helicopter crashes that could occur when using the reservoir water to fight the fires. If this fire continues to expand he asked the Council to be able to bring in those resources and use our water sources to continue to fight the fire.

Councilor Peckham defined the fire and are there any homes in danger.

Chief McKay stated there are no homes in danger; this is on the south side of Haskell's Reservoir in a remote location and we know we have 15 acres burning. We are still along way from people's home but we are damaging the environment incredibly. If all the trees and vegetation are gone mud will go into the reservoir the ability of the forest to regenerate under these conditions it is burning out the root systems of the trees that area will not regenerate in his life time. It will take years for that to come back.

Councilor Peckham asked since you don't know when the fire will be under control can you tell us what way the fire is heading and if there are homes in that area.

Chief McKay stated the wind was moving the fire east to the west towards Essex the southwest wind is pushing the fire back towards the reservoir. Then the wind switched west blowing smoke all the way into Magnolia.

Councilor Peckham asked is this being posted on local cable TV so people can have updates to be aware of any potential situations to their homes.

Chief McKay replied the fire is still miles away from homes but day to day will make updates. Often the National Guard will refuse to fight these fires unless it is affecting public safety and he submitted that our water shed is our life supply and he is looking for support from the Council to bring in helicopters if necessary.

Councilor Grow stated there are problems in getting helicopters in there in the first place and asked how soon we would be able to get this fire contained versus ground fighting.

Chief McKay replied they had containment on that fire yesterday but when they left it overnight it went out of control. The issue with the state is they want the public to be aware of the danger to the reservoir if a helicopter goes down, highly unlikely but it could happen.

Councilor Grow asked is there an issue of cost involved.

Chief McKay stated this is not a cost issue.

Councilor Grow asked how many firefighters working the fire and what do you need from the City Council to the state to get the resources needed to stop the fire.

Chief McKay would like the City Council to authorize the Mayor and DPW to allow us to use the Haskell Reservoir as a water source to continue to fight the fire.

EMERGENCY ORDER:

MOTION: On motion of Councilor Grow, seconded by Councilor Tobey the City Council voted 9 in favor, 0 opposed that an emergency exists under Sec. 2-11B of the Gloucester City Charter for reasons of public safety and that the City Council authorize the Mayor and DPW Director to utilize Haskell Reservoir to fight the fire and further to authorize the State to use helicopters.

Councilor Hardy asked why we can't use salt water or isn't there a fresh water pond large enough.

Chief McKay replied we do look around for other water sources. They choose not to use salt water because of its corrosiveness to equipment and dropping salt water on the embankment of the reservoir. There are no other fresh water sources that are large enough to get the buckets in. The helicopters need to be able to come in and drag their buckets along before coming up.

Councilor Hardy asked if there is a certain way to word the motion in order to get reimbursement funding.

Chief McKay stated there is no eligibility for funding – there would have to be a state and presidential declaration.

Councilor Grow stated there is a serious risk of crash but it does not happen frequently. We have an obligation to get this fire under control.

Councilor Foote asked if there are people in danger right now.

Chief McKay stated any time you have a fire you can't stop you are in danger; he can see this fire moving all the way into Manchester or Essex but presently the public is not in danger. We have contained the fire today and will be in there everyday until we have this fire out.

Councilor Swekla asked if Lily Pond could be used for fighting the fire.

Chief McKay stated as long as that isn't being used to feed the reservoir we could go over to that side but helicopters don't like crossing highways with full buckets. We have Fernwood and Lily Ponds but would have to come across the highway.

Councilor Romeo asked what you are doing about getting a pump.

Chief McKay will have two pumps sent overnight to us if we continue to have pump problems. We have three floating pumps in the department and two failed on us; then we borrowed a state pump and we are pumping and working so hard that pump died on us. These two cycle engines create the

pressure needed but have to work so hard they become very finicky after running only two or three hours. We have lots of pumps - it is keeping them running.

Councilor Romeo asked if the pumps are overworked why we aren't borrowing now.

Chief McKay replied we have been.

Councilor Romeo stated we need an auxiliary fire department.

Councilor Peckham suggested we act on this immediately without further discussion.

Chief McKay needs to be able to guarantee payment when that hose comes in and would like permission from the Council.

Council President Destino asked Chief McKay to pay it out of his existing budget and then bring it before the Council to backfill.

Councilor Tobey stated we always have to keep our eye on the ball of the boring infrastructure. If those plants aren't up and running we have no water to put out the fire. He asked Christie Millhouse as the certified water treatment engineer if she is comfortable with the state of the West Gloucester plant and when it will be up on line.

Ms. Millhouse replied the system is 35 years old and this is not a total rehabilitation of the system, it is a repair and you can't be sure that something else hasn't gone wrong until you get it up and running. The revised plan of 9/22 puts us on a target.

Councilor Tobey requested that the Mayor notify the Council at the first inkling if 9/22 isn't going to be the date.

Council President Destino stated we don't have a capacity problem we have a filtration problem. He requested updates on anything pertinent that occurs to give cause that this isn't going to happen by the date of 9/22. He asked why they waited to call a water ban when had only 30 days left.

Mr. Parisi replied the reason they called a water ban was due to the drop in the level of Bond's Hill Reservoir because of high usage.

Council President Destino asked is there a standard used to put a water ban in place.

Mr. Parisi replied typically we would normally shift over to the other side but this recent drought in August has prolonged the situation. Thirty days is about one-third the capacity of the Babson plant. The prolonged drought complicated the situation and we put the ban on when we knew we had to because of the level of the Bonds Hill reservoir.

FOR COUNCIL VOTE

Rescind SBA Votes of 07/24/2007

MOTION: On motion of Councilor Grow, seconded by Councilor Romeo the City Council voted by ROLL CALL 9 in favor, 0 opposed to RESCIND all eight motions to the MSBA voted at the City Council meeting of 7/24/07.

Councilor Tobey asked why a high school barely 10 years old would be deemed obsolete.

Council President Destino stated the intent is to put in a blanket request for all improvements moving forward to get in the queue for capital improvements.

Councilor Tobey doesn't think a 10 year old school will pass the test.

Council President Destino noted there are certain sections of the school that need repair and may fall under the MSBA.

MOTION: On motion of Councilor Destino, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed that having convened in an open meeting on September 4, 2007, the Gloucester City Council in accordance with its charter, by-laws, and ordinances has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated July 31, 2007, for Gloucester High School located at 32 Leslie O. Johnson Road, Gloucester, MA 01930, which describes and explains the following deficiencies and the priority categories for which the Gloucester Public Schools may be invited to apply to the MSBA in the future: Priorities 1 (Replacement or renovation of a building which is

structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists); 5 (Replacement, renovation, or modernization of the heating system in any schoolhouse to increase conservation and decrease energy related costs in the schoolhouse); and 7 (Replacement of addition to obsolete buildings in order to provide a full range of programs consistent with state and approved local requirements); and hereby specifically acknowledges that by submitting this Statement of Interest, the MSBA in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the MSBA, or commits the City of Gloucester to filing an application for funding from the MSBA.

MOTION: On motion of Councilor Tobey, seconded by Councilor Grow the City Council voted 9 in favor, 0 opposed that having convened in an open meeting on September 4, 2007, the Gloucester City Council in accordance with its charter, by-laws, and ordinances has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated July 31, 2007, for Fuller Elementary School located at 4 School House Road, Gloucester, MA 01930, which describes and explains the following deficiencies and the priority categories for which the Gloucester Public Schools may be invited to apply to the MSBA in the future: Priorities 1 (Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists); 5 (Replacement, renovation, or modernization of the heating system in any schoolhouse to increase conservation and decrease energy related costs in the schoolhouse); and 7 (Replacement of addition to obsolete buildings in order to provide a full range of programs consistent with state and approved local requirements); and hereby specifically acknowledges that by submitting this Statement of Interest, the MSBA in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the MSBA, or commits the City of Gloucester to filing an application for funding from the MSBA.

SCHEDULED PUBLIC HEARINGS

Public Hearing 1

SCP: Gloucester Crossing: 1.4.2.2, 2.3.4 (49), 5.7, 3.2.2 footnote 3 "*Shopping Center*" (Continued From 08/21/2007)

The public hearing is opened.

Gregg Cademartori, Planning Director stated the School Committee held a meeting the night after the last Council meeting to discuss any necessary adjustments to the plan now that Fuller will be a middle school with regards to road use of School House Road. (*copy of memo in the file*).

He then provided a power point presentation of the fiscal impact report on the Gloucester Crossing Project (*copy in file*). He received input from the Assessor's, Mike Tarello, Vision Appraisal Technologies through the Assessor's Department, interviews with the Building Inspector, Engineering Department, Police, Fire and input from the CFO.

Points to consider: Development results from increased demand for services.

Fiscal impacts vary with the type of development, location, community services, existing service capacity; noting the impacts are cumulative.

The used the average cost approach, per capita multiplier, service standard and proportional values.

Marginal cost approaches included a case study where he interviewed those departments that would be most impacted and provided a comparable city approach including employment anticipation.

Property taxes were addressed by validating assessment. Other types of revenue included hotel tax, excise taxes, permanent revenues, service charges, fines and other revenues, such as the need to utilize police detail during high traffic times. Expenditures include: per pupil approach, per-capita or per household approaches also can be used. Education: general government public works, public safety, health services, public asst, recreation and library, other expenditures and debt service and special case such as a DIF.

The framework for this report was based on the analysis set up by Greenfield, MA

NOTE: Revenues in this report were very conservative and costs were very liberal. See report for details to any of the noted items in this framework.

1. Projected costs arising from demand on public infrastructure and services.
2. Value of proposed improvements to public services and infrastructure.
3. Projected impact on surrounding land values (extremely difficult to assess).
4. Fiscal Impact Summary. There are three time frames to be concerned with, the construction period estimated to be 18 to 24 months, but for development of this report we used 24 months; the build out phase year three with a two year period of construction; post DIF, which could be anywhere from 10 to 20 years. The purpose of a DIF is to finance public improvements associated with the project and took into account all public improvements agreed to by the applicant. The total revenues approach is \$500,000 conservatively estimated. Build out is estimated at \$68 million, which equated to \$60 million - property tax revenue for year one with all components on line would be slightly higher. He used a conservative number for personal property, hotel excise tax of 4% at 55% occupancy. Total operating cost of the project is \$1 million per year. The assisted living impact is substantially higher and could be less than half for a total cost of \$500,300 so the net revenue at build out is about \$500,000 and net tax revenue could be from \$200,000 to \$300,000 depending on DIF payments and the realized increase on public services.
5. Fiscal impact summary includes the cost /revenue ratio of Gloucester Crossing.
 - Construction period - it is a strongly positive
 - Build out period .48 strongly positive.
 - Build out Post DIF – even stronger positive impact.

Additional points to consider:

- Assumptions – this is assumed to be fully built out within a 24 months construction window based on today's numbers.
- Should think about project phasing.
- Public safety departments require interaction with project mgt and potential power to require details.
- Emergency response should be monitored ensure anticipated impacts are realized.

Questions by the Council:

Councilor Tobey thanked Mr. Cademartori for a fine presentation and stated a lot of his concerns arise from the DIF matter. He referred to MGL, Ch. 40q that requires acceptance by a municipality.

Mr. Cademartori stated it can be done on a project area but it would be an act of the Council to define the bounds of that.

Councilor Tobey asked how we would differentiate between the various infrastructure improvements incurred by the developer if the project went forward – \$1.6 million could be allocated to the Fuller School road improvements, etc. and would we treat those costs similarly.

Mr. Cademartori stated this is not advisory on the DIF, this is purely to show if you were to lump everything labeled as a public improvement using that revenue to fund that. It is truly used as a partnership to revitalize areas. There are a lot of issues that need to be resolved and discussed as to what makes sense to be eligible for the project. These are all public improvements – the DIF is to allow a developer to make public improvements to increase the assessed value of their project and surrounding areas.

Councilor Tobey stated you have done a conservative assessment and assumed that everything could be eligible for DIF but that would be hardly an advisable approach.

Mr. Cademartori stated that isn't what he is saying either but rather does it make sense for all of these components to be eligible. The DIF discussion was started but not flushed out and given the worst case there would still be a positive fiscal impact. It is heavy on the cost side and conservative on the revenues. If you don't consider that now it has to be noted as a significant potential cost. Again, you don't have the tax without the project and if you don't have the road then you don't have the project.

Council President Destino asked if these DIF's usually pre or post application.

Mr. Cademartori stated the DIF is new as of 2003 and he doesn't know if there has been a process hammered out. Jim Duggan has worked with these and we can look to his expertise as well.

Councilor Tobey stated the TIFF tool was useful when the community was competing for a company to come to Gloucester and he doesn't see other communities fighting for the Gloucester Crossing project. We could vote for a project based on a substantial economic impact with the potential of giving some or most of that away in a DIF. It is up to the City Council and the state to decide if and when but this discussion has to be initiated.

Request the Mayor's office provide the Council with workshop on the DIF process from the state.

Councilor Tobey stated the DIF period would certainly show the financial returns to the city would be very slim if the DIF was offered and he asked will proceeding with this project be contingent on a DIF.

Mr. Cademartori replied it was noted there will be incentive sought but how that unfolds in terms of discussion, he doesn't have that information.

Councilor Tobey feels that information need to be obtained. You spoke of municipal costs of \$200,000 and that the assisted living could possibly cost as much as \$100,000.

Mr. Cademartori stated this was the most cut and dry way to look at total expenses on a per capita basis based on 100 new residents in this facility. It may be over estimated.

Councilor Tobey asked if it is attributable to an aging population it may increase ambulance runs increasing revenue.

Mr. Cademartori stated as conservative as this has been performed we still come out ahead in terms of a cost/revenue ratio. He feels if every thing were included it would come out even more positive.

Councilor Grow commended Mr. Cademartori and everyone else who worked on the fiscal impact report for a good job being thorough and conservative in working with those numbers. He asked if the costs associated with providing water and sewer were included in the \$370,000 revenue figure.

Mr. Cademartori stated in one of the appendices he took out water and sewer services and education.

Councilor Grow stated there are direct costs associated with providing water and sewer and asked are those factored out.

Mr. Cademartori replied yes, he feels the \$200,000 number is fairly conservative and picked up the cost associated with providing water and sewer.

Councilor Grow referred to project phasing and suggested we approve these permits based on specifically identified phases.

Mr. Cademartori stated Mr. Park is certainly committed to the retail part of this but with the uncertainty of an operator for the assisted living facility and the hotel we really don't have a phasing of the project. At a minimum we need to understand how it is going to be built. Understanding the assisted living facility should be constructed first and then the hotel and as closing on the time line the retail component.

Councilor Grow requested the Assistant City Clerk get the appendices up on line as soon as possible.

Councilor McLeod asked for clarification that the potential revenue of \$650,000 is based on taxes at build out.

Mr. Cademartori replied yes.

Councilor McLeod asked out of that how much is spent in services.

Mr. Cademartori replied it depends on what the DIF is determined as well. If looking at costs of \$200,000 which is extremely liberal, then net receipts associated with the project including taxes are \$500,000.

Councilor McLeod stated the \$200,000 represents minimum costs and do you rate this project fiscally positive.

Mr. Cademartori replied yes.

Council President Destino questioned how 100 hotel rooms would generate \$100,000 in total hotel tax when currently \$240,000 is generated by all the hotels in the city.

Mr. Cademartori expects this hotel to generate based on 50% occupancy to generate \$100,000.

Council President Destino stated he feels that is an over estimate on the hotel tax. He stated the assisted living facility and the hotel are very important to how we ultimately vote on this comprehensive project and he asked the applicant to consider the issue of phasing between now and Saturday. The worst thing we would like to see is that that assisted living and the hotel and drive through don't get built and all that is built is the shopping center. He echoed his thanks as well to Mr. Cademartori.

Councilor Peckham also thanked Mr. Cademartori for all the work and looks forward on Saturday to an economic impact on the downtown - to look in that direction as well.

Councilor Romeo asked if they did an impact study on the assisted living facility with regards to affordability. Asked can the Council condition how many units will be affordable on the assisted living facility; to her the HUD figures are not affordable.

Council President Destino stated we will take that up when we take up the assisted living facility and he asked the Council to review the extensive assisted living ordinance.

Councilor Hardy stated in reviewing the report she didn't see any columns for mitigation and asked has the developer offered any mitigation that might offset if they were to apply for a DIF.

Mr. Cademartori has offered all knowledge about the project and noted that the DIF takes into affect all public improvements.

Councilor Grow has concerns on delivery of public safety and will the fire department be able to adequately service the project. Do you feel confident with the four story hotel and assisted living facility that we have enough equipment to deal with an emergency should these things be built.

Chief McKay stated the assisted living four stories is less high than Central Grammar. He is confident with the equipment we have with a fully staffed department. All buildings will meet current codes.

Councilor Foote thanked Mr. Cademartori for his work on the fiscal impact report. Assisted living is needed in this community and he hopes that we will move forward on at least the shopping center to get this moving.

Joe San Clemente, Howard/Stein/Hudson provided a memorandum regarding transportation safety at Fuller School specifically with regards to the change from an elementary to middle school and any impacts to traffic. He noted the addition of a pedestrian sidewalk and the addition of a pedestrian crosswalk that would provide connection between the school and the shopping center. He met with the schools and Traffic Solutions and felt it was a productive meeting. The key issues that came up were with regards to appropriate signage along Gloucester Crossing Road and School House Road and recommended not to over sign the two roads. Given the design treatments put in place there won't be a lot of opportunity for high travel speeds. The School raised a concern there would be some pedestrian demand from the Bomco path and the design they had did not show a crossing from the Bomco path to the school and that has been put in place, as requested. We have also modified how the Fuller school driveway intercepted with Gloucester Crossing Road. We asked for a perpendicular angle with Gloucester Crossing Road; a bend in the road does reduce the field of view and we have created a 90 degree bend at Gloucester Crossing Road as requested.

Council President Destino asked if those recommendations were voted on by the school committee.

Attorney Harrison replied yes, they took a formal vote.

Councilor Grow asked if there were any discussions of designating School House Road as a school zone.

Mr. San Clemente replied we don't believe travel speeds will be able to get high enough to merit a school zone.

Councilor Grow asked do you foresee this becoming a major thoroughfare to the shopping center.

Mr. San Clemente replied no.

Councilor Grow asked how you reconcile the differences between the applicant's traffic analysis, the peer review and that of Mass Highway (MHD).

Mr. San Clemente stated MHD did not recommend if the light were acceptable or not but from a pure traffic operations view the light is the preferred alternative. Our belief is by adding that signal it will reduce the impact to Blackburn and help eliminate conflicts through there.

Councilor Hardy requested the School Department furnish the Council with minutes of their meeting showing those votes and asked will we be receiving revised plans showing those changes.

Attorney Harrison replied yes, once the review has gone through, a full set of plans incorporating all changes will be provided.

Councilor Peckham asked if they have had any further communications with MHD since their last recommendations. There were concerned about potential fatalities because of the light.

Mr. San Clemente replied any time you introduce a new intersection there is a chance of accident but our belief is the traffic signal will improve that intersection.

Council President Destino referred to the advisory opinion to MHD and asked is it in the form of a resolution, motion or legal opinion.

Mr. San Clemente stated there has been a significant level of coordination between their engineer and MHD as to what is acceptable there and he would be glad to find out an answer on that.

Councilor Romeo asked has anyone updated MHD to the change at Fuller from an elementary to a middle school.

Mr. San Clemente stated these types of issues are site design issues and he doesn't believe it would affect their decision one way or the other.

Council President Destino suggested that go into the advisory opinion to the state. Hopefully the minutes forwarded from the school committee will shed light on their recommendations also. We talked about permit fees and asked is there a tie in fee to the sewer.

Mr. Cademartori doesn't believe there is a specific tie in fee. The question came up with regards if there are any water tapping fees.

Council President Destino stated we have connection fees for people who tie into the sewer, so why wouldn't this development.

Mr. Cademartori replied sewer connection permits and fees are estimated at \$14,000.

Councilor Hardy asked for Mr. Cademartori's best guess on the impact to city services if a 40b housing development were to go in there compared to this project.

Mr. Cademartori stated if you used the incremental approach based on how many units you wanted to put there, you wouldn't come close to seeing the potential revenue to cover the costs.

Councilor Hardy asked for the status of the 40b permit that ran with the land during the purchase from Mr. Cahill to Mr. Parks.

Attorney Harrison stated the property owner applied for a comprehensive project permit and was appealed to the Housing Appeals Committee who upheld the comprehensive permit; that permit runs with the land. The city has instructed Linda Lowe to appeal that decision and it is under appeal right now based on what she feels are procedural issues and it is probable that the Housing Appeals Committee's decision will be upheld. If it wasn't then it would have to be rezoned before someone could build the 240 units.

Councilor Hardy stated there have been some folks who feel a 40b development is a threat but this was applied for by the previous owner and it is in hand and runs with the land.

Council President Destino stated most of these are upheld by the Housing Appeals Committee.

Councilor Grow would like to know the negative aspects of providing additional signage.

Mr. San Clemente feels the site design will ensure the speeds are lower. If the Council feels they would be safer having the signage, then it will not hurt anything and would provide some measure of safety.

Attorney Harrison stated from what she understands in order for it to be designated a school zone the City Council would have to determine this as a school zone based on frontage which they will have and certainly we are willing to add additional signage but as Mr. San Clemente said all design features will provide for that.

Councilor Tobey stated his house in Riverdale was assessed an \$8,000 sewer betterment and over time is going to cost his family sewer betterment upwards of \$16,000 and he doesn't think that a

project of this size would be paying a mere \$14,000. He asked for a legal opinion on what the city can be assessing on sewer betterments for a project. His second concern goes to the P&D minutes of 6/20 where the committee makes a set of findings, specifically the potential fiscal impact (b) which speaks to non-real estate tax revenues ((a) speaks to real estate tax revenue). Tax revenue for the proposed project is \$300,000 to \$500,000 with minimal impact of city services and he is concerned that does not reconcile with what has been presented tonight.

Mr. Cademartori stated there was no discussion about the potential for a DIF application at that time. If it is not the will of the City Council to fund all public service improvements and if the estimate of \$200,000 is an overestimate, it puts you back in the range of \$300,000 to \$500,000.

Councilor Tobey asked General Counsel to look into that issue as well – how a DIF will affect the revenues.

Council President Destino asked Mr. Magoon to make sure the City Solicitor will be available for Saturday's Council meeting.

Councilor Hardy asked for the information to back up the information on real estate revenues.

Council President Destino asked about the layout of the entrance.

Attorney Harrison replied they can present a greater detailed diagram on Saturday. When on Rte. 128 looking to the right you will see a stone wall which will create the entrance into the shopping center. The most important thing raised initially by the building inspector is that we don't want to see the backsides of buildings. Consequently, what Clay Smook has done is designed these buildings as 360 degree four sided facades. She noted you will not see the lighting fixtures on the rendering but they are shown on the site plan.

Council President Destino can't envision the grade.

Attorney Harrison will show that in a rendering.

Council President Destino asked Tom Wilder of Wilder Companies if they will manage this property. He stated Mr. Wilder had talked previously about the Metheun Center and he is interested in some of the shops mentioned there and asked if during that permitting process those stores were signed on.

Tom Wilder, Wilder Companies stated we may have had a couple major stores, but certainly not the small stores.

Attorney Harrison stated once the School Committee determined Fuller School was going to be a middle school at that point Traffic Solutions began its redesign of the internal traffic layout. That plan has not been submitted to MHD because it is not within MHD's jurisdiction; it is a local issue.

Council President Destino asked about the tie in to the sewer and if that is a combined sewer pipe.

Attorney Harrison replied no it is not; there are no CSO issues there confirmed by the independent report done for the Engineering Department.

Councilor Hardy asked if it would be possible to get samples of the façade building materials that will be used.

Clay Smook, Smook Architecture replied the materials that we will be using will be wood or wood like products, it will look and feel like wood. The roofs will be asphalt shingles similar to what you see on residences being built today and similar to Station Place; the model of the level of detail and material you will be seeing on these facades.

Councilor Hardy asked if there is nothing indigenous to this area.

Mr. Smook replied one of the keys on the store facades is to maximize the use of glass. We will be using indigenous stone on the hotel; where the grade changes we are talking about using some of the stone taken from the site for the base of the hotel. We are talking about using shingles on the hotel and assisted living facility. We need to use materials that will weather properly to ensure it looks as good year one as year five. We are trying to create individual identity for the specialty stores.

Councilor Hardy doesn't agree particularly with the facades.

Mr. Smook believes the quality of the materials is high and will bring samples of those materials to the Saturday meeting.

Councilor Grow asked what the projected range of people coming to the shopping center from outside the area is.

Attorney Harrison anticipates that 78% of the people using the retail component will be residents of Cape Ann and 22% will be from off Cape.

Councilor Grow asked about issues regarding security and concerns about population changes at the middle school.

Attorney Harrison replied security won't be every day all day but will be there when needed. We will have a CATA bus stop there and also suggested a run from the high school to the shopping center for students that might be working at the shopping center.

Councilor Grow asked is there something that could be implemented by the shopping center regarding under aged kids being at the shopping center unattended. He also asked about conservation measures.

Attorney Harrison replied we are planning on incorporating low flow plumbing that will reduce the amount of water consumption.

Councilor Grow asked what we will be looking at in five to seven years; are we going to have the kind of dynamics we are anticipating.

Attorney Harrison replied lenders will not lend the money unless they too are assured it is going to be a success. It won't get built unless lenders are secure that the project is going to be a success.

Councilor Hardy asked if they have a list of tenants.

Mr. Park replied we have a list of the types of tenants. We don't enter projects lightly and we know the kinds of tenants that go into these centers. Tenants won't make a specific commitment until we have the permit. We have engaged interest and there is a strong interest to be here. This is not a big box; it is a series of small stores and fits the smart growth criteria below 60,000 sq. ft.

Council President Destino asked what the terms of the leases are.

Mr. Park stated the anchor is 15 years with multiple 5 year options; the smaller tenants are 5 year leases with 5 year options.

Councilor Hardy asked since this is going to be a middle school can we prohibit the sale of alcohol.

Attorney Harrison stated clearly the restaurants will have liquor licenses.

Councilor Hardy would like an opinion from Legal if we can condition certain types of businesses not be warranted in the project.

Attorney Harrison reiterated we will be looking for liquor licenses in the restaurants.

Councilor Romeo asked can we put in a condition that we can take the permit back if Mr. Park sells.

Council President Destino replied no, the permit runs with the land.

Councilor McLeod asked how much money will be invested to build out to the \$65 million.

Mr. Park replied we anticipate between the land and the buildings break close to even and are betting on a long term investment and the rent increases from that will offset the costs we are incurring. The retail helps fund the road ways, site preparation and land costs. We need the assisted living and hotel to help close the gap.

Councilor McLeod stated you have to increase the size of the pipe on Staton Street and asked what that would cost.

Attorney Harrison stated it is about \$300 per foot for 270' of pipe, or about \$75,000 - making the pipe larger will increase the flow.

Councilor Romeo stated the quality of the shops and stores is a concern, as is the hotel.

Mr. Park stated we have hired a hospitality consultant to brand the right hotel. You may get a Hilton Garden or Marriot Courtyard; quality is important all throughout the development.

Councilor Tobey asked do you anticipate coming back to seek a DIF.

Mr. Park stated let's identify what needs to be built and fixed. There are public grants from the state highway department and if we don't need to come back for the DIF we won't. They are both tax increment financing but the DIF is basically an abatement.

Councilor Tobey asked what if you don't get it.

Mr. Park stated it places more of those public improvement costs on the assisted living and the hotel. We are trying to make sure the assisted living and hotel are economically viable as we need to close the gap a little.

The public hearing is continued to Saturday, 9/8/07 at 9:00 a.m.

Public Hearing 2

SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (11A), 5.14, 3.2.3 footnote 2. *“Assisted Living” (Continued From 08/21/2007)*

The public hearing is opened and continued to 9/8/07.

Public Hearing 3 - SCP: Gloucester Crossing: 1.4.2.2, 5.17 *“Drive Through” (Cont From 08/21/2007)*

The public hearing is opened and continued to 9/8/07.

Public Hearing 4 - SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (7) footnote 3, 5.7.1, 3.2.1,3.2.1 (footnote 4) *“Hotel” (Continued From 08/21/2007)*

The public hearing is opened and continued to 9/8/07.

A 5 minute recess was taken at 10:15 p.m.

The meeting reconvened at 10:20 p.m.

Public Hearing 5 - SCP# 2007-09- 304 Main Street: 2.3.1.4, Multi-Family

The public hearing is opened.

Speaking in favor. Attorney James McKenna representing Matthew Enslow and Denise

Raphael, also present. This property was built in 1845 and needs renovation. It is under agreement and the applicants would like to get in there as quickly as possible to get it tightened up for the winter. It is a historically recognized property on the national register. He provided a basic site plan that shows parking to address the issue raised at P&D and basic architectural renderings that show what they are planning to do to the property; the architect is Jason Grow. It is an impressive plan to bring the property back to original detail and construction. The house is Greek revival construction and has predominance on Main Street. They are looking for a four family special permit from the Council to enable them to take on this extensive project; 60% of the property needs to be completely gutted and rehabbed, coupled with the purchase of the property. The use is very consistent with the neighborhood. It is currently zoned Central Business (CB) but really doesn't lend itself to a business use because it is quite elevated and you don't get the pedestrian traffic. They are looking to have it become what it has been traditionally used for, residential but not properly permitted. Another benefit is the property will be owner occupied.

Attorney McKenna stated the project meets the six special permit criteria under Section 1.4.2.2(e) as follows.

1. **Social, economic or community needs served by the proposal:** Applicant is restoring a nationally recognized historic structure, retaining the architecturally significant values and façade features, and preventing further blight to this important property on Gloucester's Main Street. Much of the foundation, footings, columns, and trim work in the front of the building need to be entirely replaced.
2. **Traffic flow and safety:** Traffic flow will not be adversely impacted by this project. The structure has been used as a single family, a multi-family and a rooming house in the past. Safety will be improved as this property will be fully tenanted, owner occupied, and no longer be a particular concern to the fire department as a potential target.
3. **Adequacy of utilities and other public services:** There are adequate public utilities that are at the site, and which have been serving this property for many years.
4. **Neighborhood character and social services:** The proposed multi-family use is consistent with other properties in the neighborhood. Several of the abutting properties are multi-family. The potential for commercial use is rather limited, as the property's main floor is not "at grade" with the side walk, and there are no other businesses immediately adjacent to it that would otherwise generate pedestrian traffic to make this property a viable commercial location.

5. **Qualities of the natural environment:** The natural environment is not affected by the project. The visual environment has been adversely affected by the sight of this blighted building.
6. **Potential fiscal impact:** The potential fiscal impact is positive, as the restoration of the property would raise its taxable base value, and also have a positive effect upon abutting properties as well.

Speaking in opposition. No one spoke in opposition.

Communications. None.

Questions. Councilor Grow asked about the building use.

Attorney McKenna replied we were looking at that as a solution for zoning relief.

Council President Destino asked if there is a height addition to this building.

Attorney McKenna replied no.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special Council permit for Matthew Enslow and Denise Raphael, 304 Main Street, Map 12, lot 91, zoning classification CB, pursuant to Sections 1.4.2.2(e) and 2.3.1.4 of the Gloucester Zoning Ordinance.

Discussion. Councilor Foote supports this project and urged fellow Councilors support.

Councilor Romeo is confused on the motion to advertise and asked if because it is a Central Business district and we are permitting a multifamily do they need to rezone.

Council President Destino replied no.

Councilor McLeod commended both applicants for getting together to preserve this building which is a tremendous asset to the city.

Councilor Hardy noted the P&D minutes of 8/15th should reflect the change to Map 12, lot 91. They made a site visit and she feels this will improve the visual from both Main and Spring Streets; it is a wonderful project.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 9 in favor, 0 opposed the granting of a special Council permit for Matthew Enslow and Denise Raphael, 304 Main Street, Map 12, lot 91, zoning classification CB, pursuant to Sections 1.4.2.2(e) and 2.3.1.4 of the Gloucester Zoning Ordinance.

MOTION: The SCP for Matthew Enslow and Denise Raphael is referred to the Legal Department for a written decision by UNANIMOUS consent of the full City Council.

Public Hearing 6

SCP – 1 Western Avenue, 2.3.1.4 Multi-family

The public hearing is opened.

Speaking in favor. Joseph Orlando is trying to correct an oversight when he received a building permit to convert a portion of his office to his residence and recently realized that he should have applied for a special council permit. He plans no other changes to the building.

Speaking in opposition. No one spoke in opposition.

Communications. Four letters from neighbors in support.

Questions. No questions.

The public hearing is closed.

The six special permit criteria pursuant to Sec. 1.4.2.2e of the Gloucester Zoning Ordinance are as follows:

1. **Social, Economic, or community needs served by the proposal.** Consistent with municipal plan to encourage residence in upper stories of downtown area.
2. **Traffic flow and safety:** No change then current - less than for office use.
3. **Adequacy of utilities and other public services:** Public water and sewer.
4. **Neighborhood character and social structure:** Consistent mixed use neighborhood.
5. **Qualities of the natural environment:** No change.
6. **Potential fiscal impact:** No change.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP to Joseph M. Orlando, Trustee, Orlando & Associates Realty Trust, One Western Avenue, Map 2, lot 28, zoning classification R-4, pursuant to Sections 1.4.2.2e and 2.3.1.4a of the Gloucester Zoning Ordinance.

Discussion. Councilor Peckham stated this is just formalizing what should have been done before.

MOTION: On motion of Councilor Peckham, seconded by Councilor Romeo the City Council voted by ROLL CALL 9 in favor, 0 opposed the granting of a SCP to Joseph M. Orlando, Trustee, Orlando & Associates Realty Trust, One Western Avenue, Map 2, lot 28, zoning classification R-4, pursuant to Sections 1.4.2.2e and 2.3.1.4a of the Gloucester Zoning Ordinance.

MOTION: The SCP for 1 Western Avenue is referred to the Legal Department for a written decision.

Public Hearing 7

SCP# 2007-11 – 142 Wheeler Street: 5.5, Construction of a float.

The public hearing is opened and continued to 9/18/07 per request of the applicant.

Public Hearing 8

SCP# 2007-12 – 35 Dory Road: 5.22, Commercial Land Based Wind Facility

(Continue until 09/18/2007)

The public hearing is opened and continued to 9/18/07 per request of the applicant.

Public Hearing 9

Downtown Development Commission: Increase in Membership

The public hearing is opened.

Speaking in favor. No one spoke in favor.

Speaking in opposition. No one spoke in opposition.

Communications. There were no communications.

Questions. Councilor Grow asked for some background on the reasoning behind this.

Councilor Hardy thought this would be the right thing to do to show we are concerned about downtown and that we pay particular attention that these boards and commissions be fully staffed.

Councilor Grow asked how we are going to get people involved when there are only five members presently and there should be seven.

Councilor Hardy would like one of those people to also be a resident and a City Councilor to serve ex officio.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council that Division 7, entitled "Downtown Development Commission", Section 2-492, entitled "Created; membership; terms" be amended by DELETING: (a) There is

hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of seven (7) members, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council and by ADDING: (a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of nine (9) members, one (1) member shall be a City Councilor, who shall serve ex officio, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council.

Discussion. Councilor Tobey seconded Councilor Hardy's sentiment and noted there are two folk who own and live above the Village Silversmith Shop that have volunteered to be on the DDC. This can't help but energize the board that does need a shot in the arm. He argued the Tourism Coordinator should be working on this board's behalf and urged the Council to support this.

Councilor Romeo has had complaints from residents that want to volunteer and haven't heard anything and is there anyway that the Mayor's office could send a copy of all resumes that come through that office with a reason why they were declined.

Council President Destino stated it is the Mayor's prerogative to appoint these members. If you feel strongly an applicant wants to serve on a particular board you should strongly advocate for that person to the Mayor.

Councilor Romeo asked how we are going to have fairness.

Councilor McLeod stated if someone does want to volunteer the city should respect their wishes and if they don't meet the qualifications they should at least get some type of response.

Councilor Tobey stated that would be consistent with past practice. Recruiting is required under the Charter through the annual report, including the one page application for boards and commission members and publishing is required in the local paper.

Councilor Hardy requested the Mayor asked the administration for a current list of boards and commissions, chairs, vice chairs, terms, qualifications, etc.

MOTION: On motion of Councilor Tobey, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed that Division 7, entitled "Downtown Development Commission", Section 2-492, entitled "Created; membership; terms" be amended by DELETING: (a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of seven (7) members, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council and by ADDING: (a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of nine (9) members, one (1) member shall be a City Councilor, who shall serve ex officio, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council.

COMMITTEE REPORTS

1. P&D: 08/29/2007

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council granting of a special Council permit to Cape Ann Lodge #1471, Loyal Order of the Moose, (owner Marilyn F. LeBlanc, Trustee, Green Tavern Realty Trust), 264 Main Street, Map 13, lot 7, zoning classification Central Business (CB), pursuant to Sections 1.4.2.2 and 2.3.2.17 of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed granting of a special Council permit to Cape Ann Lodge #1471, Loyal Order of the Moose, (owner Marilyn F. LeBlanc, Trustee, Green Tavern Realty Trust), 264 Main Street, Map 13, lot 7, zoning classification Central Business (CB), pursuant to Sections 1.4.2.2 and 2.3.2.17 of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

Councilor Tobey and Peckham left the meeting briefly.

2. B&F: 08/30/2007 (*Under Separate Cover*)

MOTION: The Budget and Finance Committee voted 3 in favor, 0 opposed to recommend to the full City Council acceptance of the Conservation Law Foundation Grant in the amount of \$20,000.

MOTION: On motion of Councilor Swekla, seconded by Councilor Grow the City Council voted 7 in favor, 0 opposed acceptance of the Conservation Law Foundation Grant in the amount of \$20,000.

Councilor Tobey returned to the meeting at this time.

Councilor Swekla provided an overview of B&F's discussions with the CIAB. Requests should be going through the CIAB and a department manager should have the backing of the CIAB when a loan order is brought forward.

Councilor Peckham returned to the meeting at this time.

Councilor Grow agreed that we need a recommendation with every loan order and if we are going to get a handle on our capital costs we need to make a greater effort as a Council to acknowledge the expertise of the CIAB.

Councilor Hardy would like B&F to bring ask for recommendations from the CIAB before bringing these things to the Council.

Councilor Grow stated we at B&F will expect any loan order that comes forward to come forward with a recommendation from the CIAB.

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

Councilor Hardy reiterated her request for the Administration and the Fire Chief to discuss the possibility of an open burning ban.

Councilor Romeo noted open enrollment for Medicare D for prescriptions only is coming up November 15 through December 15. There are different resources available for family care givers; the state will help pay a family member to take care of you in your home.

Councilor Peckham looks forward to meeting with all residents in the Bray Street area tomorrow about repaving and with the Kondelin Road Association tomorrow night.

Councilor Grow requested the Clerk contact Comcast about attending the meeting on Saturday to make sure we have that on video.

Councilor Swekla stated residents from the Tavern to Tally's were ticketed last night because the street sweeper went by and he feels there wasn't clear notification and that street sweeping schedule should be posted on the local channel 12.

Councilor Hardy requested the Administration ask Comcast when they are going to reopen the payment office in Gloucester.

It was moved and seconded to adjourn the meeting at 11:10 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees

Special City Council Meeting
Saturday, September 8, 2007 – 9: 00 a.m.
Kyrouz Auditorium – City Hall

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

Also: Mayor John Bell, Chief McKay, Superintendent Christopher Farmer, Linda Lowe, Gregg Cademartori, Jonathan Pope, Sam Park, Michele Harrison, Clay Smook, Joe San Clemente, Tony Omobono, Dan Dulaski, Stevan Goldin, Richard Emmanuel, Marcia Hart, Susan Frye, Peter Asaro, Lynn Ann Parisi, Maggie Rosa, Lisa Rigsby, Ann Kowolski, Diane Musik, Elizabeth Lewis, Ruth Pino, Richard Gaines, Bob Whynott

Absent: Councilor Alphonse Swekla

The meeting was called to order at 9:05 a.m. Agenda items were taken out of order.

FLAG SALUTE & MOMENT OF SILENCE

ORAL COMMUNICATIONS

Stevan Goldin, 14 Hodgkins Street stated special sessions should be held for emergencies and the City Council needs to hold a special meeting on the Magnolia Woods Subdivision. Papers will be in the hands of the Council on Monday and it is the responsibility of the Council. Old Salem Road requires a permit for crossing and any work on that is illegal until that is considered. Three other things should also have special sessions: 1. Nancy Ryder did excellent report on the dangers of the LNG terminals. Fall River has been fighting this and there are no LNG terminals going in. Please take action. 2. Land use controls and the sewer and the new wetlands ordinance. The City Council received notice that a developer is coming in next to Good Harbor Beach. Please take action. 3. Demolition delay ordinance; please stop the delay of this ordinance.

The following two items are taken up under unanimous consent of the full City Council.

ADDENDUM

MOTION: On motion of Councilor Grow, seconded by Councilor Tobey the City Council voted 8 in favor, 0 opposed to refer the SCP application for the Gloucester Cooperative Bank was refer to Planning and Development.

SCHOOL DEPARTMENT - MSBA VOTES

Superintendent Farmer stated the city school district has sent to the Massachusetts School Building Authority (MSBA) statements of interest on behalf of all our schools and in order to satisfy the MSBA, the City Council and the School Committee have to pass motions in complete alignment. Errors took place as we assembled that documentation and he failed to spot there was no vote for Fuller in the original votes taken on 7/24. He worked with three attorneys who provided the necessary language and he believed we needed to pass a motion for Fuller and one to modify the Gloucester High School (GHS) vote taken on 7/24 but it was determined that the Council did not need to modify the GHS vote. He hand carried a memo for the City Council President to the Clerks office indicating only one vote was needed and he doesn't understand the reasons for the rescission of the other votes. He apologizes for the fact the Council has had to revisit this but it is necessary to reinstate those votes so the material is in place to go to the MSBA.

Councilor McLeod stated when this came up that night no one from the school department was present.

Superintendent Farmer stated it was felt a representative from the school department was not necessary because the matter was fully understood.

Council President Destino concurred and stated the Council followed the directives in the memorandum. It was a lack of communication and he suggests we just move forward.

MOTION: It was moved and seconded and voted 8 in favor, 0 opposed to REINSTATE the eight motions regarding the MSBA statement of interest RESCINDED at the meeting of 9/4/07.

SCHEDULED PUBLIC HEARINGS

Public Hearing #1 - SCP: Gloucester Crossing: 1.4.2.2, 2.3.4 (49), 5.7, 3.2.2 footnote 3 "*Shopping Center*" (Continued From 09/04/2007).

The public hearing is opened.

Questions continued from the meeting of 9/4/07. Michele Harrison, representing Sam Park and Company summarized the six criteria for a special council permit under Section 1.4.2.2(e).

1. **Social, economic and community needs served by the proposal.** Demand for retail options is very clear and she believes Gloucester Crossing is complimentary with downtown. She reiterated that Mr. Park wants to work with the downtown and suggested how the Council might want to incorporate some of those proposals as conditions of the permit. 1. Downtown merchants be included in Gloucester Crossing advertisements. At the site near the bus stop will be a kiosk or information board where interested merchants and restaurants can put material showing what is offered downtown. Mr. Park is willing to work with the Downtown Development Commission (DDC) and the retail portion of the Chamber in any kind of a study they want to do. He will do this actively as a member of the retail community and is willing to commit his resources. More important is some immediate infusion into making downtown better. We suggest a voluntary contribution that Mr. Park will match 25% (or up to \$5,000) of the contribution that the city makes to the downtown improvement fund. This fund collects about \$20,000 per year from the parking meter revenues for improvements to the downtown.
2. **Traffic flow and safety.** The City Council will make a recommendation to the Massachusetts Highway Department (MHD) on the light. We feel that with the light it will be safer and ensures a higher quality retailer. The safety issues have been affirmed. A revised plan has been done to accommodate the change from an elementary to middle school. There is a sidewalk that is protected with a guardrail, fence and grassy strip to make sure school students can get over to Gloucester Crossing if they wish and are happy to comply with any additional requests for traffic safety for the middle school students. Gloucester Crossing will provide special police detail for busy shopping times during the year with the only caveat that we can't put a detail on the state highway without MHD approval.
3. **Adequacy of Utilities** have been reviewed by the applicant and the city's independent consultants and the plan has received an engineering seal certifying that this works.
4. **Neighborhood character and social structure.** A liquor store is an allowed use in the Extensive Business (EB) district and is specifically listed in the definition of retail use. If you have concerns about the possibility of a liquor store at the site - that is very rigorously regulated under Mass General Laws and also by the local liquor board.
5. **Qualities of the Natural environment.** There is no excavation or construction in a vernal pool area.

Clay Smook, Smook Architecture discussed the materials that will be used on the buildings in terms of finishes and proposed detail and provided samples for viewing, including, Hardie products, plank and shingle siding, architectural grade asphalt roofing shingles and stone samples to be applied to some foundations, such as the hotel, as a veneer to the concrete foundation

6. **Potential fiscal impact.** Attorney Harrison stated Mr. Park thanks Mr. Cademartori for the incredible work he did in the fiscal impact report but they feel he under estimated the revenue and over estimated the cost. There will be jobs created, money spent, wages paid and spent locally so the potential fiscal impact is more than just the idea of revenue. We believe once you have people shopping at Gloucester Crossing that those dollars will stay on Cape Ann. During the fiscal impact report Mr. Cademartori talked about a potential for a TIFF or DIF and Attorney Harrison

believes that was never a secret but that it will come later and they will assure that all of Gloucester Crossing gets built and more important that the infrastructure improvements are completed. She believes that Sam Park and Company has been cooperative through this process, saying yes all along. In meeting with the School Committee, Mr. Park agreed to make certain changes at Fuller School with the playing fields and the parking lot. In meeting with the Conservation Commission he offered voluntary mitigation for vernal pool education and certification. During meetings with the Planning Board he agreed to make design changes. At Planning and Development, Mr. Park agreed to provide Opticom systems for all of the necessary emergency vehicles and to provide a \$100,000 auxiliary pump at the Fuller School to assure that water goes to Varian, to the neighborhood, the schools and also to the development. She provided elevations and slides of what it will look like when you drive into Gloucester Crossing. There will be a gradual slope of 15' then a stone wall approximately 10' and then above that will be a security fence, a guard rail and then the parking area. She provided a rendering and elevations to explain the grade. It is a gradual grade. A typical ranch house from ground elevation is about 15' high and that is a comparison. The same 5:1 slope is also shown at the entrance onto School House Road as well.

Questions from the Council.

Councilor Grow asked if there have been any discussions with CATA about bus service downtown and within the shopping center and if there are commitments for bus service from the assisted living facility to the shopping center.

Attorney Harrison has been working with Bob Ryan of CATA and they have designated an area on the site for a bus stop with transportation to be provided downtown. The assisted living providers most commonly provide a shuttle to shopping and we anticipate the provider will have some type of shuttle service to transport residents.

Council President Destino asked if there would also be a bus and from the senior housing to the shopping center.

Attorney Harrison will talk with Mr. Ryan on that.

Councilor Grow stated assuming the approval of the shopping center; what is the time line for the improvements to Fuller and will it impact the schools.

Attorney Harrison anticipates the road around the back will be done first to move traffic away from the schools and can be done while school is in session and will also allow construction vehicles to come in off of Rte. 128. We anticipate the school playing fields and parking areas will be done towards the end of the project.

Councilor Grow asked for a review of the commitment to future downtown improvement studies. We are looking at a lot of different changes downtown and want to make sure this all coincides.

Attorney Harrison sees a strong commitment by Gloucester Crossing and Mr. Park to work with downtown.

Mr. Park added we will help out any way we can – even if this is not approved.

Councilor Grow is concerned if we end up with just one aspect of the project, it will change the public's perspective and he wants assurance that all the Gloucester Crossing project and all infrastructure improvements get done.

Attorney Harrison replied this is a comprehensive integrated project. The infrastructure improvements will be approximately \$3 million and \$12 million for just the site work. Mr. Park is willing to a condition on the assisted living facility permit that he will designate a provider within 24 months. All the assisted living facilities say they want a road before they will make a commitment and the 24 months will allow time to get the infrastructure improvements done.

Councilor Grow asked what happens if the assisted living provider wants a totally different design.

Attorney Harrison replied assisted living providers cringe when they see there is a 20% affordability requirement and also cringe because the design is beautiful. If there is a change in design, that provider will have to come back before the City Council.

Councilor Grow asked what safeguards we have.

Council President Destino replied what is proposed has to be built as is and they would have to come back in front of the Council for any proposed changes

Sam Park stated the assisted living and hotel components are important for financial reasons, given the high cost of the land and the infrastructure.

Councilor Tobey stated measurable commitments are good and he appreciates that but asked is there a comparable commitment being made regarding the hotel.

Attorney Harrison agreed they could parallel the hotel with the assisted living conditions.

Council President Destino reminded the Council that conditions come from the City Council; they don't have to be agreed to by the applicant.

Attorney Harrison added except monetary contributions.

Councilor Hardy agrees with Councilor Tobey and is working on a list of conditions, has written some as to phasing regarding the assisted living and the hotel and is looking to the President when that time will be appropriate to present those.

Council President Destino replied the time to present those will be when making the motions to grant.

Councilor Hardy will be submitting a list of proposed conditions. She asked how security will work and also about a conflict with traffic during school hours.

Attorney Harrison replied we will ask the police for paid details during busy shopping times. The times when children are going to school are not the peak shopping times; peak shopping times are from 4 p.m. to 7 p.m. so she doesn't anticipate that kind of conflict.

Councilor Hardy asked about the tie in fee.

Council President Destino noted Mr. Cademartori stated the tie in fee would be \$14,000.

Councilor Tobey asked General Counsel to provide guidance on what is the proper formula for determining what those tie ins will be.

Linda Lowe, General Counsel did research that and explained the various options with regards to the sewer ordinance. Provisions in Ch. 23, S. 16c speaks to the sewer privilege fee; we don't assess sewer betterments unless you have a sewer project and you don't have one here. Under the sewer privilege fee you can make assessments but what they pay for sewer tie in is not a condition. You still have flexibility later on as the project is constructed to rethink these issues and she would encourage the Council to do so. It may be time to look at the sewer ordinance in conjunction with the special permit process. You can look at the provisions and decided if you want to incorporate different provisions for large scale and commercial and residential developments.

Councilor Tobey completely understands the betterment model in no way applies to this project. The question of the privilege fee is still before the Council. He commented that the Essex Intermunicipal Agreement (IMA) and Rockport IMA proceeded on the basis that we should view those entities contributing substantial relatively new amounts of flow to the Gloucester sewer system would be by contract rather than local ordinance – handled as if they were buying into the existing equity of the Gloucester system; so we figured out using a fraction how that would proceed. The numerator was the amount of new flow and the denominator would be the total flow within the system on an average daily basis. If we made that approach crystal clear after assuming this special permit were approved and making that the language of the ordinances - would that be allowable under state law and would it be applicable to this project if it had not yet connected to the sewer system.

Attorney Lowe replied yes, you can make changes prior to the project connecting to the sewer and yes, you do have flexibility on what you want to charge as long as it isn't arbitrary.

Mr. Cademartori stated the number and the origin of the \$14,000 is based on eight sewer connections and inspection of the force main and the inspection the improvement on Staton Street. The privilege fee is based on what is on the books now and how it would be assessed.

Councilor Hardy asked if there is stated or local prohibition regarding how close retail liquor could be to a school.

Attorney Lowe doesn't disagree with anything Attorney Harrison said. The liquor business is stringently regulated state and local. Nevertheless, a liquor store/package store is specified in the ordinance under the EB district. She doesn't think it would be prohibited and any ordinance would

have to be particularly drafted to indicate a package store be located within a certain number of feet from a school. The ordinance would have to be changed. You would also have to work with your local licensing board as well.

Councilor McLeod asked if the applicant agrees with the fiscal impact report regarding the cost/revenue ratio.

Attorney Harrison feels Mr. Cademartori was very conservative in estimating the revenue and over estimated the expenses. He took the worst case scenario and still we have a ratio that is extremely beneficial to the city. She believes the potential for revenue is higher.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Major Project/Shopping Center for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 2.3.4(49) and Section 5.7.

Councilor Hardy read the proposed conditions into the record and there was Council discussion on the following:

Condition 16D. If the traffic signal is ultimately approved by the MHD, the applicant shall purchase and install the following transponders free of charge to the Municipalities: six transponders to the Gloucester Police Department (one for each cruiser on the road), twelve transponders to the Gloucester Fire Department, and two transponders to the town of Rockport for their emergency ambulance use.

Discussion on condition 16D. **Mr. Park** stated transponders are very good for emergency vehicles as they are able to turn red lights to green; we would install the signal equipment.

Council President Destino asked why 12 transponders to the fire department.

Chief McKay replied there are 12 vehicles: 3 ambulances, 6 pumpers, the Chief's vehicle and 2 ladder trucks.

Council President Destino asked if these transponders are transferable.

Chief McKay replied once installed yes; they are about \$1,500 each.

Councilor Grow asked is it necessary to equip Magnolia and West Gloucester with these.

Chief McKay replied yes.

Councilor Peckham feels it should be at the Chief's discretion.

There was no objection to the condition of the transponders.

Gregg Cademartori referred to condition #21 and noted that the Fire Chief recommended modification to that at the P&D meeting of 6/12. The Fire Department does not certify fire flows; it is the responsibility of the DPW.

Chief McKay recommended the developer with the DPW do the fire flows and then certify them. The Fire Department does not do the certification of fire flows. The DPW should have an opportunity to be present while the developer does the fire flows.

Condition 21. DELETE Fire Department and ADD ...developer and that notice be given to the City of Gloucester Department of Public Works providing an opportunity to be present during fire flow testing/certification.

Condition 37. The applicant shall provide at the applicant's cost and expense a special detail for traffic management during peak holiday events if in the opinion of the Police Department vehicular congestion warrants such additional police detail, acknowledging that any detail on the state highway requires prior Mass Highway approval."

Discussion on condition 37. **Councilor McLeod** stated the fire and/or police chief have the right to control traffic when they deem necessary.

Council President Destino asked why you would need a police detail on this property.

Councilor Grow questioned if this should be a condition.

Mr. Cademartori did have discussions with Lt. Aiello and not necessarily from a traffic perspective but should the police department deem a necessity for police detail for unforeseen reasons. Speaking to other communities and through Lt. Aiello, if issues arise for the complex, the manager of the facility will request that detail. He feels this belongs under Traffic and Safety.

Discussion included the offering of the following condition: The applicant shall apply for a building permit for the Hotel either previous to or simultaneously with the application for the building permit for the Shopping Center and the Hotel occupancy permit shall be applied for previous to the occupancy permit of the Shopping Center. After debate it was decided to delete this condition and to reword it similar to that of the phasing of the Assisted Living condition #39 below.

Condition 38. The applicant shall designate the provider for the Assisted Living Residence site and the Hotel site at Gloucester Crossing within 18 months of starting construction of the retail portion of Gloucester Crossing.

Discussion on condition 38. **Councilor Grow** asked if we could tighten that time frame from 24 months to 12 to 18 months.

Mr. Park replied it is his intention to go to the assisted living provider right away but we don't want to go into default of the conditions because of things that aren't within our control. If it may be reasonably extended he feels the change would be fine.

Attorney Lowe referred to Rule 25 of the ordinances regarding phasing of a project and noted that each permit granted shall specify a time period of not more than 24 months. Construction must commence within the 24 month period.

Councilor Grow stated currently the SCP process requires beginning construction within 24 months of issuance of the permit. We are potentially looking at build out of 3 to 5 years and this would shorten that time frame for the assisted living residence.

Attorney Lowe stated if you are not going to follow that time frame for all the permits you need to say that.

Councilor Hardy stated the only thing this is firming up is designation of the provider and agrees it should be shortened up.

Councilor Grow stated once the provider is identified they are to begin construction within one year.

Council President Destino stated for clarification that within 24 months the developer will designate a provider for the asst living and the hotel and within another year construction will commence.

Attorney Harrison stated the shovel is actually in the ground with the installation of the storm water management.

Council President Destino asked is it the Council's will to have the developer come back.

Attorney Harrison stated 12 months is a little tight, but they could go with 18 months.

Councilor Tobey asked for clarification that they will identify a developer for the pad. He asked will a concrete pad actually be poured and wouldn't you have to pull a foundation permit for the assisted living to do so.

Mr. Park stated the assisted living will be rough graded with the utilities in; we may try to accelerate the foundation for the hotel. We have the same economic interest in getting this done.

Councilor Tobey asked if using the word "pad" is implying you would be pulling a permit and suggested a better word be "site"

Council President Destino asked is the city covered going over the 24 month period for which construction has to start and at what point will the applicant have to come back to the City Council.

Attorney Lowe stated once you get the designation, prior to the two years, they would either come back for an extension or they would start construction.

Mr. Cademartori asked for clarification that the preparation of site work for elements of this comprehensive project is initiated by completion of site work and not the pulling of a building permit for a foundation.

Mr. Park stated we can clearly designate an assisted living provider and hotel within that time period. We will suffer an enormous economic impact if we don't get the assisted living residence and the hotel built. We are committed to any reasonable measures to ensure completion of the assisted living and the hotel. The condition of allowing us to come back and provide a full update to the Council within 18 months would be very acceptable.

Councilor Romeo asked if we want to change the ordinance would that be applicable to this permit.

Councilor Tobey stated they would have to seek an amendment.

Council President Destino stated we are talking about the phased development, not the components.

Councilor Romeo stated if we change the ordinance, it may change who the provider is.

Attorney Lowe stated any ordinance changes you enact after the granting of a permit don't apply.

Condition 39. The applicant shall at the request of the City Council, after complete build out, evaluate the necessity to incorporate a school zone and traffic mitigation if necessary for school safety.

Discussion on condition 39. **Councilor Grow** stated currently it is within our purview to enact a school zone. Howard/Stein/Hudson's report did not recommend we necessarily needed a school zone, crossing lights, or pedestrian activated crossing zones. He would like to condition that based on actual traffic patterns this be reevaluated after full build out so we know if there is an actual need and if the case the applicant be responsible. The Traffic Commission, School Committee and Planning Department will have to weigh in on this.

Condition 44. Acknowledging the potential need for ambulance service from the Assisted Living Residence and the expressed need by the Mayor and the Fire Chief for a new city ambulance, the applicant agrees to provide a voluntary contribution of such ambulance either by assuming the city's debt service on the ambulance or by outright purchase within twelve months of the issuance of a certificate of occupancy for the retail portion of the Gloucester Crossing project. The cost of the ambulance shall not exceed \$250,000.00.

Discussion on condition 44. **Attorney Harrison** noted this is a voluntary contribution.

Councilor Hardy asked if we are at the point we should decide how they pay for the ambulance.

Council President Destino feels the applicant should be provided flexibility.

Attorney Harrison stated the Mayor suggested it may actually be paid off by that time. If the debt service is already covered, the \$250,000 is still Mr. Park's obligation.

Councilor Tobey stated it is a reimbursement to a sinking fund.

Council President Destino feels the intent is clear.

Mr. Cademartori suggested many of the conditions for the shopping center also relate to the other permits and you might expand on condition #1 to add language... "subject to the general conditions of the comprehensive permit" for all other permits.

Attorney Lowe agreed.

Councilor Tobey expressed concern we should stand with the representation given in the fiscal impact report with regards to the potential fiscal impact of the project so noted in the P&D minutes of 6/20 minutes, page 9, paragraph "a". He is not sure how the language relating to full build out relates to the \$300,000 to \$500,000 and given those concerns feels the language may need to be modified.

Special Council Permit criteria #6, Potential Fiscal Impact, so noted in the Planning and Development Committee meeting minutes of 6/20, page 9, paragraph "a", henceforth refers to the "fiscal impact report". The statement does not refer to net tax revenue but does agree with the minimal statement made in the report.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit for Major Project/Shopping Center for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 2.3.4(49) and Section 5.7, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit as follows:

1. The Project shall be constructed in accordance with the following Record Plans, which are on file with the Planning Board and City Clerk's Office: Gloucester Crossing, Gloucester Massachusetts, Special Permit Site Plan, dated January 3, 2007, revised May 9, 2007 and final approved plans (date to be determined) (hereinafter referred to as the "Record Plan").
2. The Project shall be limited to the buildings and improvements shown on the Record Plans: a Shopping Center (composed of Buildings A, B, C, D and F), an Assisted Living Facility (Building H), a Hotel with end cap restaurant (Building E), and Drive-Thru Facility (Building G). Due to the concerns regarding stormwater generation, any proposed changes which would result in an increase in the "footprint" of the Project should be reviewed following the procedures outline further in these recommendations.
3. If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications in accordance with the provisions of this paragraph. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for a special permit approval shall apply to such modification and review, and recommendation by the Planning Board and public hearing by the City Council; provided, however, that the Planning Director may determine that a proposed modification is insubstantial and approve the same.
4. The Planning Director in consultation with the Community Development Director, Building Inspector, City Engineer, Conservation Agent, and Director of Public Works, shall determine whether any modifications to the Project are substantial or insubstantial. In making such determination, the following shall be presumed to constitute substantial modifications, subject to confirmation by the City Council by majority vote at a public meeting.
 - A. Any change in the composition or number of uses on the Site specified in Condition No. 2 that results in an increase in traffic generation above the vehicle trips identified in the record documents;
 - B. Changes in the location of buildings, roadways, parking areas and other accessory structures that decrease the setbacks as defined in the GZO from adjoining residential areas indicated in the record documents;
 - C. Changes that result in a net reduction of open space or lot coverage indicated in the record documents.
 - D. Changes to the buildings or grading that increase a building's height beyond that shown on the record documents beyond that shown on the final approved plans;
 - E. Changes to the buildings that increase the total floor area of the Project beyond that shown on the record plans;

F. Changes to the architectural character of the buildings shown in the record documents; and

Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.

5. The City shall not have any legal responsibility for the operation, maintenance, repair or replacement of the same to the extent such features are located on the Site:

- A. All roadways and parking areas within the Project.
- B. Stormwater management facilities, including detention basins.
- C. Snow plowing of internal roads and parking areas, and cost of plowing Gloucester Crossing Road and School House Road as determined in the City's acceptance of the layout of Gloucester Crossing Road and related documents.
- D. Landscaping within the Project, except for landscaping in the layout of Gloucester Crossing Road and School House Road after the expiration of the applicant's maintenance responsibilities defined above.
- E. Trash removal.
- F. Street lighting within the Project, except for lighting in the layout of Gloucester Crossing Road and School House Road after the expiration of the applicant's maintenance responsibilities defined above.
- G. Building repair and maintenance.
- H. Water and sewer services within the Project

6. The internal driveways within the Project shall remain private in perpetuity and shall not be proposed by the Applicant for acceptance by the City.

7. In the event of any emergency, the Applicant shall allow the City of Gloucester DPW access to the sewer and water lines on the Site for repair purposes.

8. The Conservation Commission's Order of Conditions pursuant to 310 CMR 10.00 and an Order of Conditions issued under the Gloucester Wetland Ordinance regarding this property, are a part of this special permit. If there is any inconsistency between the Record Plans, and the plans as may be approved by the Conservation Commission or the DEP, the Applicant shall submit an amended plan to City Council, and the Planning Board for review, and to the Conservation Commission and to DEP (if applicable) for approval in order that all approvals are consistent with one another.

9. Following construction of the Project, the Applicant shall provide an "as-built" site plan to the City Council, the Planning Board, the Engineering Department, and the Building Department prior to the issuance of the final certificate of occupancy for buildings in the Project in accordance with applicable regulations. Partial Certificates of Occupancy may be issued upon completion of various phases of the Project. The Applicant shall provide a separate as-built plan depicting the water mains and services and sewer mains and facilities to the Engineering Department demonstrating compliance with the Record Plans and installation specifications. These plans shall also be submitted in electronic format.

Conditions Pertaining to the Construction Phase of the Project

10. A preconstruction conference with City departments shall be held prior to the commencement of construction of the Project. For the purposes of this decision, "commencement of construction" shall occur when the clearing and grubbing (removal of stumps and topsoil) has been initiated. The contractor shall request such conference at least thirty days prior to commencing construction by contacting the Planning Director, Inspector

of Buildings, Chief of Police, Chief of Fire Department, and Engineering Department in writing. At the conference, the Applicant, and municipal officials shall agree upon a schedule of inspections. The Applicant shall provide the City with emergency contact numbers as well as the name and telephone number of a designated owner's representative for all Project related communication.

11. During construction of the Project, the Applicant shall conform to all local, state and federal laws regarding noise and vibration. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 6:00 p.m. except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 8:00 a.m. and shall not continue beyond 5:00 p.m. with the same exceptions. The Building Inspector may allow longer hours of construction in special circumstances, provided that such activity is requested in writing by the Applicant, except for emergency circumstances where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Gloucester Police Department.

12. Construction monitoring shall occur as required under the Conservation Commission's Order of Conditions.

13. The City Council's agents shall be allowed entrance onto and view and inspect the Site during regular business hours to ensure compliance, subject to applicable safety requirements as established by the Applicant or its contractor, including signing in at the construction field office trailer.

14. Prior to the commencement of construction of the Project, the Applicant shall submit to the Engineering Department, Inspector of Buildings, and the Planning Director a Construction Management Plan for the Project, which includes the following elements and requirements:

- A. Material deliveries, contractor equipment, and material removal shall be routed off of Route 128 once the access is established.
- B. Construction access/egress gates shall be located at the intersections in the vicinity of the proposed Hotel and proposed ALR.
- C. Construction fencing shall be erected for the duration of construction within the buffer zone along abutting parcels to the south and along the boundary of the Fuller School, as shown on the Record Plans. Fencing shall be 6 foot wire fencing with fabric screen.
- D. Staging of equipment and material shall be located within the Project. Good faith efforts shall be made to schedule material deliveries to avoid peak traffic hours, and school drop off and pick up. This condition is subject to stricter time constraints if in the opinion of the permit granting authority said good faith efforts have become relaxed.
- E. Blasting and excavation shall be conducted according to all city and state regulations including 527 CMR. 13.00 and the Gloucester Code of Ordinances Section 13 Noise, and shall be conducted within the hours set forth in Condition #13. No rock crushing operations will be set up within 100' feet of residential dwellings. No stump grinding or tree chipping apparatus shall be permanently installed or operated within such 100' buffer; provided, however, that this condition shall not be construed to prevent tree removal, tree chipping, or tree stump grinding in place within such buffer.

- F. Sedimentation and erosion controls, as shown on the Record Plans, shall be maintained and inspected by an independent erosion control monitor on a weekly basis, or as directed by the Conservation Agent or Engineering Department and said inspections shall be reported in writing to Conservation and Engineering Departments.
- G. Dust from outside activities shall be controlled. The Applicant and its contractors shall effectuate the following practices to minimize levels dust:
 - i. Wetting soils that are excavated from unsaturated zones.
 - ii. Wetting equipment during excavation/loading activities.
 - iii. Minimizing dust generation from areas that have been excavated through the wetting of soils, or by other means of stabilizing dust particles.
 - iv. Stockpiles left more than 30 days shall be stabilized.
 - v. Restricting vehicle speeds and travel routes on the Site.
 - vi. Covering truck beds transporting soils off-site/on-site to prevent dust generation.
 - vii. Sweeping paved areas if a nuisance is created by blowing soil, dust, or debris.

15. The Applicant shall be required to promptly repair any damage, which Applicant causes to sidewalks, street pavement, signs or other fixtures or features within the public right of way, after obtaining permission from the City.

Conditions Pertaining to Traffic

16. Prior to the issuance of the final certificate of occupancy, the Applicant shall make (either itself or through payment to third parties) roadway and infrastructure improvements for the Project as follows:

- A. Adjustments, including reconstruction of the hardware and phasing modifications at the intersection of Eastern Avenue and Route 128. This shall be initiated after Mass Highway approval and upon issuance of a building permit.
- B. The installation of a traffic signal at the intersection of Route 128 and Gloucester Crossing Road shown on plan entitled: Figure 8 – Signalized Intersection included in the TIAS, subject to approval by Mass Highway.
- C. Striping and lane improvements at Grant Circle, Blackburn Circle and Route 128 Extension subject to the approval of the Massachusetts Highway Department.
- D. If the traffic signal is ultimately approved by the MHD, the applicant shall purchase and install the following transponders free of charge to the Municipalities: six transponders to the Gloucester Police Department (one for each cruiser on the road), twelve transponders to the Gloucester Fire Department, and two transponders to the town of Rockport for their emergency ambulance use.

17. Within 120 days of the issuance of an occupancy permit for the SC, the Applicant shall implement the outlined Transportation Demand Management (TDM) Strategies, identified in the TIAS including:

- A. Ridesharing Programs. Ridesharing refers to encouraging commuters to ride in vehicles with other commuters rather than drive alone to work. Given the number of people employed in the area, a coordinated rideshare program could be very successful. The most common forms of ridesharing are carpool and

vanpools. The benefits of such programs include less congestion, reduced fuel consumption, and better air quality.

- B. Preferential parking, within designated employee parking, for employee carpoolers to the Project detailing the location of reserved parking spaces as proximate as possible to the various building entrances;
- C. Establish Gloucester Crossing as a part of CATA's Yellow Line bus route and coordinate accommodations for permanent bus stops on-site, subject to approval by CATA;
- D. Sell CATA and MBTA passes at the Shopping Center if permitted by CATA and MBTA;
- E. Establish a shuttle service from the proposed ALR to the retail center;
- F. Establish Bicycle Facilities, including exterior bicycle racks and bicycle storage.
- G. Establish pedestrian links to the existing residential neighborhood to the south of the Site.

18. A Transportation Coordinator shall be appointed and responsible for managing the TDM program for three (3) years after the full buildout. The Transportation Coordinator's duties will include ensuring that the shuttle bus service will run from the Site on a schedule that coincides with employee schedules for arriving and departing the Site according their scheduled shift changes, so that this service can provide employees with a useful alternative to automobile access. The Transportation Coordinator shall report annually from three years to the City Council on February 1st summarizing the effectiveness of the TDM program. The City Council may suggest adjustments to the TDM program based on such report.

19. Once signalized all deliveries and truck traffic must enter and leave the Site via Gloucester Crossing Road in the built condition.

Conditions Pertaining to Water and Sewer

20. The Project shall be connected to the City of Gloucester sanitary sewer lines and a copy of the permit shall be provided to the City Council. The Applicant shall pay all applicable sewer inspection fees to the City of Gloucester.

21. The Project shall be connected to the City of Gloucester for domestic water and fire flow. Final fire flows in compliance with state and local regulations shall be certified by the developer and that notice be given to the City of Gloucester Department of Public Works providing an opportunity to be present during fire flow testing/certification.

Conditions Pertaining to Stormwater Management

22. Although further soil evaluations are not mandated at this time, City Staff from the Health Department and Engineering Department shall be present during installation of infiltration components to ensure the drainage system will function as proposed. Should soil conditions be observed during construction that do not match design assumptions, revised plans which address such issues shall be submitted to the Engineering Department for review and approval.

23. The Applicant shall follow the Operation and Maintenance Plan dated November 21, 2006 revised April 18, 2007, for the Project's stormwater management system. In the event that the Applicant fails to maintain the on-site stormwater management system in accordance with such Plan, the City shall give written notice of such failure and the Applicant shall have twenty (20) days to repair the cited failure. In the event of an emergency and an inability to

contact the Applicant or its successor in interest, the City may conduct such emergency repair and the Applicant shall permit entry onto the Site to make such emergency repair. In the event the City conducts such emergency repair, the Applicant shall promptly reimburse the City for all reasonable expenses associated therewith; if the Applicant fails to so reimburse the City, the City shall place a lien on the Project or any improvement therein to secure such payment. No entry by the City shall be made without prior written notice to the Applicant and without affording the Applicant a reasonable opportunity of not less than twenty (20) days as aforesaid to cure the maintenance or repair problem.

Conditions Pertaining to Site Safety and Security

24. Following issuance of a certificate of occupancy for the Project, the Applicant shall provide and maintain private security service as needed.
25. The Applicant shall prepare and submit detailed fire suppression and detection plans for review by the Fire Department and the Building Department.
26. Each building within the Project shall contain a fire alarm system that is connected to the Fire Department. The operation of the alarm and the method of connection shall be approved by the Fire Department and the Building Department.
27. All fire hydrants shall be located where indicated by the City of Gloucester Fire Chief, including any additional fire hydrants requested by the Fire Chief, said hydrants shall be protected by bollards and shall not be blocked or hidden from view by any vegetation or dumpsters or anything obstructive in nature.
28. Dumpsters shall be screened from view by vegetation and or fencing and shall be locked when not being accessed by the owner of record.
29. Prior to implementation, the Applicant shall provide a Security Plan for review and comment by the Gloucester Chief of Police and Chief of the Fire Department. To the extent permissible under law, for security reasons, such plan shall not be considered a public document.
30. The Applicant shall be responsible for Site security during and following construction. The Applicant shall pay for public safety details when required during the construction period when site equipment and material deliveries affect public roadways adjacent to the Site, as directed by the Gloucester Police Department.
31. The Applicant shall cooperate with the Gloucester Police and Fire Departments and periodically conduct scheduled mock exercises to address mutual concerns, such as searches for missing persons, intruders and potential evacuation.
32. The Applicant shall annually request that the Gloucester Police and Fire Departments provide to the City Council on February 1st the actual number of emergency 911 calls to the Gloucester Police and Fire Departments during the prior calendar year.
33. The Applicant shall actively recruit in Gloucester for all open staff positions, including making such efforts as advertising jobs in the local Gloucester newspapers and having a job fair in Gloucester for Gloucester residents.

Conditions Pertaining to Open Space

34. In accordance with the Order of Conditions issued by the Gloucester Conservation Commission, the Applicant shall be responsible for monitoring the vernal pools for water quality and habitat impacts for a period of five (5) years. Any required mitigation for wetland impacts shall be initiated or constructed prior to the issuance of a certificate of occupancy.

Conditions Relating to Community Benefit

35. The applicant has made a voluntary contribution toward the enhancement of downtown economic development by the providing the opportunity for interested downtown merchants to be included in Gloucester Crossing advertising material, by providing a kiosk or information stand with information about interested Gloucester retail, restaurants, and attractions and agrees to work with the Downtown Development Commission and the retail section of the Chamber of Commerce, contributing professional resources toward the improvement of downtown Gloucester.

36. Understanding the importance of sustaining and encouraging a vibrant downtown, the applicant has voluntarily agreed to match 25% of the City's annual contribution to the Downtown Development Fund, a fund collected from parking meter revenue whose proceeds are distributed by a designated group of downtown merchants. This contribution shall not exceed \$5,000 per year, shall begin one year after the issuance of a Certificate of Occupancy for the shopping center, and shall continue for five consecutive years.

Conditions Relating to Traffic and Safety

37. The applicant shall provide at the applicant's cost and expense a special detail for traffic management during peak holiday events if in the opinion of the Police Department vehicular congestion warrants such additional police detail, acknowledging that any detail on the state highway requires prior Mass Highway approval.

Conditions Relating to Phased Development

38. The applicant shall designate the provider for the Assisted Living Residence site and the Hotel site at Gloucester Crossing within 18 months of starting construction of the retail portion of Gloucester Crossing.

39. The applicant shall at the request of the City Council, after complete build out, evaluate the necessity to incorporate a school zone and traffic mitigation if necessary for school safety.

Conditions Requiring Certain Community Benefits

40. Without an increase in footprint or height of the proposed ALR building, the maximum number of assisted living residence units should be encouraged due to the community need.

41. The Applicant shall create a "Gloucester resident" preference, as allowed by law, to the ALR. All Gloucester residents, by virtue of their residency in the City, shall be entitled to this preferential status.

42. The Applicant and/or ultimate ALR provider shall work in conjunction with the Gloucester Senior Housing Options, to provide programs that will optimize and expand services available to all Gloucester seniors.

43. The Applicant shall encourage the ALR provider and the Hotel operator to provide internships in the area of senior health care and management to qualified high school students attending Gloucester High School. The selection process and other details of such internships should be determined in coordination with the Principal of the Gloucester High School. Working with the schools, the Applicant should offer job shadowing, career outreach and community service placements.

44. Acknowledging the potential need for ambulance service from the Assisted Living Residence and the expressed need by the Mayor and the Fire Chief for a new city ambulance, the applicant agrees to provide a voluntary contribution of such ambulance either by assuming the city's debt service on the ambulance or by outright purchase within twelve months of the issuance of a certificate of occupancy for the retail portion of the Gloucester Crossing project. The cost of the ambulance shall not exceed \$250,000.00.

45. A Taxi Stand shall be designated and appropriate signage put in place in the proximity to the front entrance of the Hotel.

HEIGHT EXCEPTIONS FOR THE SHOPPING CENTER

- 1. Junior Anchor - relief requested 11'**
- 2. Specialty Retail - relief requested 21'**
- 3. Restaurant 1 - relief requested 9'**
- 4. Restaurant 2 - relief requested 12'**

The public hearing is opened.

Speaking in favor. **Attorney Harrison** spoke on the requested height exceptions for the shopping center. She noted the height exceptions are necessary due to the method required for calculating building heights using preconstruction existing grade and looking at all corners of the building. These are not going to be tall buildings but because of the architectural detail they will require a height exception.

Clay Smook, Architect spoke briefly on the design elements of the specialty retail and junior anchor. He noted the key to balanced architecture is through creating a series of background building and marquee buildings that punctuate the composition; the tallest element being the clock tower.

Attorney Harrison stated the City Council is asked to consider four items when making their finding on the height. The Council can grant a special permit for a greater building height for the shopping center under Section 3.2.3(3) when such increase is consistent with the neighborhood and not substantially detrimental to the neighborhood because of view obstruction, overshadowing, utilities consideration or other adverse impacts. This is a 33 acre site, so there is no view obstruction, overshadowing or utilities consideration. The height exceptions are for esthetic considerations to achieve the architectural character of the project.

Speaking in opposition. **Stevan Goldin, 14 Haskell Street** stated any questions on height are a moot point until we find out if the thing is going to be built and Councilor Tobey picked up on the most important thing here and his question was avoided. The TIFF and DIF came up under Mr. Cademartori's reports and spoke further to him and told him that Mr. Park has said unless he gets the TIFF and DIF to get up to the \$3 million in infrastructure, the work will not get done. We have to deal with this now. This project is not going to be built unless Mr. Park gets up to the \$3 million subsidy. He was told Mr. Park is going to first attempt to get the money from the state and he has been turned down on one grant already. This is money out of the public's pocket.

Council President Destino asked Mr. Goldin to stick to the facts and speak to the height exceptions.

Mr. Goldin feels the question of the TIFF or DIF should be handled before anything else.

Council President Destino stated a TIFF or DIF is not in front of us and if that gets turned down and this project doesn't get built this Council understands that.

Mr. Goldin what is our alternative, we have this 40b hanging over us, so this is relevant. The 40b is under appeal now. This 33 acres is the last developable piece we have and we are getting low taxes and low wage jobs. All the parking should be underground. Gloucester is a wonderful place and we should put more offices and housing here. The big objection to the 40b was dumping the traffic onto neighborhoods. Mr. Park is a good person to work with and has opened up Rte. 128 so a 40b could go here.

Councilor Foote called a point of order.

Council President Destino asked Mr. Goldin to stick to the matter at hand.

Mr. Goldin stated you are not making good use of this site. With the opening to Rte 128 and going up higher and put parking under ground, you could get housing (friendly 40b), meet the 20% affordable and it is a legitimate need. The other units would give us a place to put new housing without chewing away the places that shouldn't be developed. Because you are far away from other neighbors, this would be a great place to put 8 or 10 stories. When you build higher you can protect the natural environment. He asked the Council to first consider the finances and make sure this is going to be built and then please build higher.

Rev. Richard Emmanuel, The Church never got a chance to address the fiscal impact report submitted by the Planning Director. That should have been opened up for discussion. What will this do to the skyline of the city and has anyone done a review of what the height is going to look like. What was once the tower of City Hall and church steeples now becomes capped with housing and a shopping center. All the images shown are very deceiving. The space is elevated and you will create a new skyline to the city. As citizens we reject the report submitted by Gregg Cademartori. He is not qualified to make a fiscal report on this project. Why wasn't it brought up right from the beginning that \$3 million will be requested. Site costs alone are enormous. The dollar is collapsing and the shopping centers are going for mega shopping centers - they will become entertainment centers. You are making a legacy for this city. This city will condemn itself to mediocrity.

Marcia Hart, East Gloucester has worked as a nurse for the local VNA for 20 years and she involves herself in this community in issues as this. She feels we live in paradise and what motivates her is to protect that paradise for future generations. She acknowledges there is currently a financial problem and according to the study and this city there are no problems with this development and this can't possibly be true. She tried to interject some truth into this matter. She read an excerpt from James Connelly. "People who come to Gloucester say it is a great place to relax. There is something in the air. What is it? The oldsters will tell the visitor that whatever there is there comes from 300 years of people of a port where striving for wealth or worldly acclaim wasn't the theme. Give and take, take and give. Let the money grabbing be. Do what is right for the country. Let a man look for no more than he honestly earns. Wish the rest of the world well. That was Gloucester and of course something of that philosophy is bound to shape the character of this old port. So visitors to it are bound to find it restful." She doesn't believe the \$500,000 will significantly solve the financial problems in the city. The jobs that are going to be created are not going to allow the people who work their stay as residents in this city and the money that will flow will not stay in this city; it will go to the corporate offices of chain stores. By granting this it will set a precedent for future development in this port city. We have enormous assets that can pull the city out of the financial troubles that it is in. She doesn't feel this project will do that. Please consider the ordinances; there has to be good reasons for them. She feels what is missing in the fiscal impact study are the economic effects this will have on downtown. The value of our existing height ordinance and what a variance means and the long term effects of what our city will look

like in the future are all of concern. The public is not adequate to present the counteracting opinion. As a City Council, you need to talk about this and guide the city.

Dr. Susan Frye, East Main Street, retired architect retired to Gloucester because it didn't have a mall. She retired from a community that was blighted because of this. This presentation is frightening to think if the quality of this is what will be built. She noted the elevations that Attorney Harrison viewed are sections, not elevations. With regards to sustainability and green, she wants to know if this is a Leeds certified project; which is the governing body for sustainable green projects; she doesn't believe it is. She retired from an historic city with high end shops and within 5 years of the construction of a mall the city was blighted. She sent photos to Councilor Romeo to provide a visual impact of what a blighted city looks like. She is not against growth; she was a commercial architect for 18 years but it is important to ask all the questions. She does agree this project will change the character of Gloucester, so think carefully.

Rebuttal. Attorney Harrison replied yes, we will seek a TIFF or DIF that will assure it will be built but the absence of such does not say it will or will not be built. We have been very mindful of the height. These are for modest height buildings. Many of us come to Gloucester not to relax, but to work, educate and raise our families. We can't all have the luxury of just coming to relax. This is not going to be a Leed's certified project, as it doesn't work here but we are incorporating green strategies throughout this process.

Ms. Hart stated we have a significant tourist economy in Gloucester and as the fishing industry becomes less strong, we need to rely on our tourist economy more. Relaxation is not a negative concept.

Councilor Grow stated staff members have come before the City Council to offer their expertise and he disagrees with the comment made and stated we should respect the fact they are doing their job instead of having them subject to ridicule and insults.

Questions. Councilor Hardy noted for the record that the Height Exception for building C has an existing grade of 52' and the motions at P&D were predicated on the 52'.

Councilor Peckham asked has there been any rendering done of what this might look like from folks coming in from the harbor.

Attorney Harrison replied no, she doesn't imagine it will be visible from the harbor.

The public hearing is closed.

HEIGHT EXCEPTION BUILDING B – JUNIOR ANCHOR

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 11 feet - for Building B shown as the junior anchor on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

Discussion. Councilor Grow stated this has been a fairly contentious project and he feels a lot of the concerns are genuinely felt and have opened up a lot of opportunity to discuss and expand our understanding of what we have to do as a community in terms of our economic development. He also feels that the character of Gloucester is not so fragile that the shopping center will destroy it. He agrees that Gloucester is far stronger than the shopping center or a traffic light. The opposition to the project now needs to be channeled to really make an effort to look at where we are going with economic development in our community. He referred to Sean Henry's statement that the empty store fronts are not the fault of Sam Park. It is our responsibility as a community. Gloucester Crossing should be one aspect of our commercial and right now we are laying a lot of responsibility on the developer to solve our problems. I knew the project would not be the panacea to all our problems. This is meant to provide decent jobs for a certain sector of the community or transitional jobs for others. This has been an extremely well scrutinized project for which there is a definite need in our community.

Councilor Foote stated Mr. Park bent over backwards in his ward neighborhoods to see all those dead end streets are not opened up. Mr. Park is the only one who has brought something to Gloucester the people liked. He commended this Council for their work and supports the entire project.

Councilor Tobey provided general observations. As a permit granting body we evaluate project applications through a process dictated by law and when all is said and done, life is changed. Gloucester has changed and will continue to do so. We need to work as hard as we can to make that change consistent with local needs. A remark made by someone in the opposition is that we have an obligation if we were to support this application is to justify our ethics to those tourists who come here for the natural surroundings as they are right now, how it was we considered changing them. If we vote to change them, it would be in a measured thoughtful way. He spoke about educational advantages in other communities, recognizing the disadvantages Gloucester children will be under when they go to college because the programmatic offerings are limited because of finances, and he ask to justify that. A process began in 1999 using CDBG monies that looked at the site in question as well as Linsky's site to come up with something to expand the commercial/industrial base in positive ways. The site was grossly degraded in 1999 and continues to be grossly degraded. Depending on how you define "not in my backyard" the neighborhoods surrounding the project largely support this and that deserves acknowledgement. Someone suggested this project isn't economically viable. He suggested that is not for us to second guess; we need to give their expertise some respect. This piece of land is not the last site of developable industrial land in Gloucester. There are many other potential development sites - the EDIC is researching sites adjacent to the Kondelin Road Industrial Park and land adjacent to the Blackburn Industrial Park. He noted the positive impacts the project will have on storm and waste water management issues in the immediate area and provides for restoration of degraded resources. He used North Hampton as an example of a uniquely vibrant downtown very close to a mall. We all need to come to consensus on the Harbor Plan so we can come up with further revitalization for the downtown area. He intends to vote for the SCP and commends the applicant for the work done.

Councilor McLeod supports the project. We have had substantial discussions on this and what came out of those discussions was that it meets the needs of Gloucester citizens. Gloucester used to have 25% commercial/industrial and we are down to 9%. We need to build our way back up because when you don't have the business growth, the people are paying out of their pocket. Other positives of the project include 200 jobs, fees of \$400,000, sewer and water \$377,000, tax revenue \$650,000, school improvements and road repairs, ambulance \$250,000. We need people to come in that want to partner up with the City of Gloucester and we need a department store and a hotel. There is plenty of room for growth and we can do things together. There are nine competent people up here to keep us functioning and we have a heritage here we want to keep. He wouldn't do anything to hurt this city. The project will be good for Gloucester.

Councilor Romeo thanked the P&D, Linda Lowe and Gregg Cademartori, the School Committee, Fire and Police for all the hard work put into this. She feels this project is going to help with some of our problems. We are not threatened by the 40b or the TIF/DIF. Look at the positives: 200 jobs we don't have. It is a ripple effect. This was a major, major project that was fully reviewed. Sam Park's project isn't going to fix it all but it will help us and is a change we need and it is up to us. She supports the project.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 11 feet for Building B shown as the junior anchor on site plans of Gloucester Crossing, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, height exception of 11 feet for Building B is referred to the Legal Department for a written decision by UNANIMOUS consent of the City Council.

HEIGHT EXCEPTION FOR SPECIALTY RETAIL.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to Recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 22 feet for Building C shown as specialty retail on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

MOTION: On motion of Councilor Peckham, seconded by Councilor Romeo the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 22 feet for Building C shown as specialty retail on site plans of Gloucester Crossing, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, height exception of 22 feet for Building C is referred to the Legal Department for a written decision by UNANIMOUS consent of the City Council.

HEIGHT EXCEPTION FOR BUILDING D – RESTAURANT

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 9 feet for Building D shown as Restaurant on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 9 feet for Building D shown as Restaurant on site plans of Gloucester Crossing, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, height exception of 9 feet for Building D is referred to the Legal Department for a written decision by UNANIMOUS consent of the City Council.

HEIGHT EXCEPTION FOR BUILDING F – RESTAURANT

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 12 feet for Building F shown as Restaurant on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.2, footnote (3) for a height exception of 12 feet for

Building F shown as Restaurant on site plans of Gloucester Crossing, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, Height exception of 12 feet for Building F is referred to the Legal Department for a written decision by UNANIMOUS consent of the City Council.

Public Hearing #2 - SCP: Gloucester Crossing: 1.4.2.2, 5.17 "Drive Through" (Continued From 09/04/2007).

The public hearing is opened.

Speaking in favor. Attorney Harrison stated the proposed drive through banking facility meets all the design standards in Sec. 5.17. The revisions to the design resulted from the Planning Board process and both revisions made were safety oriented. The parking aisle is now two-way instead of one and we are extending the median to prohibit the inadvertent traveling of the car in the ATM lane over to the other lane. The Council is asked to look once again at the six criteria and find the proposed use will be in harmony with the intent and purpose of the zoning ordinance.

The six special permit criteria pursuant to Sec. 1.4.2.2(e) are as follows:

1. Social, economic and community needs served by the proposal. For convenience, elderly, disabled, parents with small children. The drive through is positively located because of convenience to Fuller School for teachers and administrators and is convenient for industrial park.
2. Traffic flow and safety. The traffic impact analysis was drafted and presented by Dan Dulaski of Traffic Solutions. The design meets the requirements of queuing tacking lanes, special markings indicating the ATM lane and the teller lane with significant signage for safety. There is no worry about queuing into a public street.
3. Adequacy of Utilities. The drive through will be a low impact user of utilities.
4. Neighborhood character and social structure. The drive through is located in the middle of shopping center distant from the surrounding neighborhood.
5. Qualities of the natural environment. Clay Smook explained that this is an important building as it will be the first building at the top of the entry road; it will be a 360 degree building with a lot of architectural detail.
6. Potential fiscal impact. Already reviewed will provide an increase to the tax base and potential for increased employment. It is very distressing to hear people minimize the kind of employment that will be available. These are not all professional jobs, but are important jobs for our community.

Attorney Harrison further stated that in Section 5.17.8 the applicant is asked to provide the possible hours of employment and number of employee parking spaces. The ATM will be open 24 hours per day. The drive through window will be open Monday through Wednesday from 8 a.m. to 5 p.m., Thursday and Friday will be longer hours and Saturday at least from 8 a.m. to 2 p.m. The hours may be increased depending upon demand. With regards to security there are rigorous state and national rules a bank must follow for security. Maintenance is part of the common cost of the shopping center and will be done periodically and often by the management of Gloucester Crossing. **Marcia Hart** stated if we are unfortunate to have Gloucester Crossing, she doesn't see anything wrong with the drive through bank at this location. She would prefer not to see drive through banks downtown in our shopping district. These are jobs for teenagers, elders and retired people. With a declining major industry and would hope we would be trying for jobs that would allow for residency here.

Speaking in opposition. Stevan Goldin, 14 Hodgkins Street stated drive throughs are emblematic of sprawl. Gloucester is different; we still have a downtown and drive through banks drain business from downtown and put pressure on the banks downtown.

Communications. There were no communications.

Rebuttal. There was no rebuttal.

Questions. **Councilor Hardy** asked how much square foot is dedicated to the drive through facility.

Attorney Harrison replied 2,800 sq. ft.

Councilor Hardy asked if they are incorporating the drive through into the 15,000 sq. ft. requirement under the extensive business district.

Attorney Harrison replied yes.

Stevan Goldin asked how many people and what kind of people will be manning a drive-through window.

Attorney Harrison replied we expect the bank at any one time will have six employees, a manager, a branch manager and tellers. Her previously made comment was about all employees we expect to work at Gloucester Crossing.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Drive Through Facility for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, - EB zoning classification, pursuant to section 5.17 of the Gloucester Zoning Ordinance.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit for Drive Through Facility for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 5.17 of the Gloucester Zoning Ordinance, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, Drive Through Facility is referred to the Legal Department for a written decision by UNANIMOUS consent of the City Council.

Public Hearing #3- SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (7) footnote 3, 5.7.1, 3.2.1,3.2.1 (footnote 4) "Hotel" (Continued From 09/04/2007).

The public hearing is opened.

Speaking in favor. **Attorney Harrison** stated this is primarily a business type hotel with 100 keys, meeting spaces, a fitness center with a small indoor pool, a small informal breakfast area and a small office center with office machines. She asked the council to consider the six criteria pursuant to Sec. 1.4.2.2(e).

- 1. Social, economic and community needs served by the proposal.** In 1999 the Mayor's office commissioned a study to see if a hotel was needed in Gloucester and it was recommended that Gloucester does need a hotel. The preferred location for a hotel would be on the harbor but the study gave encouragement and credibility for another location. This hotel will not just respond to the business community in the industrial park but with the proximity of the assisted living residence, it is very possible this hotel will be used by family members of assisted living residents. The hotel will also be beneficial to the tourist industry. It is something that can be more family oriented and encourage that kind of tourism. Joe Orlando who owns a B&B encouraged Gloucester Crossing to be approved and he told her he looks forward to it because Gloucester Crossing will be doing advertising and any spill will flow to the other B&B's and hotel/motels in Gloucester. A tour company owner sent correspondence to Mr. Park stating she looks forward to the opportunity of this hotel because there is no place in Gloucester where tour groups of 100 or more can stay. This is a great boom to our tourist industry as well. Even a local priest told her he also looks forward to a hotel to supply adequate rooms for wedding guests.

2. **Traffic flow and safety.** All traffic counts assume the location of the hotel which is providing some underground parking that minimizes on site parking and also provides some security for overnight guests.
3. **Adequacy of utilities.** The adequacy of utilities has been addressed. The city has had independent consultants study the adequacy of the sewer done by NECE and the adequacy of the water service done by Dubury/Goodkind and the adequacy studies by the applicant's engineers, all found to be adequate.
4. **Neighborhood character and social structure.** The hotel is in proximity to the industrial park, yet separate from the neighborhood. CATA bus service will be provided from the hotel and there will be a designated taxi stand also requested at P&D. The final revised plan will incorporate a small taxi stand.

Clay Smook, Smook Architecture stated the shingle style hotels of New England became the model for this. We have tucked the fourth story into the roof. We broke down the scale into a series of what appears to be smaller wings and a low roof to mark the ground floor, which will include meeting rooms and a fitness and business center to be used by occupants in the hotel. The building is 360 degrees. A restaurant that will be linked to the hotel has been scaled down to bring the height back down to the ground and another pad on the other side although not attached, appears to be attached.

5. **Natural environment.** The applicant is incorporating the green strategies talked about previously, as well as low flow plumbing fixtures and similar strategies. All the guidelines specifically related to Hotels under Section 5.7 have been reviewed by the Planning Board and P&D and they all have been satisfied in this project. The design detail is intended to bring the visual height down.

Attorney Harrison noted that the Council can grant a special permit for a special exception for height based on four standards: Is there any view obstruction, overshadowing, utilities consideration, or adverse impact to the neighborhood. The hotel does not obstruct view or overshadow; utilities are underground and it does not adversely affect the neighborhood because the hotel is located truly in the middle of the shopping center.

With regards to distance between buildings, pursuant to Section 3.2.1, because a hotel is considered under the residential section, two principal buildings on a lot (hotel and restaurant) must be separated by the total height of both buildings. We are required to have 113' between the two buildings; we only have 46' necessitating relief of 67'. The City Council must find this reduction is not detrimental because of view obstruction, over shadowing, service access or visual crowding. The renderings show there is no perception of visual crowding; it is adequate for emergency and service vehicles to both the hotel and restaurant. We believe the hotel is a compatible use with the retail and assisted living components, as well as existing uses in the neighborhood. It is a good option for the business and tourist traveler and she asked the Council approve the height exception, the exception for distance between buildings and the special council permit for the Hotel. She suggested the same conditions placed on the Assisted Living Residence also be placed on the Hotel.

6. **Potential fiscal impact.** Discussed in the fiscal impact report done by Gregg Cademartori, Planning Director.

Peter Asaro, 22 Bray Street spoke in favor of this hotel; he feels it will be a great asset to the city. Gloucester has to move forward.

Marcia Hart spoke in favor of a hotel, but not sited at a mall. She can see how it will provide a convenience for the industrial park and feels there are lots of tourists that wouldn't mind staying in a hotel in a mall. The Blackburn Building on Main Street was always a hotel in the past and has the same height as this, so she is not opposed to the height exception. She doesn't see the need for the cupola as she feels it increases the height. She also feels people visiting their relatives at the assisted living facility would want to stay someplace nicer than a hotel in a mall.

Lynn Ann Parisi owns a small group travel business and what would increase her business would be to have a Hotel. Tourism is one of the avenues that will bring revenue into the city in a very big way. Groups are coming to Gloucester by bus and they have been coming for over 55 years. She

has begun to bring groups into Gloucester. They stay out of town intentionally to come to Cape Ann. They come by bus for the day. She has begun to get into the military reunion market which is huge. She has a list of over 600 reunion planners looking to come to the Boston area. They don't come to Boston because they can't afford to come. She had interest from a veteran who wanted to come with his military group but we don't have a facility large enough for 55 doubles to stay. The closest they could get was on Rte. 1. It is not a place this gentleman wanted to stay with his group but there was absolutely no place in Gloucester for this group to stay. If we build it they will come and there are different markets; the senior markets want reasonable prices and there is also a market for hotels on the water front. Varian puts there people up at the Court Yard Danvers and when they recommend places to eat they recommend places out of town.

Maggie Rosa, 26 Fort Hill Avenue has questions about the construction. She feels this plan will go forth but would like to see us build not for today but also for tomorrow. Why does the construction have to mimic the past of Gloucester. We don't need to mimic the past of Gloucester. When City Hall was built, it was a huge change to Gloucester. We need to make this complex the best we can possibly make it to make it really successful. There have been concerns the hotel will impact the horizon, despite the fact there will probably be two huge wind turbines going up that will have a much larger impact. Why not incorporate the views of the harbor into this project so we have a place people really want to come to where they are going to get great views of the harbor.

Lisa Rigsby is very positive about the cash opportunity in water/sewer hook up fees and would like to know how much money the city expects to collect from this 100 key hotel.

Ann Kolowski, 7 Bayview Avenue hopes there will be easy pedestrian access to the restaurants.

Speaking in opposition. Stevan Goldin, 14 Hodgkins Street stated for this city to thrive we need to support downtown first and this Council should work on facilitating getting a hotel downtown. That may be a case where a TIFF or DIF is justified, a publicly beneficial project, and that is what a downtown hotel would be. Getting away from post war urban sprawl and build up what is unique about Gloucester. Once you get something like that and do other measures, he feels this would be a good second motel – so this is premature. He also spoke about making it higher. A positive thing about this is the underground parking and he questioned why it couldn't be done under all the buildings. Under the financial benefits and liquor licenses that may apply. Councilor Destino spoke to the point that the Council can condition the permits anyway they want and he feels the Council should research this further. Mr. Goldin stated that Attorney Harrison said financial contributions are voluntary and can't be conditioned, but so it this permit and he feels those contributions should be given at the time of the permitting. Most importantly, he still doesn't think that Councilor Tobey's question has been answered. If this is approved, does Mr. Park have the finances and will this get built if he doesn't get the \$3 million in public funding.

Elizabeth Lewis, Rackcliffe Street, Rocky Neck spoke not in opposition per say but noted this isn't the only hotel opportunity available. She hopes this whole process doesn't just become a point by point thing and the Council doesn't forget to think about the economic impact to our downtown and on tourism. One of her biggest concerns as a medical professional is safety and the ability to get to the hospital.

Diane Musik, Summer Street spoke in opposition to the hotel; she is opposed to the entire project. She feels Gloucester is unique and special and she doesn't want this to be like Cape Cod. There were hotels that existed years ago and there are places to stay now. This is a community where people, live, thrive and work. You don't want to open the door to any more traffic and pollution. We don't need a drive through bank or another hotel. Tourists are not encouraged to shop downtown Gloucester. If this mall is opened, it is not going to be anything but a strip mall. Gloucester needs long term vision. There are other resolutions and this is not the end all. Please let's protect Gloucester – let's not make it another Cape Cod.

Communications. There were no communications.

Rebuttal. There was no rebuttal.

Questions. Councilor Tobey asked Attorney Harrison if she agrees with the location of the hotel within the city and specifically within the context of the 1999 hotel study. It is his sense that the

hotel study was about among other things, determining the extent to which there was a business community need for a business quality hotel with meeting rooms, appropriate internet access and other telecommunications tools, as well as proximity to the businesses surveyed. That in fact that survey did indicate the need for a business class hotel and that this hotel would focus on that need with its impact on tourism being secondary.

Attorney Harrison replied that is how we see this hotel – it is primarily a business hotel. That was the original plan. She thought it was startling when Ms. Parisi spoke that people coming to Varian are lodged in Danvers. We anticipate this will address that need.

Councilor Tobey asked if the proposed hotel is a conglomeration of resources not to be found at any other hotel, motel or B&B in Gloucester.

Attorney Harrison is not aware of any.

Councilor Hardy referred to the distance between buildings and asked if there will be any vehicular traffic between Buildings E and F, you are requesting relief on.

Attorney Harrison replied there will be a gate there for access for delivery.

Mr. Park stated we have tried to make all buildings visible all around as a front door. Bringing those buildings together keeps it smaller hiding those less desirable areas, every building has a loading area.

Councilor Hardy asked where the turn around would be once the vehicle gets between the two buildings and is there enough distance there.

Mr. Park replied it is a back in service area and yes, there is enough distance.

Council President Destino asked how that relates to a pedestrian friendly area between the hotel and restaurant.

Mr. Park replied the service area is only used when a loading vehicle is coming in.

Councilor Hardy referred to the restaurant and asked how people leaving building E would enter building F.

Mr. Park explained the wide pedestrian pass goes across right into the restaurant building the other is actually connected internally. He noted that each side of the building will also have a secondary access.

Councilor Hardy asked if they plan on having any lighting between the two buildings for security purposes.

Mr. Park would presume there would be lighting there and it would be a secured area.

Council President Destino asked about \$100,000 in hotel tax.

Attorney Harrison replied the fiscal impact study was based on a 55% occupancy rate, the standard is usually 65%, but using 55% at the 4% rate generated \$100,000 and we believe that is conservative.

Mr. Cademartori spoke in response to comments made that he doesn't think he has to defend himself for an objective report but also takes exception to the folks who were involved in the report that are not here to also defend themselves working with professionals and also using the assistance of an outside commercial appraiser as a big piece of this to validate the potential value of the project, as well as the tax assessment. Based on 95% at \$65 million you are looking at \$600,000 in annual revenue with all components built. The sewer connection tie in fee is \$14,000 for each of the eight connections in the project, as well as the review and inspection of the force main and improvements on Staton Street. The estimate on water and sewer billing based on 55,600 gallons per day which would equate to a combined billing of water and sewer charges of approximately \$377,000 per year built out, using current water and sewer rates.

Councilor Grow stated for clarification that there will not be a separate connection fee for each room.

Mr. Cademartori replied they are assessed by building; there are eight connections.

Councilor Peckham asked if each one of those connections is \$14,000.

Mr. Cademartori replied no, the \$14,000 is the combined fee for all the connections per the current ordinance.

Council President Destino stated earlier in the meeting we asked the City Solicitor about connection fees for large developments and the answer was that we don't really have an ordinance for large commercial and residential developments which doesn't preclude us from doing that before these connections occur.

Ms. Lowe replied that is correct.

Councilor Peckham is concerned there is no formula worked out for this.

Councilor Hardy stated if you can put parking under the hotel why you aren't able to put parking underground at any other facility.

Mr. Park replied it really isn't underground parking; that side of the building is exposed. Most of the site is rock but that particular location is not. We were able to drop the foundation, like basement parking.

Councilor Hardy assumes the garage door opening at the ground level is where you enter the underground garage and asked will there be any security there.

Mr. Park it is a secured access.

Councilor Hardy regarding the function hall for the hotel; how many people will that accommodate and in what kind of a setting.

Attorney Harrison replied the function room can accommodate 130 at tables and 200 in an auditorium seating arrangement.

Councilor Hardy asked if they have worked with any potential architects regarding this hotel and will there be different grades of rooms and will you be charging different rates.

Attorney Harrison replied Mr. Park will not build this hotel; it will be a hotel management company that will do that. You really don't call it 100 rooms, you call it 100 keys that allows for modifications to configurations.

Councilor Hardy asked is it possible that you will be working on this hotel at the same time you will be working on the shopping center.

Mr. Park replied we are out marketing and it is to our advantage to do it at the same time. Most of the rooms for business quality hotels are pretty standardized. We specifically designed this so we can phase it either way but it saves us a lot of money if we do it all at one time.

Councilor Hardy stated for clarification that the logistics of location do not preclude the possibility of working on them simultaneously.

Mr. Park replied no, it is pretty flexible.

Lisa Rigsby asked about the space between the restaurant and the hotel. With the service entry out back she is not sure what purpose that 46' space serves. It is dumping into the parking lot for delivery vehicles and isn't that dangerous. She also stated that \$14,000 is so cheap for a connection fee; we should be getting more than \$1 million for this project.

Mr. Park replied the road coming up is the main entrance and in looking at the grades the only place we could make the connection was on the front side. This is an ideal location to service the restaurant and the hotel. There is no way to have a service entrance on the hillside grade.

Councilor Hardy asked where you plan on storing the chemicals for the pool.

Mr. Park replied most hotels with small pool facilities store on site. He imagines storage would be in the basement.

Councilor Hardy asked the Building Inspector and Fire Chief if pool chemicals are okay on the premises.

Marcia Hart asked if she is correct in hearing the connection fee is \$14,000.

Council President Destino reiterated that the Council is not precluded from amending our sewer regulations and ordinances because we don't have any tie in fees for large commercial or residential developments.

Ms. Hart asked what individual homeowners were assessed on average.

Council President Destino replied that is a betterment and is not germane to the question.

Ms. Hart asked that information be e-mailed to her.

Council President Destino stated the sewer policy is in O&A and all meetings are posted online.

Mr. Goldin reiterated that Councilor Tobey's question has not been answered. Will this project be built and does he have the finances to proceed with it if he doesn't get one of these subsidies.

Council President Destino stated the applicant did not say it would or would not be built with the TIF or DIF.

Mr. Goldin stated for clarification that the project may or may not be built without the TIF or DIF.

The public hearing is closed.

HOTEL

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Major Project/HOTEL for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 2.3.1(7) footnote 3 and Section 5.7.

Discussion. **Councilor Tobey** supports the motion.

Councilor Foote supports the motion.

Councilor Romeo supports the motion.

MOTION: On motion of **Councilor Peckham**, seconded by **Councilor Hardy** the City Council voted by **ROLL CALL 8** in favor, **0** opposed the granting of a special council permit for Major Project/HOTEL for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 2.3.1(7) footnote 3 and Section 5.7, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, Hotel is referred to the Legal Department for a written decision by **UNANIMOUS** consent of the City Council.

HOTEL DISTANCE BETWEEN BUILDINGS

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.1 for distance between buildings - for Building E shown as the HOTEL on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

Discussion. **Councilor Hardy** requested a friendly amendment to remove the second map and lot numbers. The amendment was accepted without objection.

Gregg Cademartori asked that all the conditions be reflected in accordance with the plans submitted.

MOTION: On motion of **Councilor Peckham**, seconded by **Councilor Hardy** the City Council voted by **ROLL CALL 8** in favor, **0** opposed the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.1 an exemption of 67' for distance between buildings for Building E shown as the HOTEL on site plans of Gloucester Crossing, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, Hotel, exemption of 67' for distance between buildings is referred to the Legal Department for a written decision by **UNANIMOUS** consent of the City Council.

HOTEL HEIGHT EXCEPTION

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.1, footnote (4) for a height exception of 41 feet - for Building E shown as the HOTEL on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.1, footnote (4) for a height exception of 41 feet for Building E shown as the HOTEL on site plans of Gloucester Crossing, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, Hotel Height Exception is referred to the Legal Department for a written decision by UNANIMOUS consent of the City Council.

Public Hearing #4 - SCP: Gloucester Crossing: 1.4.2.2, 2.3.1 (11A), 5.14, 3.2.3 footnote 2.

"Assisted Living" (Continued From 09/04/2007).

The public hearing is opened.

Speaking in favor. Attorney Harrison stated assisted living combines housing, support services and personal care in an independent setting. This is a residence; it is not a nursing home. Services are provided usually through the resident's insurance company.

1. Social, economic or community needs served by the proposal. Assisted Living is a residential option for seniors. Mr. Park heard when he first came here there was a need for retail and assisted living. Assisted living residence is clearly regulated by statute and it is required under the ordinance that 20% must be designated as affordable, using HUD guidelines. As far as practical under law, preference should be given to Gloucester residents and an annual report be made to the Community Development Director to ensure compliance. Upon request, the assisted living has been moved out of the retail portion. Some providers wanted to be near the retail component but not in the retail component. This is closer to the neighborhood; the closest part of the project is this facility. A lot of attention has been paid to easy pedestrian access. As a result of a P&D recommendation a fence will be installed to secure the wet pond area. She referred to the Community Development Plan, Strategy 9, Section A-4 that recommends the promotion of housing options including assisted living and retirement villages with services and amenities that will allow people to downsize yet continue to live in Gloucester. Corale Grande has provided a letter addressed to the Council President where she talks about how difficult it is for residents for find downsized housing.

2. Traffic flow and safety. Traffic flow is fairly limited around an assisted living facility. Although people are independent not all of them drive. There will be no vehicular traffic through the abutting residential streets and parking is all provided as required under the zoning ordinance.

3. Adequacy of Utilities. Utilities were discussed in previous hearings and are sufficient.

4. Qualities of the Natural Environment. Were discussed in previous hearings.

5. Neighborhood character and social structure is appropriate for this use. This meets the smart growth principle of combining housing with retail within close proximity to the other benefits that are part of Gloucester Crossing, enhancing the abutting neighborhood and a mutual benefit with the Fuller School.

Clay Smook, presented a model of the assisted living facility. We currently have an assisted living facility of this size going up in the City of Marlborough who has a need for assisted living. The physical design of the building in terms of esthetics draws on the shingle style buildings of the turn of the century. Design models of assisted living are as diverse as you see in hotels. His personal feeling is the assisted living facilities should have a sense of a home. This building will be clad in a

Hardie shingle product. The building is four stories but appears as three because the fourth story is tucked up under the roof. The building will also have a wrap around porch and there will be a mix of rooms. Generally there is a common dining facility on each floor, although you can prepare meals in your own facility. Other amenities on the ground floor include a sundry shop, beauty shop, library, and a living room for meeting with family members all in a controlled environment. The building is ell-shaped because with the elevators at the core to create minimal walking distances from the elevators to the most distant rooms and there will be a nurses station on every floor.

Attorney Harrison added that Mr. Park is not in the business of running an assisted living facility but is intent to prepare for the construction of this building, by constructing the road, putting in the infrastructure and providing a pad for an asst living facility provider, with a condition that he would designate that provider within 24 months from the start of construction. Any changes to the plan would have to go back before all boards and the City Council. This is the greenest part of Gloucester Crossing. It is within a protected area and there will be buffering between the assisted living facility and the neighborhoods. This assisted living will have 80 rooms.

6. Potential fiscal impact. Even using the high cost of the assisted living residence and the cost to the city, this is still creating a potential positive fiscal impact for the city. All the guidelines for assisted living in the city ordinances have been met.

Attorney Harrison further stated that under the ordinance the Council is asked to make additional supplemental findings when you have an assisted living facility in a non-residential district. First, that the public good will be served and second, that the non-residentially zoned area would not be adversely affected. There is definitely a need for assisted living. We have combined the assisted living with the retail component because we think that makes good sense and is actually a benefit to the non-residentially zoned area. Thirdly, that the uses allowed in the EB district are not obnoxious to the asst living use and we believe this and the other uses in the project enhance and provide economic opportunities for the residents. The request of 27' is the height exception and the assisted living residence is actually allowed a height of 35'. With the assisted living height exception there will be no view obstruction, over shadowing, utilities consideration and there is no adverse impact to the neighborhoods. There is a strong need for this senior housing. Mr. Park has recognized the need for a certain connection with a need the city has and Gloucester Crossing and is willing to make a commitment to fund the \$250,000 ambulance that was on the Fire Chief McKay's list of capital needs. We would suggest he would make that gift one year after receiving an occupancy permit for the retail portion of this shopping center. We feel this is a very generous contribution. Mr. Park in his negotiation with Mayor Bell recognizes the potential for additional ambulance calls between the assisted living and the hotel.

Ruth Pino, 82 Wheeler Street spoke in favor. Massachusetts is the only state in the union to lose population do to the lack of economic development. She appreciates the months of review by all appointed and elected officials and staff. She loves this city and realizes change is hard and there is always risk in change but it takes change to move forward. There is a need for an assisted living facility and she urged the Council to support this project. Without economic development we won't exist much less be mediocre. It is impossible to change the character of Gloucester.

Peter Asaro, 224 Bray Street spoke in favor of the assisted living facility. He feels it is a great opportunity for Gloucester and the people who live here. We have to move forward; Gloucester will always be unique and beautiful.

Speaking in opposition. Stevan Goldin, 14 Hodgkins Street stated this is another part of the project that he has mixed feelings about. This serves a real need for a portion of the population. It is a good location and goes up four stories and like the hotel – this is our last chance and is not going to over power any neighbors. This should go higher and we should take advantage of this site. There is too much asphalt; so much of this entire site is used for a parking lot. On the down side there is a parking lot on one side and two detention ponds on the other side. None of the important questions were answered. He feels there will be de facto killing of the vernal pond creatures because those creatures spend most of their time upland. The habitat will be damaged and this was acknowledged in the form of mitigation. The total mitigation was only \$20,000. There is

a lot of wildlife and there wasn't a study done. He feels those studies have to be made because the natural areas that are saved are important for the neighborhoods and the schools. He credited the Council for the affordability clause in the ordinance and added that it is important to write into the conditions some control over setting the assisted living fees. You need to maintain control to make sure the public interest is maintained. Mr. Park delivered this project as a mixed use project and he stated there was going to be housing there and that he met the housing requirement through the assisted living. This is only a narrow part of our housing needs and this is our last large developable space. We need better services and lower taxes and feels this project should have to pay larger fees and that this should be a more dense development with office space and more high paying jobs. The largest elderly need is people who want to stay in their own homes. If you drew the income that you should out of this you could help existing residents that want to stay in their homes. He feels we have a very able City Planner and we are fortunate he knows the environmental aspects as well. The Council needs to have a financial consultant come in here and evaluate what we can really get out of this in terms of finances for Gloucester.

Lisa Rigsby is not opposed to the assisted living but noted as Attorney Harrison emphasized this is the residential portion of this project and what potential is there here. What other residential project of that size would only pay \$14,000 for a connection fee.

Marcia Hart works for the VNA who have been in the city for more than 90 years and she has worked there for 20. She also was the co-chair of the housing division of the Community Development Plan and at the time of that plan, she felt assisted living was an entirely positive entity. Since then, she has looked at various assisted living facilities and as a visiting nurse is called on to perform very basic services and it seems that some level of nursing service should be provided. She found that assisted living is a positive thing, expensive and is only available for a certain portion of our population. She is glad we have the 20% affordability clause. From a MET Life study assisted living costs ran \$50,160 per year in 2006, an increase of \$9,000 per year from 2004. The Assisted Living Foundation of America states that 40% of assisted living facilities include basic services such as eating, bathing, walking, getting people to the dining room; 60% of assisted living facilities do not provide these basic services. She spoke about the income guidelines that are going to be used for the 20% affordable allowing an annual income of \$46,300 to qualify as affordable. If a person were to have Social Security income of \$1,500 per month (\$18,000 per year) they could also have a pension income of \$1,000 month or a total of \$30,000 income per year. They could also have \$500,000 in the bank drawing 3%. There is something wrong with the HUD guidelines. What can our city do to help some of these 75 elders we have on a waiting list. You could reduce the guidelines; \$46,300 is 80% of the median income; \$29,450 is a very low income. She asked they reduce the guideline to 50% of the area median. Think about the elders you are leaving out if you don't lower that.

Communications. Correspondence from Sunny Robinson, Senior Housing Options and Corale Grande, Director Council on Aging both in support of the Assisted Living Residence.

Rebuttal. There was no rebuttal.

Questions. **Councilor Romeo** is concerned about the phasing of this project and asked if this is approved are they ready to come build.

Attorney Harrison stated within 24 months upon start of construction the assisted living facility provider will be determined and the pad will be turned over to them.

Councilor Romeo is concerned that we won't see this for a good four years. She requested that Mr. Park keep the community informed when a provider is determined. She asked how long it will take to get the assisted living facility up and built.

Sam Park stated it is a competitive market and assisted living providers want to see a road built. If you look at most of the facilities being built today, they all insist on the height and the treatment so it doesn't feel institutional. We tried to minimize the cost on the assisted living facility and fortunately the other uses are able to pick up some of the site costs. Our goal is to have a designated provider within the next 10 to 12 months based on our discussions. What we propose is what we believe the market is demanding.

Councilor Romeo asked if they will sell the land with the permit.

Mr. Park stated we can land lease or sell the pad. The responsibility of the special council permit would still be on us but any major changes will be on them to come before the City Council. This has been viewed by several providers and they all liked the layout.

Councilor Romeo is concerned about the maintenance.

Mr. Park stated both he and the city have an economic interest in making sure this happens. In reality the betterments we are providing, sewer improvements of \$377,000 are not creating \$377,000 in annual expenses – that is meant to pay for the equity in the system.

Councilor Tobey had questions for Mr. Goldin but he has since left the room. Given Mr. Goldin's concerns he asked about the status of the permitting process as it related to the Conservation Commission. He asked for confirmation on the following statements: 1. That a request for determination was issued by the Conservation Commission in May 2005, that no appeal was filed and that the appeal period has expired. 2. That an order of resource delineation for another area of the site was issued in February 2006, that Mr. Goldin and others filed an appeal and that this was subsequently withdrawn. 3. That the Conservation Commission conducted five public hearings as well as a site visit; as a result of that issued orders of conditions in May 07, that no appeal was filed and the appeal period was closed. Are those statements correct? He stated is it correct that Mr. Goldin had the right to appeal and he chose not to.

Mr. Cademartori agreed with the statements 1-3 but stated the State also has right to step in and reevaluate or potentially overturn a decision of the Conservation Com and that did not occur. There has been some new information presented in terms of the phasing of the project. He made it very clear in the report and it was accurately represented in the paper as well, in terms of his presentation that the scenario of revenues was based on a two year period with each piece being built. The revenues projected on the full build of the project are a representation of that scenario of what the city would receive and what the costs would be. It was presented as a comprehensive project. There are certainly variables in the process, such as the assumption of the DIF. Mr. Goldin said he told him that Sam Park said that he couldn't make this work unless he gets \$3 million. That is certainly not the case. He did paraphrased what Mr. Park said at the close of the last meeting. Mr. Park needs to close the gap on the amount of infrastructure improvement that is associated with this project. There are multiple ways to do this including his financing and other grant opportunities. He certainly has put forward at each meeting that the potential of a TIFF or DIF was a part of that consideration but it is only the City Council and the state that can ultimately decide the terms and amounts of such agreements.

Councilor Hardy stated the application for the assisted living refers to two maps and two lots.

Attorney Harrison stated the error was on her part in including the adjacent parcel, owned by Mr. Park but not part of this proposal.

Councilor Hardy noted for the record this is only on one parcel.

Attorney Harrison replied that is correct, that parcel is not part of the Gloucester Crossing project.

Councilor Hardy entered into the record that the applicant has submitted a simple block model in accordance with Section 5.7.2 for major projects involving 50 or more dwelling units a simple block model shall be submitted to the City Council. She asked if they have sought and received any relief for the assisted living parking.

Attorney Harrison replied we received relief for a parking reduction of 237 spaces for the retail, hotel and bank. We did not look for reduction in parking for the assisted living facility.

Councilor Hardy stated the model shows that the middle section of the roof is flat and asked if they anticipate using that as a terrace in the future.

Attorney Harrison replied no.

Councilor Hardy asked if folks living at the assisted living residence will be apprised of the fact that these are ball fields and there will be kids on those fields.

Attorney Harrison believes it will be self evident and she also feels the ball fields will be an enhancement, rather than a detriment.

Councilor Hardy asked if the applicant would ask the person owning the facility to let folks know what is in the neighborhood.

Attorney Harrison replied they could provide that on any plan or brochure that would go to potential residents.

Councilor Hardy is proud of the fact that they have maintained as much greenery as possible and asked if they anticipate taking down many trees.

Attorney Harrison replied we will take down some trees for the relocation of the water line and a very extensive planting plan will be provided to replace trees that will be removed and the Conservation Commission looked very carefully at tree removal.

Councilor Hardy asked will there be someone living on the site 24 hours per day.

Attorney Harrison anticipates following all the requirements that are listed.

Recognized the Mayor and a number of managers have been present for this entire meeting.

Mayor John Bell thanked city staff, the City Council and the public for this long public process. He feels it has made for a better project. He noted the benefits of this project. From the very beginning we eliminated the big box stores and worked based on the service needs of the community. This will sustain the community, these are services we need; this keeps residents of Cape Ann on Cape Ann. The presence of a business hotel, a waterfront hotel is still needed and we will be working very closely to make that happen. The Deaconess received approval for an assisted living facility but was closed down because they didn't want to use non-profit monies to fight neighborhoods. The assisted living will open up housing opportunities in the city in addition to providing valuable services. The retail provides great opportunities. From a design standpoint if this were to be situated over on Rte. 133 and take over some of our beautiful woodland areas – that would represent the worst of sprawl. This is in a dense area of Gloucester. This is an opportunity for Gloucester and he thinks the community over the past 28 months deserves a lot of credit for coming together and examining this project. He feels we will have the best project.

A ten minute recess was called at 1:40 p.m.

The meeting reconvened at 1:50 p.m.

The public hearing is closed.

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit under Section 1.4.2.2 for Major Project/Assisted Living for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, and Map 43 Lot 4 - EB zoning classification, pursuant to 2.3.1(11A), 5.7 and Section 5.14.

Discussion. **Councilor Hardy** asked for a friendly amendment to remove the second map and lot number. The amendment was accepted without Council objection.

Councilor Foote supports the motion.

Councilor McLeod supports the motion

Councilor Romeo is upset about HUD in general; we have to go by their guidelines for affordability. She would like to see the assisted living facility built in Phase 1. She thanked Councilor Grow for recommending tightening up the time frame for designation of a provider. Assisted living frees up homes for our younger people. Assisted living is a plus and she supports this.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit under Section 1.4.2.2 for Major Project/Assisted Living for Sam Park & Co, LLC(applicant)

Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to 2.3.1(11A), 5.7 and Section 5.14, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing Assisted Living Residence is referred to the Legal Department for a written decision by UNANIMOUS consent of the City Council.

ASSISTED LIVING - HEIGHT EXCEPTION

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a special council permit for Sam Park & Co, LLC(applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, and Map 43, Lot 4- EB zoning classification, pursuant to section 3.2.3 footnote 2 for a height exception of 27 feet - for Building H shown as the Assisted Living on site plans of Gloucester Crossing, revised May 11, 2007, drawing number SP-4.0.

Discussion. Councilor Hardy asked for a friendly amendment to delete the last map and lot number. There was no Council objection.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted by ROLL CALL 8 in favor, 0 opposed the granting of a special council permit for Sam Park & Co, LLC (applicant) Gloucester Commons, LLC (owner), Map 262, Lot 13, EB zoning classification, pursuant to section 3.2.3, footnote 2 for a height exception of 27 feet for Building H shown as the Assisted Living on site plans of Gloucester Crossing, in accordance with the final plan submission and subject to the general conditions of the comprehensive permit.

MOTION: The SCP for Gloucester Crossing, height exception of 27 for the Assisted Living Residence is referred to the Legal Department for a written decision by UNANIMOUS consent of the City Council.

DISCONTINUE UNIMPROVED RIGHT OF WAY

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to discontinue, terminate and dissolve the unimproved right of way shown on a plan entitled "plan to Accompany Easement Agreement between Shirley Woodger, Robert Brown and the City of Gloucester, dated February 1970, recorded with the Essex South District Registry of Deeds as plan 24 of 1971 and as described in Grant of Easement dated January 4, 1971 and recorded with the Registry as document number 136436.

Discussion. Attorney Lowe cautioned that all the provisions in the ordinances have been followed with regards to discontinuing an easement.

Council President Destino stated this will be voted subject to compliance with state and local ordinances.

Attorney Harrison stated the easement was important to the previous owners because it provided frontage. It is important that we do not have access into the neighborhood, so by discontinuing this right-of-way it eliminates the frontage and access to Green and Perkins Street. These streets will be protected.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted 8 in favor, 0 opposed to discontinue, terminate and dissolve the unimproved right of way shown on a plan entitled "plan to Accompany Easement Agreement between Shirley Woodger, Robert Brown and the City of Gloucester, dated February 1970, recorded with the Essex South District Registry of Deeds as plan 24 of 1971 and as described in Grant of

Easement dated January 4, 1971 and recorded with the Registry as document number 136436.

RELOCATE CITY WATER LINE

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the relocation of a City water line as shown on Map 262, Lot 13, from its current location that runs directly through the wetlands on site with a manhole in the middle of the wetlands to a location in the road way and around the perimeter of the site. I move that the applicant be allowed to relocate the water line as shown on Sheet 7.0 of the Project plans, revision date May 11, 2007.

Discussion. **Attorney Harrison** stated the existing water line goes right through the wetlands and we propose to abandon this water line easement and will have a new one that goes up the side of the road and will stop at Green Street, so if the city wants to tie into it later it is available. The new line will supply additional pressure and takes it out of the wetlands.

MOTION: **On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted 8 in favor, 0 opposed the relocation of a City water line as shown on Map 262, Lot 13, from its current location that runs directly through the wetlands on site with a manhole in the middle of the wetlands to a location in the road way and around the perimeter of the site. I move that the applicant be allowed to relocate the water line as shown on Sheet 7.0 of the Project plans, in accordance with the final plan submission.**

ADVISORY OPINION TO MASS. HIGHWAY DEPARTMENT ON TRAFFIC LIGHT.

Attorney Harrison noted that Mass. Highway Department (MHD) issued an initial opinion that a right in, right out is preferable and the applicant has the ability to reapply for the traffic signal.

Mr. Park stated MHD was willing to conduct an independent study and meet with us to develop the best solution.

Councilor Peckham asked before we weigh in on the light wouldn't we want to see that recommendation from MHD.

Mr. Park stated the advisory opinion is to provide input to MHD.

Council President Destino stated if the applicant goes back and reapplies for the traffic signal the Council will have the opportunity to speak in a public process.

Gregg Cademartori, Planning Director stated as part of the MEPA certification there was a recommendation there would be further public notice and another public comment period.

Councilor Romeo stated if MHD is going to do an independent review she would like to wait until after that.

Councilor Grow stated regardless of the success or failure of the light, we have to take a practical look at what not putting that light is going to do to traffic flow. He would support a left out only traffic light. If we don't, you will see massive increase in the amount of people coming in and out past the school onto the Blackburn Rotary. It is not necessarily what is best for Gloucester Crossing; it is what is best for the community.

Councilor Tobey stated if we weigh in now we should reserve the right to do so when MHD gets closer to a decision. He doesn't want our comments now to be the last opportunity for input.

Councilor McLeod stated we just need our opinion on the light. If we don't address that now, we will compromise all we have done.

Councilor Foote stated most of the people he talked with think the light is a good idea but we must leave it up to MHD.

Council President Destino stated for clarification that fully understanding the complexities of the traffic on this project we would like to be heard on the left out only option.

Councilor Hardy is against any light that would prohibit the flow of traffic from East Gloucester and Rockport to Addison Gilbert Hospital. She is against the light all the way around and will not support the light. There is a certain procedure you have to go through to get notification from MHD and because her comments were not put in writing she was not notified.

Gregg Cademartori stated the consultant hired by the city, Howard/Stein/Hudson was asked to evaluate a solution to the issue of access and egress based solely on public safety which supports the applicant's contention and the traffic analysis done by Traffic Solutions.

Council President Destino stated the applicant has the opportunity to go back to MHD and reapply. He feels the Council should weigh in on this. We could ask that a resolution be drawn up or put forward a motion.

Attorney Harrison stated the preferred traffic access has been proposed to MHD; what they issued before was part of our MEPA review which gave the applicant the opportunity to continue to study the issue. As part of that study it did require we notify people that made a comment during the MEPA process. Right now MHD is continuing to do their survey looking at the issues.

Council President Destino suggested asking the Legal Department to work with the Planning Department to put a resolution forward stating the Council's concerns on the traffic to be debated and voted.

Attorney Harrison stated our initial application is still pending before MHD. MHD is doing their survey and will make a recommendation further to the Executive Office of Transportation. She read the recommendation from the independent traffic review, Howard/Stein/Hudson (HSH), dated 6/12/07 "Design conclusion and recommendations. The design measures proposed by the applicant satisfy HSH's concerns with respect to pedestrian and vehicular safety both within and adjacent to the project site. "HSH believes that installation of the proposed limited access traffic signal (alternative 2) will provide a safer condition than the right in, right out alternative by enhancing motorist awareness at the proposed Gloucester Crossing Road intersection and minimizing circuitous and unnecessary vehicular travel through Blackburn Circle and along School House Road. HSH, the city's consultant was very clear in recommending the preferred access, which was alternative 2.

Councilor Grow stated part of the reason they didn't make the recommendation to put the flashing lights in at the schools is that is not the preferred route for the majority of the traffic coming into the project. If you make it so that will alter their perception of what should be there.

The City Council agreed by UNANIMOUS consent that it would weigh in to MHD on the traffic light.

MOTION: It was moved by Councilor McLeod and seconded by Councilor Grow to recommend to MHD a limited access traffic signal (left out only and a right in-right out option). MOTION CONTINUED TO 9/18.

Discussion. Councilor Peckham asked shouldn't we wait to hear back from MHD.

Council President Destino asked is there a benefit in waiting for additional information.

Gregg Cademartori, Planning Director stated there will be an opportunity for public comment in the future; there will be other meetings to continue the dialogue

Attorney Harrison stated MHD will hold a public comment period.

Mr. Park stated they are looking for a definitive recommendation from the Council.

Council President Destino stated we would like to vote with total knowledge of what we are voting on.

Mr. Park feels this is the safest plan and because it is we would like an affirmative vote.

Councilor Hardy asked if she votes no the way it is currently worded, how MHD will know why I voted no.

Councilor Tobey asked will MHD formally seek the advisory opinion of the Council and when.

Attorney Harrison replied if the Council sends in a statement, MHD will pay attention to it; they will not solicit your opinion.

Councilor Tobey asked at what point will it be considered and how do they conduct their public comment period.

Mr. Parks replied they will send a set of detailed plans to the city, so the city can review what is being built.

Council President Destino noted that any individual Councilor can insert into that process their individual opinion.

Mr. Park reiterated we believe it is the safest plan and works for the development.

Councilor Grow stated we are trying to send a message as a collective body and he feels here is no urgency to do this today and requested a continuance.

MOTION: On motion of Councilor Grow, seconded by Councilor Peckham the City Council voted by ROLL CALL 6 in favor, 2 opposed (Foote, McLeod) to continue the vote to recommend to Mass. Highway Department (MHD) a limited access traffic signal (left out only and a right in-right out option) to 9/18/07.

COUNCILLOR'S REQUESTS OTHER THAN TO THE MAYOR

It was moved and seconded to adjourn the meeting at 4:45 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees

The Downtown Gloucester Restoration Committee

David S. Wise and Carmine Gorga
87 Middle Street, Gloucester, MA 01930 Tel. 978.283.5926
www.polis-tics.com
cgorga@poliis-tics.com

CITY CLERK
GLOUCESTER, MA
07 AUG 16 AM 10: 56

August 15, 2007

Gloucester City Hall
9 Dale Avenue
Gloucester, MA 01930

Dear Mayor John Bell, President James Destino, and Members of the City Council,

We would like to present to you the results of the survey we ran during the three days of the August Sidewalk Bazaar in Gloucester. After providing the public with the purpose of the survey as outlined in the enclosed attachment, we invited those interested to sign the petition.

We collected 425 signatures in the enclosed 39 pages, mostly from people living in Gloucester and Rockport, but did not discourage those from other cities to sign. Two tourists said that Forte dei Marmi in Italy is experiencing similar problems of sustaining the economic vibrancy of their downtown as in Gloucester.

We trust you will value this petition.

It will allow an integrated look at the issues facing our downtown. As suggested to the signers of the petition, there are solutions for sustaining the vibrancy of shopping in the Downtown if the experience is considered part of an integrated vision of the waterfront:

- (a) exploring funding sources to raise Rogers Street and connect Main Street with the waterfront, by creating free parking below and a landscaped promenade attached to it;
- (b) creating a private for-profit corporation dedicated to the development of new and innovative fish products such as Surimi and Omega-3 oils, Gloucester Fish Inc.;
- (c) establishing a Gloucester Interdependence Fund, by bringing together financial resources and investing them exclusively in Gloucester. Such funds are not uncommon in Italy; see attached 1999 positive reaction from Cape Ann bank officers.

Please also have the flyer that was attached to the petition. It has more detailed suggestions and provides signers with two websites for additional, helpful information.

Sincerely,


David S. Wise


Carmine Gorga

07 AUG 16 AM 10:56

How can we keep downtown Gloucester vibrant?

1. Shop at locally owned businesses
2. Continue beautification of store fronts
3. Continue city support of façade improvement
4. Search for a department store with low cost items, such as sheets, towels, pillow cases, stationary items, kitchen items, etc.
5. In the future, perhaps elevate Rogers Street to provide parking under it
6. Beautify its top and connect it with a promenade and park to the waterfront (<http://polis-tics.com/id22.htm>)
7. Let us scream with the famous Gloucester poet Charles Olson to prevent the loss of architectural and historically important buildings in Gloucester
8. Let us invest into the Gloucester Interdependence Fund (<http://www.polis-tics.com/id23.htm>)
9. Let us create Gloucester Fish Inc. (<http://www.gloucestercdc.org/id32.htm>)

Let us revitalize our community spirit

The Downtown Gloucester Restoration Committee
David S. Wise and Carmine Gorga
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cgorga@polis-tics.com

For recent articles by Carmine Gorga in the *Gloucester Daily Times* see Archives

GIC
GRLF
GRP

CITY CLERK
GLOUCESTER, MA
07 AUG 16 AM 10:56

February 1, 1999

Carmine Gorga, Ph. D.
President, Polis-tics, Inc.
87 Middle Street
Gloucester, MA 01930

Re: Gloucester Mutual Fund

INTERDEPENDENCE

Dear Carmine,

We are writing in response to the discussion held on January 20th relative to your concept of a Gloucester Mutual Fund. After you excused yourself the other evening, the group had an opportunity to further discuss your ideas and then asked Dave Sidon to draft this response.

First and foremost, we would like to commend your selfless efforts toward establishing a common vision for Gloucester's urban restoration and recognizing that such a vision needs an economic stimulus in order to be successful. Your plan provided us with an interesting framework within which to discuss Gloucester's economic issues and potential.

As to the issue of considering the establishment of an entity such as your envisioned fund, we reached consensus that such an entity is not currently needed or viable. It seems to be premature to establish another funding source prior to establishing the restoration vision that will create the demand for such funding. Over the past few years, we, as a fraternity of local bankers, have established three new funding sources for low-interest loans. The Gloucester Investment Fund, Gloucester Revolving Loan Fund and Gloucester Revitalization Program have all been created to fill particular needs. Our experience has shown a lack of demand for all three sources. Our experience has also shown a lack of cohesive community vision surrounding these loans. To that end, the local banks will continue the community work of helping to facilitate such a vision. Without a "solid" need, we feel it would be difficult at this time to entice "solid" investment in a new entity. The concept is intriguing, but we would recommend waiting as a course of action.

Thank you again for including us in this important discussion, and please keep us informed of any input you receive from others concerning this matter.

Sincerely,

David Sidon, Executive Director, GIC/GRLF
Peter Anderson, Rockport National Bank
David Marsh, Gloucester Bank & Trust
John Pettazoni, Gloucester Cooperative Bank
Harold Rogers, Cape Ann Savings Bank

A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please

Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|-------------------|---------------------|-----------------------|
| 1. Paul J. White | 5 Brades Rd | Rockport |
| 2. Egan Sullivan | 52 South St | Rockport |
| 3. Wendy Mayra | 18 Birch Grove Hls | Glouce |
| 4. Patsy Hester | 3 Trask St | Gloucester |
| 5. Thomas Rotundo | 31 Leonard St. | Gloucester Mass 01930 |
| 6. Emid M. Wise | 5 Brooks Rd. | Rockport |
| 7. Saul Schorfulm | 4 Mount Locust Ave. | Rockport, MA 01966 |
| 8. Scott Place | 52 South St. | Rockport, MA 01966 |
| 9. Lisa Leland | 136 Easton Ave | Essex MA 01929 |
| 10. Jeanne Galle | 20 Harvard St. | Gloucester, MA 01930 |
| 11. Anne Kiniga | 18 Forest La | Glouc MA 01930 |

The Downtown Gloucester Restoration Committee

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A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please

Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|----------------------------|---------------------------|-----------------------|
| 1. <u>Andy Wetz</u> | <u>12 Boardwalk</u> | <u>Gloucester</u> |
| 2. <u>Paul Chigas</u> | <u>599 Pleasant</u> | <u>Gloucester</u> |
| 3. <u>Leslie Sarofeen</u> | <u>15 Trask Street</u> | <u>Gloucester MA.</u> |
| 4. <u>CLARE HIGGINS</u> | <u>20 Pine St.</u> | <u>Gloucester</u> |
| 5. <u>Donald R. King</u> | <u>4 Greenwood</u> | <u>ET GLO</u> |
| 6. <u>Bonnie G. Buchan</u> | <u>4 Greenwood</u> | <u>Gloucester</u> |
| 7. <u>David A. Kest</u> | <u>77 Summer St.</u> | <u>Salem.</u> |
| 8. <u>JAY DIPROMA</u> | <u>15 TRASK ST.</u> | <u>GLoucester,</u> |
| 9. <u>And Am</u> | <u>104 Dodge St.</u> | <u>Beverly</u> |
| 10. <u>Paula M. Hunt</u> | <u>11A Centennial Ave</u> | <u>Gloucester</u> |
| 11. <u>D. A. Pulley</u> | <u>33 Cross St #2</u> | <u>Beverly</u> |

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A Petition

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The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

Name	Street	City
1. Pauline Dion	14 Wells St	Gloucester
2. Anna Comolli	33 Neponset Ave	Gloucester
3. Sue Ellis	18 Witham St	Gloucester
4. Scott & Maria	F Wichester Ct	Glov.
5. Richard Loras	12 APPLE	Glov Ma.
6. Ruth L. Bonfanti	13 Skipper way	Glo.
7. Stan Kaphow	12 Cedar St	Gloucester
8. M.C. Styrone E	Box 279 Fishers Island	N.Y.
9. Susan Oleksiw	122 Hale St	Glov Beverly MA 01915
10. Sheila Kople	35 Middle St	01930
11. Maria Clarke	55 Taylor St	01930

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A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please

Keep and sustain Downtown Gloucester economically vibrant

Name	Street	City
1. Bonnie Pinkham	69 Wheeler St	Glou. Ma 01930
2. Nellie Ann	Atlantic Street	Gloucester
3. [Signature]	95 Prospect	Glou MA 01930 ✓
4. DANIEL O'BRIEN	13 SYLVAN ST	GLOU MA 01930
5. CAROL MARAVES	94 PROSPECT ST	GLOU MA 01930
6. Joanne Mda		Arizona (glou. 35 yrs!)
7. Michael Santisi	16 Summer St	
8. Joyce Perkins	201 Essex Ave.	
9. Elizabeth Melby	4 Bayberry Lane	
10. Ernest Martin	238 Main St	Gloucester
11. Pollyann H Stator	31 Long Beach	RKPT.

The Downtown Gloucester Restoration Committee

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A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please

Keep and sustain Downtown Gloucester economically vibrant

Name	Street	City
1. <u>Carl A. McKee</u>	<u>9 Harbor View Ct</u>	<u>Gloucester</u>
2. <u>Maria A. Cuckey</u>	<u>9 Harbor View Ct.</u>	<u>Gloucester</u>
3. <u>MARIONNE MacPhee</u>	<u>53 Leonard St</u>	<u>Dennisport</u>
4. <u>Josiah Martin</u>	<u>17 W Mt Airy Ave</u>	<u>Philadelphia</u>
5. <u>Kathryn DiBia</u>	<u>3249 E. Bruce Dr.</u>	<u>Philadelphia</u>
6. <u>Lynn Collett</u>	<u>Old Bolton rd</u>	<u>Stow MA</u>
7. <u>Robert C. Conroy</u>	<u>2 Centennial Ave</u>	<u>Glou. MA.</u>
8. <u>Paul W. Young</u>		<u>Newbury, Ma.</u>
9. <u>THOMAS M. L.</u>	<u>37 WASHINGTON ST.</u>	<u>Glou. MA</u>
10. <u>Martin</u>	<u>11 Columbia</u>	<u>Glouc. MA</u>
11. <u>Armit</u>	<u>9 Starknought Rd</u>	<u>" "</u>

The Downtown Gloucester Restoration Committee

David S. Wise and Carmine Gorga
87 Middle Street, Gloucester, MA 01930 Tel. 978.283.5926

www.polis-tics.com
cgorga@polis-tics.com

A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|----------------------------|-----------------------------|-------------------------|
| 1. <i>Robt Brown</i> | <i>23 Nashua Ave</i> | <i>Gloucester</i> |
| 2. <i>S. Ferrin</i> | <i>6 Forest St.</i> | <i>Gloucester</i> |
| 3. <i>Anne Reaich</i> | <i>13 School St</i> | <i>Gloucester -</i> |
| 4. <i>Willil Alexander</i> | <i>13 School St</i> | <i>Glou.</i> |
| 5. <i>Ann Graccia</i> | <i>1 Thompson St</i> | <i>glo</i> |
| 6. <i>Thos. O'Keefe</i> | <i>57 Middle St</i> | <i>01930</i> |
| 7. <i>Samuel Calano</i> | <i>84 WASHINGTON ST</i> | <i>01930</i> |
| 8. <i>Pat Mcrally</i> | <i>8 Beal Rd</i> | <i>01930</i> |
| 9. <i>Pauline Ross</i> | <i>30 MIDDLEST</i> | <i>Glou 01930</i> |
| 10. <i>Janet Cook</i> | <i>6 Tolman Ave</i> | <i>Gloucester 01930</i> |
| 11. <i>Ellen Johnson</i> | <i>21 Fernwood Lake Ave</i> | <i>Gloucester</i> |

01930

The Downtown Gloucester Restoration Committee

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A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|------------------------|--------------------------------|--------------------------|
| 1. H. John [unclear] | 30 Uncast Rd. | Gloucester, MA 01930 |
| 2. Dana Salo | 131 LEONARD ST | GLouc. 01930 |
| 3. Norma B. Hardu | 20 Forest Street | Rockport, 01966 |
| 4. Tom Hodge | 55 Pleasant St | 303 Hb. 01930 |
| 5. Pam Harris | 5222 Sammys Way | Canandagus, NY 14424 |
| 6. RUTH PERRAULT | 209 GRANITE ST | ROCKPORT 01966 |
| 7. Sewell Hayes | 99 Prospect St | Glou. |
| 8. Ann Wilhamson | 1430 Hinobung Rd. | So. Burlington, VT 05403 |
| 9. Ron Woodard | 14612 Lipton Ln. | Fluoresville, TX. 78060 |
| 10. _____ | "4th generation Gloucesterite" | |
| 11. Barbara J. Mathieu | Sachs | |

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The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|-------------------------------|-------------------------|---------------------------|
| 1. Kenn King | 22 Hazel St | Haverhill, MA 01832 |
| 2. Dan Brown | | Burke, VA (Born & raised) |
| 3. James Smith | Middle St | Fla. |
| 4. Walter Brown | 21 Centennial Ave | Gloucester |
| 5. M.S. Miller | 6 Edge Rd | Gloucester |
| 6. Danna Rowe | 7 Arthur St apt 7 | Glouc. |
| 7. Tom Hicks | 9 Foster St. apt 2 | Glouc. |
| 8. ^{Mr} S. S. Graham | 1672 Nelson St | Georgetown |
| 9. John D. | 13 Magnolia Ave | Gloucester |
| 10. Judith A. Peterson | 482 Washington St., 2nd | |
| 11. Peg Williams | | |

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The Gloucester City Council

August 2007

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Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|---------------------------------------|-------------------|------------|
| 1. Constance London | 10 Bond St. | Gloucester |
| 2. Emily Castro | 24 Madison Sq. | Gloucester |
| 3. Valerie Nelson | 7 Summit Pt Rd. | Gloucester |
| 4. JUDY FLAHERTY | 150 PROSPECT ST | GLouceSTER |
| 5. Ken Flaherty | 150 Prospect st | Gloucester |
| 6. Carol MacLean | 7 Upsand | Wellesley |
| 7. Natalie Fishman | 11 Longbranch Ave | Rkpt |
| 8. Steve | 3 Waterside Ln | Glow |
| 9. Perran O'Connell | 425 Western Ave | |
| 10. Mr. Mrs. Pierre Lombert | Bradford Hayes | |
| 11. John Carver | Summit | Weymouth |

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And
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August 2007

Please
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- | Name | Street | City |
|------------------------------------|-----------------------------|----------------------------|
| 1. <u>Arlene Packford</u> | <u>76 Shore Rd</u> | <u>Magnolia</u> |
| 2. <u>Mrs</u> | <u>27 Atlantic Ave</u> | <u>Rockport</u> |
| 3. <u>Mary Sullivan</u> | <u>5 Linnet Pl.</u> | <u>Glou.</u> |
| 4. <u>A. P.</u> | <u>16 Pleasant St</u> | <u>Gloucester, MA.</u> |
| 5. <u>David M. Finch</u> | <u>128 Main St.</u> | <u>Gloucester Ma</u> |
| 6. <u>C. Barte</u> | <u>4 Blueberry Hill Rd.</u> | <u>Graveland.</u> |
| 7. <u>P. Conn</u> | <u>174 Old County R</u> | <u>Gloucester MA 01930</u> |
| 8. <u>Barbara A Bader</u> | <u>19 Centennial Av</u> | <u>Glou Mass 01930</u> |
| 9. <u>Bruce & Kathy Slifer</u> | <u>42 Pleasant St.</u> | <u>Gloucester</u> |
| 10. <u>Sarah Slifer</u> | <u>42 Pleasant St.</u> | <u>Gloucester</u> |
| 11. <u>Catherine M. Crowley</u> | <u>3 Riverview Rd</u> | <u>Glou. ma.</u> |

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And
The Gloucester City Council

August 2007

Please

Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|----------------------|--------------------|------------------|
| 1. Sheila Luard | 153 Cherry St. | Glou. Mg. |
| 2. Raymond Doyle | 16 Pleasant St | Gloucester |
| 3. Joe Stanley | 6 Rungley Ridge | Worcester, MA |
| 4. Patricia Koch | 18 2 Penny Ln | Gloucester, MA |
| 5. Joe Aulch | 18 Smart | 17 Gloucester MA |
| 6. Herbert Joseph Jr | 9 Orchard Rd | Glou. |
| 7. Arlene H. De | 58 Rowley Shore | Glou. |
| 8. Joie Busby | 14 Gloucester Ave. | Glou. |
| 9. Patti Sullivan | 235 E Main | Glou. |
| 10. Katelyn Durgin | 77 Washington St. | Glou |
| 11. Joshua Taylor | 44 Reynard St | Gl. MA |

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And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|------------------------|-----------------|--------------|
| 1. Eli Goodwin | 85 Prescott St. | Cambridge |
| 2. Geoff Richter | 5 Woodbury St | Glou. |
| 3. McBouchie | Park St. | Glou |
| 4. [Signature] | 4 Avon Ln | Gloucester |
| 5. [Signature] | 367 Concord St. | |
| 6. Eleanore Roosburg | 49 Summer St | Acton MA |
| 7. MARK WESSEL | 49 Summer St | Acton MA |
| 8. Joanne M. Ben | 11 Youngs Rd. | |
| 9. Sandra A. Nunes | 7 Wall St. | Glouc. Glou. |
| 10. Joyce Mangin-Kelly | 69 Atlantic Rd | |
| 11. Mitch Olufsen | 16 Pelrose St | Ware, Ma. |

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And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|-------------------------|-----------------------|------------|
| 1. Catherine Baulis | 8 Pilot's Hill | Gloucester |
| 2. Steve Zilli | 14 Hodskins | Gloucester |
| 3. [Signature] | 11 Foster St. | Wenham |
| 4. Jonathan Gorga | 87 Middle St. | Gloucester |
| 5. Mr. J. Sagal | 120 Western Ave | Glou. |
| 6. Rosella Park | 120 Western Ave. | Glouc. |
| 7. Patruclie Lever | 4 Treetop Lane | MAGNOLIA |
| 8. Ann Marie Pershaw | 1 Oak Circle | Rockport |
| 9. John R. Keshus | " " | " " |
| 10. Carson of Bluntberg | 42 R Eastern Point Rd | Gloucester |
| 11. Lisa [Signature] | 236 Magnolia Ave | Gloucester |

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A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|--------------------------|-----------------|---------------------|
| 1. JOHN MULROONEY | 27 LEE ST, | CAMBRIDGE, MA 02138 |
| 2. Joyce Rabbitt | 4 Sylvan St | Glo MA 01930 |
| 3. Jared Dixon | 8 Prospect St | Glov |
| 4. Aldman | 96 Main St | Gloucester MA |
| 5. William Vay | | Day 2 |
| 6. Jeffrey T. Rabbitt | 4 Hawthorn Road | Gloucester, MA |
| 7. James W. Rabbitt | 55 Serenity Ave | Gloucester |
| 8. Nicole Bell | 2 Shepherd Rd | Gloucester |
| 9. John Brown | 25 Prospect St. | # City. |
| 10. Jackie Green | 32 Holly St, | Milford, CT 06460 |
| 11. David J. Green | 32 Holly St. | Milford CT. 06460 |

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A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please

Keep and sustain Downtown Gloucester economically vibrant

Name	Street	City
1. Deborah F. Fe	24 Adolobson St	Gloucester
2. Sam Intruati	20 Westman St.	Gloucester
3. John F. Sullivan	10 Spring St Apt 2	Gloucester
4. Pierce Lewis	71 Broadway	Rockport
5. John Koser	38 Pleasant St	Gloucester
6. Lenny Sault	20 N. Main St.	Gloucester
7. Jordan Baul	27 Fort Hill	Gloucester
8. Jim Howlett	10 Oakes	Magnolia, Ma.
9. Gloria H. Cohen	6 Salt Island Lane	Gloucester
10. Donn Favozza	432 Washington St	Gloucester
11. Greg Kestrey	13 Squam Lane	Gloucester

The Downtown Gloucester Restoration Committee

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A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

Name	Street	City
1. Tracy Gileckner	25 BRIER	01930
2. Edward R. Kuzel	10 Dab Ave	Plain 01930
3. Kasha Gula	37 Washytn St	Gloucester MA 01930
4. Shami Rupa	44 Myron	Newton 02415
5. Enzo Taormina	23 Reservoir	Glouc 01930
6. Sharon DeChiara	31 Harriet Rd	01930
7. Edna J. Bennett	33 Jerimpton St	Everett
8. Walter Gudang	1844 SE GRANADA LN	STUART, FL 34996
9. Frederick Hanifan	21 Heather Dr	Reading MA 0186
10. Dawn LaVau	F. W. H. Rd	Canter CT
11. Ed Kozmocha	83 High St	Gloucester MA 01930

The Downtown Gloucester Restoration Committee

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A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|----------------------|---------------------|----------------------|
| 1. Amy Shapiro | 83 High St. | Gloucester, MA 01930 |
| 2. Anne Murphy | 279 Concord St. | Gloucester |
| 3. Rosalyn Fronteira | 12 Beacon St. | Glou. |
| 4. Carl White | 269 London Rd | Sarac |
| 5. John | 10 Oakes Ave | Gloucester |
| 6. Tina N. Noah | 42 Grape St. | New Bedford, MA |
| 7. Knight | 30 Reservoir Rd | Gloucester, MA |
| 8. Maxwell | 330 High St | Gloucester MA |
| 9. Jim Hill | 401 Oyster Rd | N.P.B., A. 33408 |
| 10. Dorian Noel | 46 Lazy Lane | Kerch, TX. 77065 |
| 11. Jim Hill | 108 Mt Pleasant Ave | Gloucester |

The Downtown Gloucester Restoration Committee

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0950

A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please

Keep and sustain Downtown Gloucester economically vibrant

Name	Street	City
1. <u>hoise Laturney</u>	<u>Kitchener,</u>	<u>Ont. Canada</u>
2. <u>Jim Laturney</u>	<u>"</u>	<u>"</u>
3. <u>Katie O'Leary</u>		<u>Gloucester</u>
4. <u>Kennan Miller</u>		<u>Gloucester</u>
5. <u>Alyssa Silva</u>		<u>Gloucester</u>
6. <u>Alexis Silva</u>		<u>Gloucester</u>
7. <u>John E. Deegan</u>		<u>Gloucester</u>
8. <u>Carl [unclear]</u>		<u>Gloucester</u>
9. <u>Maura Rocher</u>		<u>Gloucester</u>
10. <u>Elizabeth Klopot [unclear]</u>	<u>MAGNOLIA AVE</u>	<u>Gloucester</u>
11. <u>Donna Coffey</u>	<u>5 Strawberry Cv.</u>	<u>Gloucester</u>

The Downtown Gloucester Restoration Committee

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Page 19

A Petition

To The Mayor
And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|------------------------------|-------------------------------|---------------------------------------|
| 1. <u>Josune Bevin</u> | <u>17 OAK</u> | <u>DANVERS MA 01923</u> |
| 2. <u>Jim Brunco</u> | <u>17241</u> | <u>Meadow Lake (in Fellers 33969)</u> |
| 3. <u>Lisa Carlson</u> | <u>50 Rocky Neck Ave</u> | <u>glou MA 01930</u> |
| 4. <u>Amy Jarber</u> | <u>28 Salt Island Rd</u> | <u>glou MA 01930</u> |
| 5. <u>Muf</u> | <u>28 Salt Island Rd</u> | <u>Glouc</u> |
| 6. <u>Mirial Lee Steele</u> | <u>1240 Washington</u> | <u>Gloucester</u> |
| 7. <u>Debra Quinn</u> | <u>34 willow St.</u> | <u>Gloucester MA 01930</u> |
| 8. <u>Enzo Cristofoli</u> | <u>Via M. della Salsola 5</u> | <u>FORTE DEI MARMI (LU) ITALIA</u> |
| 9. <u>Tommaso Cristofoli</u> | <u>u u u u u u u u</u> | <u>u u</u> |
| 10. <u>TOM CAHILL</u> | <u>41 CRAFTS Rd</u> | <u>Gloucester MA 01930</u> |
| 11. <u>Laurale Taylor</u> | <u>10 Glenmere St</u> | <u></u> |

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A Petition

To The Mayor
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August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|----------------------------|------------------|---------------------|
| 1. Judith A. Lewis | 4 FARR ST | GLOU. MASS. 01930 |
| 2. MANUEL A. MELLO | 88 PLEASANT ST. | GLOU. MASS. 01930 |
| 3. Lisa Smith | 8 Summers St | Glo. Ma 01930 |
| 4. Cheryl Congler | 138 Moudello Sq. | Glo. 01930 |
| 5. Vincent Congler | " " | " " |
| 6. Pat Shalds | 16 Mallett St | 01950 |
| 7. Lili M. York-Robbin | 132 Western Ave | Glo. 01930 |
| 8. William Greenbaum | 331R Western Ave | Gloucest |
| 9. Jessie Sobmar-Greenbaum | 8 Haskell St. | Gloucester MA 01930 |
| 10. Edward J Ferreira | 980 VARNUM AVE | Lowell, MA 01854 |
| 11. Donald McNear | LOWELL MA 01854 | |

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August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|-------------------|-----------------------|---------------|
| 1. Brenda Washick | 6 Perkins Rd | Gloucester |
| 2. Janet Martin | 456 Lebanon Hill Rd. | Southbridge |
| 3. Ally's Martin | 38 Mt Pleasant Ave | Gloucester |
| 4. [Signature] | 381 Essex Ave | Gloucester |
| 5. Chris Martin | 38 Mt. Pleasant Ave | Gloucester |
| 6. Martha Beckley | 29 Fellsway E | Malden 02148 |
| 7. Sharon Kighow | 3 Country Club Rd | Rockport |
| 8. Isabel Sloane | 141 Mt. Pleasant Ave. | Gloucester |
| 9. DANA LAING | 5 COLONIAL ST | Gloucester MA |
| 10. Rebecca Laing | 5 Colonial St. | Gloucester |
| 11. Kim Prentice | 15 Commonwealth Ave | Gloucester |

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August 2007

Please

Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|----------------------|-------------------|-------------------|
| 1. Carolyn Lisk | 16 Highland St. | Gloucester, MA |
| 2. Spike J. Richards | 24 Riverside Ave | Gloucester, MA |
| 3. Jane Richardson | 73 Torch Lane | Wendon, Mass |
| 4. Mary White | 12 Allen St | Gloucester |
| 5. Anne Loan | 77 Centennial Ave | Gloucester |
| 6. Laura Fontana | 77 Centennial Ave | Gloucester |
| 7. Margaret Harvey | 15 Russell Ave. | Gloucester |
| 8. Kathi Hurd | 707 Washington St | Gloucester |
| 9. Camille Lasky | 550 Longview Ln. | The Villages Fla. |
| 10. Sam Miller | 39 Hartz St | Gloucester 01930 |
| 11. Patti Goulet | 39 Hartz St. | Glou. Ma 01930 |

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Please
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Name	Street	City
1. <i>[Signature]</i>	39 Mt. Pleasant Ave	Gloucester
2. <i>Lloyd Jason</i>		Chatham MA
3. Peter Martin	1058 Washington St.	Gloucester
4. Silvia Martin	1058 Washington St.	Gloucester
5. Stan SHULMAN	46 Rowley Street	"
6. Clare Ritchie	32 Whalers Ln.	Salem
7. <i>[Signature]</i>		Salem
8. James H. Pearson	17 Jennifer Ln	HYANNIS MA
9. Carmine Tucciaci	100 Jones Rd	Martins Mills, N.J.
10. Lucille LeDage	10 Dale Ave., Apt. 211	Gloucester
11. Wallace J. Ritchie	32 Whalers Lane,	Salem 01970

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August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|---------------------------------|----------------------|---------------------|
| 1. Karren McCabe | 21 Cliff Road | Gloucester |
| 2. Matthew M. Whitney | 43 Cherry St | Gloucester |
| 3. Lynn M. O'Connell | 58 Grove St | Gloucester |
| 4. Paul M. Decker | 52 W. Hempstead Ave | ALBANY N.Y. 12205 |
| 5. Herb Shea | " " " " | " " " |
| 6. Richard & Elizabeth Christie | 384 Main St | Gloucester 01930 |
| 7. [Signature] | 45 Old Market Lane | Gloucester 01930 |
| 8. [Signature] | 45 Old Market Lane | Gloucester 01930 |
| 9. Curtis H. Whiteley | 42 R. Eastern H. Rd. | Glou. 01930 |
| 10. Sally Takekawa | 2 Gott St. | Rockport 01966 |
| 11. [Signature] | 2 Park Ln. | Marysville MA 01930 |

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- | Name | Street | City |
|------------------------|----------------------|----------------------|
| 1. Christopher Jackson | 123 Boylston Circle | Shrewsbury, MA 01545 |
| 2. Jeffrey Hallock | 204 Maryland Rd | Pgh PA 15228 |
| 3. Jan Mylly | | Newburyport, MA - |
| 4. Mark Leibel | Worce | MA 01029 |
| 5. Bo Abrans | 108 Mt Pleasant Ave | Gloucester |
| 6. Francis A. Gorge | 10 Cedar Ln | Gloucester |
| 7. Courne Jan Gama | 16 Charles St | Peabody MA 01962 |
| 8. Barbara M. Koen | 230 Ocean Ave | Gloucester MA 01930 |
| 9. Michael R. Linn | 11 Rocky Pasture Rd. | |
| 10. Elaine Farvey | 4 Cedar Lane | |
| 11. [Signature] | 4 Cedar Lane | |

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A Petition

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And
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August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|-----------------------|----------------------|---------------------|
| 1. DON SCHOFIELD | 182 LEARTE DE | HENDERSON, NV 89074 |
| 2. CASPAR LAFATA | 20 APPLE St. | Gloucester |
| 3. LAWRENCE MARINOREI | 13 RICKY PASTURE RD. | Gloucester, 01930 |
| 4. GEORGE JAY | 7 WOLF HRC DR. | 01930 |
| 5. ADAM FALTYK | 10 BEACH CT. | Glou 01930-5021 |
| 6. NANCY | 58 MIDDLE ST. | GLoucester 01930 |
| 7. Katrina Haslell | 58 MARTIN STR. | Essex, 01929 |
| 8. James Haslell | " " | " " |
| 9. Betty Din | 29 Edgerose Rd | Glou |
| 10. Peter Pold | 8 Summit St. | Glouc. |
| 11. Lane Wood | Rockport | (978) 546-8458 |

DNV-3

The Downtown Gloucester Restoration Committee

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August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|----------------------|---------------------|-------------------|
| 1. Sandra Zupffe | 158 MT PLEASANT AVE | Gloucester |
| 2. Dotti Zempfe | " " | " " |
| 3. Lisa Lynch | 825 South St | Rosendale 02131 |
| 4. Margi Sheen | 226 East Main St. | Glo MA 01930 |
| 5. Sandra Zupffe | 27 Waverly St | Glo |
| 6. Krista Dwyer | 262 E. MAIN ST | GLO |
| 7. Thomas B. Wilbur | 526 Washington St. | Glon. |
| 8. Nancy P. James | 47 Mitchell Rd | Rockport MA 01966 |
| 9. Monica Nardone | 2 Rocky Pasture Rd | Gloucester 01930 |
| 10. Priscilla Bohner | 95 Prospect St | Gloucester, 01930 |
| 11. M V Zupffe | 5 Forest St | Glow. 01930 |

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To The Mayor
And
The Gloucester City Council

August 2007

Please
Keep and sustain Downtown Gloucester economically vibrant

- | Name | Street | City |
|----------------------|------------------|------------------|
| 1. Juliana C. Drod | 9 Jacques Ln. | Glouce. |
| 2. Stacey Silva | 5 High St | Glou. |
| 3. SIS | (Middle St) | Morrissey |
| 4. AL Millefoglie | 31 Cherry St | Gloucester |
| 5. Salon One | 267 Main St | Gloucester |
| 6. Shannon Fehlee | 8 Summer St | Manchester |
| 7. Ania Pella | 8b Summer St. | Manchester |
| 8. Victoria Battisti | 15 Commonwealth | Glouc. |
| 9. Robert Forist | 249 Ponsbury | Mt Pleasant, SC |
| 10. Sharon Loush | 249 Ponsbury Dr. | Mt. Pleasant, SC |
| 11. Jackie Hardy | 59 Cherry Street | Glouc. |

The Downtown Gloucester Restoration Committee

David S. Wise and Carmine Gorga

87 Middle Street, Gloucester, MA 01930 Tel. 978.283.5926

www.polis-tics.com

cgorga@polis-tics.com

A Petition

To The Mayor
And
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August 2007

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Name	Street	City
1. Joseph P Hadley	10 Grapevine Rd	Gloucester
2. Samantha Lane	21 Grant St.	Beverly Ma.
3. Dana E Lane	8 Prospect St	Gloucester
4. Eyan Sanchez	21 Grant St	Beverly Ma.
5. Joan Parsons	39 Mt. Pleasant Ave.	Glouc.
6. Michelle Edmund Eagan	19 Atlantic Rd #31	Gloucester
7. Susan Nicholson	5 Rowley Shore	Gloucester MA 01930
8. Charlotte James	5 Rowley Shore	Gloucester MA 01930
9. Devin Hunt	26 Long Hill Rd	Gloucester MA
10. Noah Kellerman	94 John Wise ave.	Essex MA
11. M. McKinnon	99 Prospect St	Gloucester

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- | Name | Street | City |
|--------------------------------|--------------------|----------------------|
| 1. Paul Brickford | 12, Limebrook St. | Ipswich, MA 01938 |
| 2. Mr and Mrs Pierce | 22 R Taylor St | Gloucester, MA 01930 |
| 3. Susanny Puleminis | 20 Harvard St | Glouce. 01930 |
| 4. Diana Koff | 19 Patriots Circle | Gloucester |
| 5. William C. Gorga | 18 Salt Marsh Ln. | Gloucester 01930 |
| 6. Michael Mc Namara | 64 Langford St | - Glouce. 01930 |
| 7. Thomas O Hanes | 90 Grand St | Glouc 01930 |
| 8. William K. Gannon | 1 Pattersweet Rd | Glou. 01930 |
| 9. John Taylor | 31 Rockwood Lane | Gloucester |
| 10. Elena Saporta | " | " " " |
| 11. Doug Baylis | 11 Bond St. | " |

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Name	Street	City
1. Lee Jenki	9 BARSON	Gloucester
2. Kathleen Condon	9 Babson	Gloucester
3. Madeline Walsh	6 Perkins	Gloucester
4. Madison Turner	24 Taylor	Gloucester
5. Nina Donnelly		Gloucester
6. A. Madry	23 R Riverview	Gloucester
7. Jack Madry	23 R Riverview	Gloucester
8. John Cobi	36 Ledge Rd.	Gloucester
9. Frank Bob Osten	74 Holly St	Gloucester
10. Judith W. Walcott	9 Page St.	Gloucester
11. Harry Ormell	31 Beach Rd	Gloucester

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- | Name | Street | City |
|----------------------|---------------------|------------|
| 1. Ron Gilio | 87 Atlanta Rd | Glou |
| 2. Don. Thrasher | 170 South | Rockport |
| 3. Cosmo Filotti | 3 Hudson St | Glou |
| 4. Tim Reilly | 147 Main St | Rockport |
| 5. Joanne Terrante | 20 Western Ave | Glou. |
| 6. Jo-Ann Santilippo | 10 WESTERN AVE | Glou. |
| 7. Dale Rosen | 8 Salt Island Rd | Glou |
| 8. Nathan Cohen | 1041 Washington St. | Glou |
| 9. Janet Williams | 11 Lincoln St. | Glou |
| 10. Grace Mocerri | 8 Elizabeth Rd. | Glou. |
| 11. Bernard Waga | 15 Warner St | Gloucester |

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- | Name | Street | City |
|-------------------|---------------------|---------------------|
| 1. Nancy Pansini | Parker St | Gloucester |
| 2. Joan Gorga | 87 Middle St | Gloucester |
| 3. Leo Sharratt | 12 Russell Ave | Gloucester |
| 4. Duane Shumatis | 12 Russell Ave. | Gloucester |
| 5. Dan Datt | 22 A Rocky Neck Ave | Glou |
| 6. Terry Flowers | 120 Holly Rd. | Marshfield MA 02050 |
| 7. Patrick Pohan | 161 Main St | Gloucester, MA |
| 8. Sask Ludwig | 1150 Washington St. | Gloucester MA |
| 9. Craig Dulong | 1150 Washington St. | Gloucester |
| 10. BENI Dulong | " | " |
| 11. EDDIE LUDWIG | " | " |

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- | Name | Street | City |
|------------------------|----------------------|---------------|
| 1. Ellen Gabry | 5 Frank St | Rockport |
| 2. Doris Arvill | 28 Clearview Ave | Gloucester |
| 3. Sandra Brooks | 28 Clearview Ave | Glou. |
| 4. Melissa Arvilla | " | " |
| 5. Laura Planck | 1932 E. Concord Rd | Amelia OH |
| 6. Donald S. Gordin | 131 Essex Ave, | Ma |
| 7. Dr. Heidi Paw Hensz | 36 Commonwealth Ave. | |
| 8. Richard T. Lane | 222 main st. | |
| 9. <i>[Signature]</i> | | |
| 10. Deborah Donovan | 4 Highland St | Gloucester Ma |
| 11. Lisa O'Brien | 293 Washington St. | |

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- | Name | Street | City | |
|---------------------|-------------------|---------------------|--------------------|
| 1. Robert Fleming | 42 Knight Ave | Littleton N.H. | NO papa!
Ginos! |
| 2. Kelly Linder | 9 Whites Mt. Rd. | Gloucester, MA | |
| 3. K Bruce Linder | 9 Whites Mt. Rd | Gloucester, MA | |
| 4. Carole M Secrest | 9 White Mt Rd | Gloucester, MA | |
| 5. Rebecca Mowery | 29 Veteransway | Gloucester, MA | |
| 6. Barbara White | 1 Whites Mt. Rd. | Gloucester, MA | |
| 7. William Jensen | 20 Willow St | Glouc. | |
| 8. ANNE MILICI | 44 Rowley Square, | Gloucester | |
| 9. Fran Locknett | 21 Fenley Rd. | Gloucester | |
| 10. Sue Walker | 37 Kendall Rd. | Gloucester | |
| 11. Melanie Whyatt | 10 Exchange St | Gloucester MA 01950 | |

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Name	Street	City
1. Cheri Spencer	Belbet St	Peabody, MA
2. David Tapley	12 Myrtle Sq.	Gloucester MA
3. Phyllis Santilippu	14 Sayward St,	Town
4. Paul Linn	4 Haskell Ct,	Glou., MA
5. Wileen Rogers	5 BEEFORD ST.	Glou, MA
6. Damon E Cummings	1063 Washington St	Gloucester, MA
7. Kristen D. Brousseau	75 Western ave.	Gloucester, MA
8. David Brown	90 MIDDLE ST.	Gloucester
9. Carolyn Porter		
10. Therese Phunmy	10 Stanley Ct.	Gloucester, MA
11. Mario Eluard	460 Mantua Rd	Mantua, MA

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- | Name | Street | City |
|----------------------|-------------------|----------------------|
| 1. Bobbi-Jo Leckie | Mountain | Moncton NB |
| 2. Carol Shand | 27 Old Salem Rd, | Gloucester |
| 3. Michelle Williams | 53 Concord St | 01930 |
| 4. Dan Tuttle | 555 New Salem Ave | |
| 5. DuMaurier | 3 Woodward Ave | Gloucester, MA |
| 6. F. G. Lilly | 3 Woodward Ave | Gloucester MA |
| 7. Mary Colson | 6 Whittier Rd Ext | Natick 01760 |
| 8. Kate Ranshoff | 36 Porter St. | Watertown, 02472 |
| 9. Ian Witt | 6 Barcher Ave | Gloucester, MA 01933 |
| 10. Tina Blain | 15 Mussel Pt. Way | 01930 |
| 11. Francisco | 20030 | |

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- | Name | Street | City |
|--------------------|------------------|---------------|
| 1. Barry & Cordew | Fluorvet st | Gloucester |
| 2. Connie Malenica | H Gorker | Maine |
| 3. Mike Fisher | | Dallas TX |
| 4. Chris Nulty | 8 Mt Locust Pl. | Glo |
| Edward Priel | 145 ESSEX AVE. | Gloucester |
| 6. Janet Evelyn | Elmwood Ave, | Newark, CT |
| 7. PATRICIA SEITZ | 100 WASH ST. | Gloucester |
| 8. Jay Flessy | 13 Park | Gloucester |
| 9. Tobie Shank | 33 Maplewood #15 | Gloucester |
| 10. Mike Fisher | 14 Warner St. | Gloucester |
| 11. [Signature] | [Signature] | Gloucester MA |

The Downtown Gloucester Restoration Committee
 David S. Wise and Carmine Gorga
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cgorga@polis-tics.com

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Name	Street	City
1. <u>Pete Kovner</u>	<u>41 Newbold Sts</u>	<u>Gloucester</u>
2. <u>Bibi Kovner</u>	<u>41 Newbold Sts</u>	<u>Gloucester</u>
3. <u>Susan Draven</u>	<u>Lancaster</u>	<u>PA</u>
4. <u>Liz Seiden</u>	<u>Brookline</u>	<u>MASS.</u>
5. <u>Peter Marchant</u>	<u>30 Kelly Point</u>	<u>Gloucester</u>
6. <u>AA Com</u>	<u>11 NORSEMAN</u>	<u>Gloucester</u>
7. <u>CARMINE GORGA</u>	<u>87 Middle St</u>	<u>Gloucester</u>
8. <u>John M. Meyer</u>	<u>14 Lettman Ave</u>	<u>Gloucester</u>
9. _____		
10. _____		
11. _____		

The Downtown Gloucester Restoration Committee
David S. Wise and Carmine Gorga
87 Middle Street, Gloucester, MA 01930 Tel. 978.283.5926
www.polis-tics.com
cgorga@polis-tics.com

City of Gloucester
Special Council Permit - Application

CITY CLERK
GLOUCESTER, MA

07 SEP 12 PM 2:07

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

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.4.2.2 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) Special Permit for a Major Project
pursuant to Section 5.7.

Applicant's Name: Windover Properties LLC

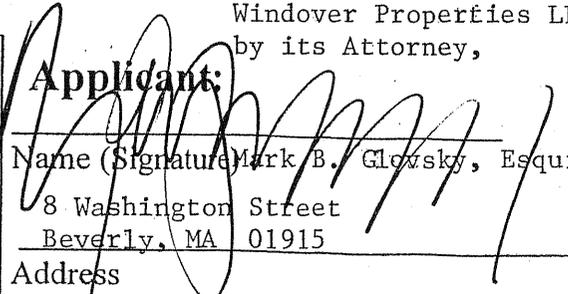
Owner's Name Same as above. (if different from applicant.)

Location 14 Cliff Avenue Map # 167 Lot # 13 & 14
(Street Address)

Zoning Classification: R-2 (Low/Medium Density Residential)

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.4.2.2.(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.4.2.2 (b) of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action	
Fee: <u>\$5,000</u> <u>VA 1026</u>	
City Clerk (received):	<u>09/12/2007</u>
City Council (received):	<u>09/18/2007</u>
Public Hearing (ordered)	_____
Public Hearing (opened)	_____
Public Hearing (closed)	_____
Final Decision	_____
Disposition _____	
(Approved, Denied, Approved w/conditions)	

Windover Properties LLC
by its Attorney,
Applicant:

Name (Signature) Mark B. Glosky, Esquire
8 Washington Street
Beverly, MA 01915
Address
(978) 922-5000
Telephone

Certified for completeness:

BA 9/12/07

JMC 9/12/07

2007-19

SEE ATTACHED MAPS DATED 9/12/07



CITY OF GLOUCESTER

PLANNING DEPARTMENT

3 Pond Road, Gloucester, MA 01930

Tel 978-281-9781 • Fax 978-281-9779

Date: September 12, 2007
To: City Council
From: Gregg Cademartori, Planning Director *gmc*
Re: Major Project Special Permit Application – Windover Properties LLC -
14 Cliff Avenue (Map 167 Lot 13&14)

The referenced application has been reviewed for completeness by the Building Inspector and Planning Director, and has been signed off by the same, however, the following comment is provided. The project is required to adhere to the submission requirements of Section 1.4.2.2 (b)2 and 5.7.2(a) as it is both a multi-family special permit with the "CCS" designation and a "major project" with 11 or more dwelling units. The requirements of Section 1.4.2.2 (b)2 require that all plans submitted including architectural elevations and proposed buildings/structures, and site plans, be signed by a registered architect or professional engineer, respectively. The architectural plan sheets submitted do not bear the seal and signature of an architect, and not all engineering plan sheets in plan set bear the signature of a registered engineer.

In addition to the site plan requirements Section 5.7 (a) requires that photographs be submitted relating the proposed project to existing surrounding uses and natural features. The submission needs to be augmented in this respect. The applicant has indicated that photographs are forthcoming. Given that there is no municipal sewer in the area, although the site is currently severed by an onsite wastewater treatment plant, further detail pertaining to its design and future operation of sanitary sewer service should be provided. As well, as indicated a drainage plan was submitted, however detail relating to soil conditions, assumed infiltration, treatment and water quantity and quality should be provided, with specific attention to the proposed treatment system of the underground garage.

Finally, a Lighting Plan was submitted with fixture details, the applicant should provide an analysis of compliance with Section 8.6 of the Code of Ordinances. To the degree that the parking and site lighting is "fully-shielded" design should be clarified. The applicant acknowledged that further information will be provided during the review.



GLOVSKY & GLOVSKY
ATTORNEYS AT LAW

Mark B. Glovsky
mglovsky@glovskyx2.com
Direct Dial (978) 720-3121

September 11, 2007

Robert D. Whynott, City Clerk
City Hall
9 Dale Avenue
Gloucester, MA 01930

Re: Application for Special Permit for Major Project at 14 Cliff Avenue, Gloucester
Applicant: Windover Properties LLC

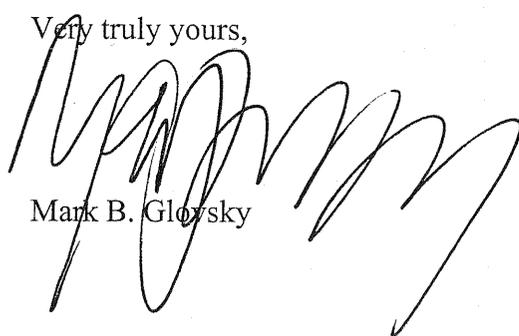
Dear Mr. Whynott:

Enclosed please find the following for the above-requested City Council Special Permit:

1. Eight (8) copies of an Application for Special Permit for a Major Project pursuant to Section 5.7;
2. Certified list of abutters;
3. Eight (8) copies of a set of plans entitled "Windover Shorecliff";
4. Eight (8) copies of a plan entitled "Proposed Site Plan at 14 Cliff Avenue in Gloucester, MA";
5. Eight (8) copies of a Decision of the Zoning Board of Appeals filed with your office on August 31, 2007;
6. Eight (8) copies of a Deed from New England Deaconess Association to Windover Properties LLC dated April 11, 2007; and
7. A check on account of the filing fee in the amount of \$5,000.00.

Please notify me of the date of the public hearing on this application after it has been scheduled and let me know if you require anything further in this regard.

Very truly yours,


Mark B. Glovsky

MBG/jlp
Enclosures

City of Gloucester
Special Council Permit - Application

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

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.4.2.2 of the Ordinance and other Sections as listed below:

Type of Permit(Give specific section of Zoning Ordinance) Special Permit for a Major Project
pursuant to Section 5.7.

Applicant's Name: Windover Properties LLC

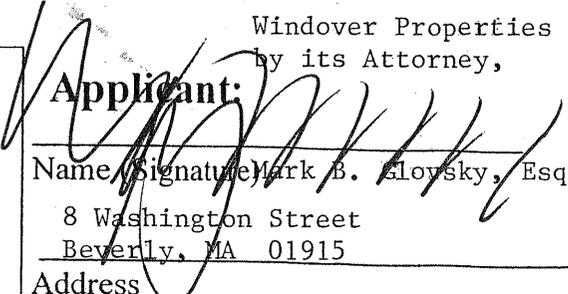
Owner's Name Same as above. *(if different from applicant.)*

Location 14 Cliff Avenue **Map #** 167 **Lot #** 13 & 14
(Street Address)

Zoning Classification: R-2 (Low/Medium Density Residential)

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.4.2.2.(e) of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.4.2.2 (b) of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action	
Fee:	_____
City Clerk (received):	_____
City Council (received):	_____
Public Hearing (ordered)	_____
Public Hearing (opened)	_____
Public Hearing (closed)	_____
Final Decision	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

Windover Properties LLC
 by its Attorney,
Applicant:

 Name (Signature) Mark B. Glosky, Esquire
8 Washington Street
Beverly, MA 01915
 Address

(978) 922-5000
 Telephone

Certified for completeness:

APPLICATION FOR SPECIAL PERMIT

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

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

Name: Windover Properties LLC

Address: 13 Elm Street, Manchester, MA 01944

Tel. #: Days (978) 526-9410 Evenings N/A

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

2. Owner, if other than applicant:

Name: Same as above.

Address: _____

Tel. #: Days _____ Evenings _____

3. Property:

Street address: 14 Cliff Avenue

Assessor's map: 167 Lot: 13 & 14

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

Essex South District Registry of Deeds

Deed recording: Book 26746 Page 298

Plan recording: Plan # N/A

Property is located in the R-2 zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section 5.7 of the
Zoning Ordinance/By-law which authorizes the City Council to grant a Special
Permit for a Major Project to permit
a multi-family dwelling having twelve (12) dwelling units containing a
total of thirty-six (36) bedrooms.

Detailed explanation of request:

The Applicant proposes to demolish an existing "non-conforming" twenty-eight
(28) unit nursing home and construct a new, three-story wood-frame building
containing twelve (12) dwelling units, each containing three-bedrooms.

Twenty-four (24) parking spaces will be provided under the building.

Twelve (12) guest parking spaces will be located on site.

5. Evidence to support grant of special permit:

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

See Addendum A attached hereto.

Addendum A to Special Permit Application
Windover Properties LLC
14 Cliff Avenue

The standard for the City Council in issuing a Special Permit is to determine that the proposed use will not have adverse effects which overbalance its beneficial effects on the neighborhood or the City. This proposal meets the criteria necessary for a Special Permit under section 1.4.2.2(e):

1. **Social, economic and community needs served by the proposal:** The project will provide twelve (12) dwelling units which will be served by under-building parking and elevators and which will provide secure, high-end housing as an alternative for Cape Ann area residents who desire to “down-size”, avoid responsibilities relating to ownership of detached, single-family housing, or who prefer to live in a shared environment.
2. **Traffic flow and safety:** The project will generate fewer vehicle trips than the forty-eight (48) unit assisted living facility which was previously approved for the site. All required parking will be located in garages below the building and will be accessed from Cliff Avenue. Guest parking will be available on site and, therefore, off-site parking will be minimized.
3. **Adequacy of utilities and other public services:** The proposed building will be served by City water and by an on-site sewerage treatment plant which operates pursuant to a National Pollutant Discharge Elimination System (“NPDES”) Permit issued by the Environmental Protection Agency and the Department of Environmental Protection. It is anticipated that the plant will be upgraded to satisfy more stringent requirements than originally attached to the NPDES Permit. If it is determined that the City water lines which serve the site and/or nearby hydrants require upgrading, the Applicant is prepared to complete such improvements.
4. **Neighborhood character and social structure:** The shingle-style building has been designed to be architecturally compatible with larger, existing oceanfront homes in the Magnolia neighborhood and to be appropriate for the site. The mass and siting of the building respect abutting properties and existing views. The residential use is more appropriate for the social structure of the neighborhood than the prior nursing home or approved assisted living facility.
5. **Qualities of the natural environment:** The “Olmsted” gardens on the property have been protected by the granting of a “view easement”; variances have been obtained to avoid removal of significant ledge outcroppings on the site; and work has been minimized within one hundred (100’) feet of the “coastal bank.”

6. **Potential fiscal impact:** The property has previously been classified as “exempt” for tax purposes. It is anticipated that the proposed improvements, when completed and fully assessed, will generate approximately \$150,000 in annual real estate tax revenue. This significant increase in tax revenue will be accomplished without a corresponding increase in demand for City services as it is unlikely that there will be school age children on the property. Additionally, the Applicant has agreed to complete off-site improvements, including the re-paving of Cliff Avenue and water line upgrades, if necessary.

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

See Addendum B attached hereto.

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

Name of Representative: Mark B. Glovsky, Esquire

Address of Representative: 8 Washington Street, Beverly, MA 01915

Tel. #: Days (978) 922-5000 Evenings (978) 281-6262

Relationship of representative to owner or equitable owner:

Lawyer

I hereby authorize Mark B. Glovsky to represent my interests before the Special Permit Granting Authority with respect to this Special Permit Application. Windover Properties LLC

(Signed by owner/equitable owner) by: 

Addendum B to Special Permit Application

Windover Properties LLC

14 Cliff Avenue

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

The project satisfies the criteria set forth in Section 5.7.5 as it will have access from "collector streets" which will be disbursed via Cliff Avenue, Boulder Avenue and Shore Road (and will, in fact, generate less traffic than the forty-eight (48) unit assisted living facility previously approved for the property); will be serviced by its own sewerage treatment plant pursuant to a NPDES permit issued by the Environmental Protection Agency and the Department of Environmental Protection; will provide for access, drainage and utilities meeting applicable functional standards; will screen and light parking areas as required; will minimize topographic changes and removal of trees; and will otherwise satisfy the requirements of the Zoning Ordinance and building codes. (See Decision of the Zoning Board of Appeals filed with the City Clerk on August 31, 2007, a copy of which accompanies this Application.)



CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS • 01930

CITY CLERK
GLOUCESTER, MA
07 AUG 31 AM 9:33

Decision:

ZONING BOARD OF APPEALS

Petitioner:

Windover Properties, LLC

Petition:

The Petitioner is seeking Special Permits to alter/expand a nonconforming structure, to reduce lot area per dwelling unit, to reduce open space per dwelling unit and obtain a height exception to enable petitioner to exceed the height extension to thirty-five feet (35') and Variances for front and side yard setbacks to enable petitioner to demolish existing structure and to construct a new building as shown on the accompanying Plans at 14 Cliff Avenue.

(Assessor's Map 167, Lots 13 &14)

The Board finds that proper notice has been given by mailing and advertising. The hearing was held at the time and place as advertised: 7:00 p.m, August 9, 2007, City Hall Auditorium, Dale Avenue, Gloucester, MA.

Board Members Present:

James P. Movalli, Chairman
Virginia Bergmann, Vice Chairman
Francis S. Wright, Jr.
David B. Gardner
Stephen C. Reynolds

The zoning classification of the subject property is R-2 (Low/Medium Density Residential).

Mark B. Glovsky, an attorney with offices at 8 Washington Street, Beverly, Massachusetts, appeared before the Zoning Board of Appeals representing the Petitioner.

Mr. Glovsky described the subject property which is located at the Northwesterly corner of Cliff Avenue and Shore Road and at the Easterly end of Boulder Avenue. He explained that the lot area consists of the combined acreage of Lots 13 and 14, totaling 89,394 square feet.

Windover acquired the property from New England Deaconess Association on April 13, 2007. Title to the property is encumbered by a view easement over the gardens at the Northerly end of the existing building. He indicated that confusion over the location of the view easement may require re-design of the end of the proposed building near the view easement, but that no zoning encroachments would result.

Mr. Glovsky informed the Board that a previous Special Permit granted by the City Council for this property to the New England Deaconess Association, for a 48-bed assisted living facility, allowed land located across Shore Road to be included in the total acreage, therefore, obviating the need for relief from the minimum lot area requirements. Mr. Glovsky suggested that the Petitioner was adopting a more conservative interpretation that did not include the area of Shore Road or land on the opposite side of Shore Road and which resulted in a need for the Special Permits to reduce lot area and open space per dwelling unit.

He explained that the subject property, known as the "Shore Cliff", was, most recently, used as a 28-unit nursing home which was originally permitted in 1960 and, in 1963, expanded from 18 to 28 units. In 2004, the City Council issued a Special Permit, which permitted a 44.4' high, 48-unit assisted living complex to replace the nursing home. Two appeals of that Special Permit are pending. Windover has determined that a less intense use and a lower profile building would be more appropriate for the property and the neighborhood. Consequently, he informed the Board the Petitioner proposes to raze the existing wood-frame building and replace it with a building containing three (3) stories above one (1) level of underground parking. He explained that the building would include twelve (12) residential units each containing three (3) bedrooms for a total of thirty-six (36) bedrooms. Ten (10) of the units would be townhouses and two (2) of the units would be flats. Twenty-four (24) parking spaces for use by the residents are to be located under the building and twelve (12) guest parking spaces would be located outside and adjacent to Boulder Avenue. Access for the residents would be from Cliff Avenue.

The Board asked whether the petitioner would consider making their development conditional upon leaving the acreage across Shore Road open and undeveloped in perpetuity. Mr. Glovsky responded that the petitioner had no plans for any building across Shore Road and would accept such a condition.

There was some question among the Board members whether the New England Deaconess Association had appeared before the Zoning Board of Appeals for parking variances. Mr. Glovsky reported that no record of such an appearance could be found by the City Clerk's office or the Planning Department.

Mr. Glovsky was asked to explain the basis for the requested relief. He detailed special circumstances relating to the subject property which included the following: the location of an

historic gazebo which is treasured by the neighborhood and part of the protected "Olmsted" gardens within the area of the view easement, significant ledge outcroppings on the site, and intrusion of the 100' buffer zone from the "coastal bank". The conditions combine to severely limit location and orientation of the proposed building.

Mr. Glovsky reminded the Board that if relief were to be granted by the Zoning Board, the petitioner would then be required to obtain a Special Permit from the City Council pursuant to §5.7 of the Zoning Ordinance as the Petitioner's project is a "Major Project".

Aimee Savard of Siemasko and Verbridge of Beverly, Mass. was introduced by Mr. Glovsky. She discussed the mass of the proposed building versus the existing building. She presented overlays illustrating the differences between the existing building and the proposed building. Ms. Savard mentioned that the exterior design of the building incorporated many elements to make the building appear less massive. Ms. Savard explained the building height calculation which showed that the proposed building height is less than five (5) feet higher than the existing building and ten (10) feet lower than the building height allowed by the Special Permit approved by the City Council to the New England Deaconess Association.

In response to the Board's request for speakers in favor of the project, Carole Campbell, 2 Boulder Avenue, voiced her approval of the project in terms of its design and residential use. Leon Jackson, 13 Shore Road, reiterated Mrs. Campbell's approval. Robert Nigro, Lexington Avenue, also approved of the design and wondered how the proposed building would impact his view and whether the petitioner was considering improvements to Boulder Avenue. Paul Cohen, 14 Shore Road, approved of the project and asked for clarification of the average grade calculation, which Ms. Savard provided.

There were no speakers opposed to the project.

Members of the Board applauded the petitioner for its sensitive and appropriate design of the project and the effort taken to inform and work with the neighbors. Members of the Board agreed that under the circumstances relating to the property as outlined by Mr. Glovsky, literal enforcement of the provisions of the Zoning Ordinance would involve a substantial hardship to the Petitioner and concluded that the desired relief could be granted without detriment to the public good or derogating from the purpose of the Ordinance. The Board further reviewed the criteria for the granting of Special Permits set forth in Section 1.4 of the Ordinance and determined that the proposal would not have adverse effects which would overbalance the beneficial effects on the neighborhood. Therefore, the Board unanimously voted to grant Variances and Special Permits as follows:

1. Special Permit to enable the alteration and expansion of a non-conforming structure;
2. Reduction of square feet per dwelling unit from 10,000 square feet to 7,449 square feet;
3. Reduction of open space per dwelling unit from 7,500 square feet to 5,417.4 square feet;

4. Reduction of minimum front yard setback from Cliff Avenue from 50 feet to 30 feet;
5. Reduction of minimum side yard setback from Boulder Avenue from 60 feet to 40 feet; and
6. Height exception to exceed the 30 foot height restriction to 34.7 feet.

The above relief was granted upon the condition that no buildings be erected, placed or allowed to stand on property of the Petitioner on the opposite side of Shore Road.

The above Variances and Special Permits shall not take effect until such notice is filed in the Registry of Deeds for Essex County. The fee for such notice shall be paid by the owner. Prior to registering of this Decision with the Registry of Deeds, the Petitioners shall have the Seal of the City affixed to same.

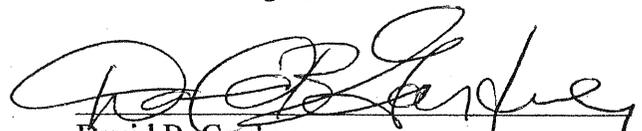
GLOUCESTER BOARD OF APPEALS

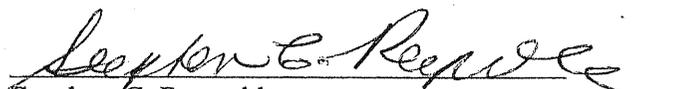
In favor:


James P. Movalli, Chairman


Virginia Bergmann, Vice Chairman


Francis S. Wright, Jr.


David B. Gardner


Stephen C. Reynolds

Opposed: none.

The within vote is in accordance with the plans submitted and approved by the Board on August 9, 2007. The petitioner must construct according to those plans submitted and approve by the Board on August 9, 2007. This decision is granted in accordance with the Zoning Ordinance of June 1, 2002.

City of Gloucester, Abutters List

Report Description:
 Abutters To Parcel... * MAP 167 LOTS 14, 20, 19 & 13

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

Abutter's Name	Street Address	Parcel No.	Mailing Address
GLOUCESTER CITY OF	6 SHORE RD	167 1	6 SHORE RD GLOUCESTER MA 01930
GLOUCESTER CITY OF	4 SHORE RD	167 2	CITY HALL GLOUCESTER MA 01930 0000
O'FLYNN THOMAS M & BARR CHERYL	190 HESPERUS AV	167 4	21 GLENDALE RD SUMMIT NJ 07901-3744
GILLEN M GILLEN D TBYE	194 HESPERUS AV	167 5	194 HESPERUS AV GLOUCESTER MA 01930
FIRTH HARRIETTE C	196 HESPERUS AV	167 6	196 HESPERUS AV GLOUCESTER MA 01930
CAMPBELL DAVID S & CAROLE M	2 BOULDER AV	167 12	2 BOULDER AV GLOUCESTER MA 01930
* WINDOVER PROPERTIES LLC	BOULDER AV	167 13	13 ELM ST MANCHESTER MA 01944
* WINDOVER PROPERTIES LLC	14 CLIFF AV	167 14	13 ELM ST MANCHESTER MA 01944
FLETCHER BARBARA A & DAVID M	3 BOULDER AV	167 16	3 BOULDER AV GLOUCESTER MA 01930
HAYES GEORGE E TR	54 LEXINGTON AV 1	167 17 1	C/O SEIBOLD ROBERT J 54 LEXINGTON AV UNIT 1 GLOUCESTER MA 01930
ENOS RODERICK K & OHARA LYNNE K	54 LEXINGTON AV 2	167 17 2	54 LEXINGTON AV UNIT 2 GLOUCESTER MA 01930
HAYES GEORGE E TR	54 LEXINGTON AV 3	167 17 3	C/O WILSON KELLY & RECHEA BERNARDO 54 LEXINGTON AV UNIT 3 GLOUCESTER MA 01930
HAYES GEORGE E TR	54 LEXINGTON AV 11	167 17 11	C/O SEARS SHERRY L TR 185 TOKATAWAN SPRING LN BOXBORO MA 01719
HAYES GEORGE E TR	54 LEXINGTON AV 12	167 17 12	C/O CARAMANICA RUTH M 54 LEXINGTON AV UNIT 12 GLOUCESTER MA 01930

City of Gloucester, Abutters List

Report Description:
Abutters To Parcel... MAP 167 LOTS 14, 20, 19 & 13

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Gloucester Board of Assessors

Abutter's Name	Street Address	Parcel No.	Mailing Address
AFFRONTI MARY E	54 LEXINGTON AV 21	167 17 21	18 HILLSIDE COURT SUFFERN NY 10901
HAYES GEORGE E TR	54 LEXINGTON AV 22	167 17 22	C/O CASEY MATTHEW & SANFORD JAMES V 54 LEXINGTON AV UNIT 22 GLOUCESTER MA 01930
HAYES GEORGE E TR	54 LEXINGTON AV 23	167 17 23	C/O BOYLE KATHLEEN PO BOX 722 MANCHESTER MA 01944
NIGRO ROBERT F P	54 LEXINGTON AV 31	167 17 31	54 LEXINGTON AV UNIT 31 GLOUCESTER MA 01930
PROCTOR WILLIAM A & ELLEN	54 LEXINGTON AV 32	167 17 32	54 LEXINGTON AV UNIT 32 GLOUCESTER MA 01930
SANCHEZ BENJAMIN S & HAVERKAMP ROBER	54 LEXINGTON AV 33	167 17 33	1869 MARBLECLIFF CROSSING CT COLUMBUS OH 43204
OCEAN BREEZE CONDO TRUST	54 LEXINGTON AV	167 17 995	C/O BOYLE KATHLEEN & SMITH WILLIAM 54 LEXINGTON AV UNIT 23 GLOUCESTER MA 01930
TRAYES WILLIAM H ET UX TRS	72 LEXINGTON AV	167 18	7 OLD GARDEN RD ROCKPORT MA 01966
* WINDOVER PROPERTIES LLC	8 SHORE RD	167 19	13 ELM ST MANCHESTER MA 01944
* WINDOVER PROPERTIES LLC	10 SHORE RD	167 20	13 ELM ST MANCHESTER MA 01944
SPATZ CAROLE D	12 SHORE RD	167 21	C/O COHEN PAUL 130 GALLOUPES POINT RD SWAMPSCOTT MA 01907
ZAKSZEWSKI VALERIE	58 LEXINGTON AV	167 23	13 SHORE RD GLOUCESTER MA 01930
AMICONE JOSEPH A ET AL	18 SHORE RD	167 45	18 SHORE RD GLOUCESTER MA 01930
ZAKSZEWSKI VALERIE	7 CLIFF AV	167 46	13 SHORE RD GLOUCESTER MA 01930

City of Gloucester, Abutters List

Report Description: MAP 167 LOTS 14, 20, 19 & 13
Abutters To Parcel... MAP 167 LOTS 14, 20, 19 & 13
 Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.
 Gloucester Board of Assessors

Abutter's Name	Street Address	Parcel No.	Mailing Address
ZAKSZEWSKI VALERIE	9 CLIFF AV	167 50	13 SHORE RD GLOUCESTER MA 01930
BARR LARRY R & EILEEN L	5 SHORE RD	167 51	227 RICE MILL CR SUNSET BEACH NC 28468

BOARD OF ASSESSORS
CITY HALL
DALE AVENUE
GLOUCESTER, MA 01930

7/3/07
Marianne Fleming

DEED

DOL 478173

KNOW ALL MEN BY THESE PRESENTS that New England Deaconess

Association, a Massachusetts charitable corporation having its principal place of business in Concord, Middlesex County, Massachusetts, for consideration paid in the amount of **One Million Eight Hundred Thousand Dollars (\$1,800,000.00)** the receipt whereof is hereby acknowledged, grants to **Windover Properties LLC**, a Massachusetts limited liability company, having a usual place of business at **13 Elm Street, Manchester-by-the Sea, Massachusetts 01944**, with QUITCLAIM COVENANTS, the land with the buildings thereon in Gloucester, Essex County and the Commonwealth of Massachusetts more particularly bounded and described as follows:

SEE EXHIBIT "A" ATTACHED

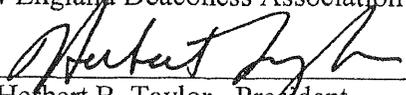

2007041700355 Bk:26746 Pg:298
04/17/2007 11:35:00 DEED Pg 1/4

This conveyance is made subject to easements and restrictions of record.

The Grantor represents that the property conveyed herein does not represent all or substantially all of its assets within the Commonwealth.

WITNESS my hand and seal this 11th day of April 2007.

New England Deaconess Association

By: 
Herbert B. Taylor - President

Commonwealth of Massachusetts

Middlesex, ss.

On this 11th day of April 2007 before me, the undersigned notary public, personally appeared Herbert B. Taylor, proved to me through satisfactory evidence of identification, which was a Massachusetts driver's license, to be the person whose name is signed on the within document, and acknowledged to me that he signed it voluntarily for its stated purpose as President of New England Deaconess Association on behalf of said corporation.


Notary Public

Richard P. Calvert
Notary Public
My Comm. Expires June 18, 2010


478173 (80479+) Btch:213825
Southern Essex District Registry
4/17/2007 10:55 AM DEED

Locus 14 Cliff Ave., Gloucester, MA 01930

4
12/15

EXHIBIT "A"

First Parcel:

NORTHWESTERLY by land now or formerly of Maria M. McClure, by the inner line of Shore Road, 113.34 feet;
NORTHEASTERLY by lot D, as shown on plan hereinafter mentioned;
SOUTHEASTERLY by the Ocean; and
SOUTHWESTERLY by lot F, as shown on said plan.

All of said boundaries, except the water line, are determined by the Court to be located as shown upon plan numbered 723-C, drawn by Raymond C. Allen, Civil Engineer, dated August 19, 1904, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with original Certificate of Title # 179 in said Registry, and the above described land is shown as lot E, thereon.

Second Parcel:

NORTHWESTERLY by land now or formerly of George A. Upton and by the end of Boulder Street, by the inner line of Shore Road, 138.27 feet;
NORTHEASTERLY by lot C, as shown on the above mentioned plan;
SOUTHEASTERLY by the Ocean; and
SOUTHWESTERLY by lot E, as shown on said plan.

Being shown as lot D on said plan.

There are appurtenant to the above described land, and the same is subject to, the rights, and easements mentioned in Certificate of Title # 179 in said Registry.

For title to First and Second Parcel see Certificate of Title # 49595.

Third Parcel:

WESTERLY by Cliff Street 28.18 feet;
NORTHERLY by lot E, as shown on plan filed with Certificate of Title # 179, 18.60 feet;
SOUTHEASTERLY by lot F-4, as shown on plan hereinafter mentioned, being the middle line of Shore Road, 28.18 feet; and
SOUTHERLY by lot F-1, as shown on said last mentioned plan, 18.60 feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 723-G and 970-B drawn by C. B. Humphrey, Surveyor for Court, dated January 14, 1910, approved by the Court, filed with Certificate of Title # 640 in said Registry, and the above described lot is shown thereon as lot F-3.

There is appurtenant to the above described land and the same is subject to the rights, easements and restrictions set forth in said Certificate of Title # 179 in said Registry.

For title to Third Parcel see Certificate of Title # 30027.

Fourth Parcel:

A certain parcel of land with the buildings thereon situated on the Southerly side of Boulder Avenue, Northwesterly side of Shore Road and Northerly side of Cliff Street in that part of Gloucester called Magnolia, bounded and described as follows:

NORTHERLY by Boulder Avenue (sometimes called Boulder Street) 366.35 feet;
EASTERLY by Shore Road 233.34 feet;
SOUTHERLY by Cliff Street, 265. feet; and
WESTERLY by land now or late of Ayer and by land formerly of Megowen, 200. feet.

Said parcel contains about 63,168 square feet.

There are also included those portions of said Cliff Street and Boulder Avenue which adjoin the above premises and lie between the center line of said Cliff Street and its Northerly boundary, and between the center line of Boulder Avenue and its Southerly boundary.

Being the same premises described as the First Parcel of recorded land in deed into the Grantor recorded in Book 4724 at Page 147.

Fifth Parcel:

A certain parcel of land shown on a plan entitled: "Plan of Land in Gloucester", Raymond C. Pressey Inc., Surveyors dated January 5, 1982 and filed with the Land Court as plan # 41062-A in conjunction with a Confirmation of Title recorded in Book 7410 at Page 561, said parcel being more particularly bounded and described as follows:

WESTERLY by the end of Boulder Avenue, 50. feet;
NORTHERLY by land now or formerly of New England Deaconess Association 264.95 feet;
SOUTHEASTERLY by land now or formerly of Andrew D. Fuller et al, 54.06 feet; and
SOUTHERLY by land now or formerly of New England Deaconess Association 244.38 feet.

Sixth Parcel:

A certain parcel of land on the northerly side of Boulder Avenue in that section of Gloucester known as Magnolia, said parcel being bounded and described as follows:

SOUTHERLY by Boulder Avenue, about 173. feet;
WESTERLY by land shown as Lot B on a plan recorded with Essex South District Registry of Deeds in Book 4261 at Page 288 by three bounds together measuring 66.9 feet;
NORTHERLY by Lot C ("Tennis Court") as shown on said plan, 28.9 feet;
WESTERLY by said Lot C 69.95 feet;
NORTHEASTERLY by a 14,550 square foot parcel shown on a plan filed with said Deeds as No. 641 of 1956 along the present or formerly location of chain link fence, 66.20 feet;
NORTHERLY by the same 75.18 feet;

EASTERLY by land shown as "Area = 16,576 S.F." on a plan entitled: " Plan of Land in Gloucester (Magnolia) Mass., Owned by New England Deaconess Association", dated July 16, 1984 by Raymond C. Pressey, Inc., recorded with a deed in Book 7529 at Page 190, approximately 100 +/- feet.

Being a portion of Parcel 3 conveyed to the Grantor by deed of Nancy M. Shane et al recorded in Book 6662 at Page 758.

All of the above described premises are conveyed with the benefit of and subject to all easements and restrictions of record.

SALEM
DEEDS REG. 10
ESSEX SOUTH
04/17/07 11:03AM
000000 #3124
J. ANULLELD 01
FEE \$8208.00
CASH \$8208.00



CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS • 01930

TO: Mayor John Bell and City Council
FROM: Kathy Middleton
SUBJECT: Massachusetts Paper Campaign
DATE: September 10, 2007

RECEIVED

SEP 11 2007

Mayor's Office

The Massachusetts Department of Environmental Protection (MassDEP) estimates that 1.5 million tons of recyclable paper is thrown away each year in Massachusetts. Enough paper to fill Fenway Park to a height of 750 feet – as high as the Prudential Center – every year. Municipalities, businesses and state agencies pay more than \$100 million annually to dispose of this paper. And that doesn't include the \$75-\$100 million that could be earned from recycling it instead.

MassDEP, in conjunction with MassRecycle, the state's non-profit recycling coalition, is asking all Massachusetts municipalities to join the *Mass Recycles Paper! campaign*, a new statewide initiative to recycle an additional one million tons of paper a year, by signing the attached resolution. As of today, 34 communities have signed on. Go to <http://www.massrecyclespaper.org/join-us.html> to view the list.

The *Mass Recycles Paper!* campaign, a public/private partnership, calls on citizens and businesses throughout the state to keep paper out of our landfills and incinerators while saving precious financial and natural resources and reducing greenhouse gas emissions. Visit www.massrecyclespaper.org for more information.

With both you and the City Council's support and signature on the attached resolution, I can begin to inform Gloucester residents of paper waste and commit to increasing paper recycling with the *Mass Recycles Paper! campaign*.

Thanks,

Kathy Middleton

cc: Joe Parisi
D. Smith

07 SEP 12 PM 3:37
CITY CLERK
GLOUCESTER, MA



CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS • 01930

A Resolution in Support of the *Mass Recycles Paper!* Campaign

WHEREAS, the Massachusetts Department of Environmental Protection estimates that the citizens and businesses of Massachusetts throw away 1.5 million tons of paper each year; and

WHEREAS, it costs the taxpayers of Massachusetts an estimated \$100 million per year to dispose of this paper; and

WHEREAS, post-consumer paper is a valuable commodity that, when recycled, generates millions of dollars for cities, towns and businesses; and

WHEREAS, recycling paper saves energy and reduces greenhouse gas emissions; and

WHEREAS, recycling adds significantly to the Massachusetts economy through the creation of nearly 20,000 recycling industry jobs with a combined annual payroll of \$557 million; and

WHEREAS, many of the Commonwealth's citizens and businesses are not aware of the broad spectrum of paper products that can be recycled instead of thrown away.

NOW, THEREFORE, BE IT RESOLVED by the City of Gloucester to:

- 1. Join MassRecycle's "Mass Recycles Paper!" Campaign by endeavoring to educate its citizens about the importance of recycling paper for environmental and economic reasons.*
- 2. Encourage its residents to use the paper recycling services provided to the maximum extent possible.*
- 3. Serve as a role model by recycling waste paper from all of its municipal offices.*

PASSED AND ADOPTED by the City Council of the city of Gloucester at a regular meeting thereof held on the _____ day of _____, 2007.

2007 GLOUCESTER CITY COUNCIL
COUNCIL ORDER

ORDER #:	2007-40
COUNCILLOR:	Jason Grow

DATE RECEIVED BY COUNCIL:	09/18/2007
REFERRED TO:	O&A, TC
COMMITTEE MEETING:	
FOR COUNCIL VOTE:	

That Section 22-270 entitled "Parking prohibited at all times" and Section 22-291 entitled "Tow-away zones" be amended by

ADDING:

Davis Street Extension Both Sides starting at its intersection with Chapel Street for a distance of 31 feet in a northerly direction.

Davis Street Both Sides starting at its intersection with Chapel Street for a distance of 34 feet in a southerly direction.

Chapel Street Both Sides starting at its intersection with Davis Street and Davis Street Extension for a distance of 36 feet in an easterly direction.

2007 GLOUCESTER CITY COUNCIL COUNCIL ORDER

ORDER #:	2007-41
COUNCILLOR:	Bruce Tobey

DATE RECEIVED BY COUNCIL:	09/18/2007
REFERRED TO: COMMITTEE MEETING: FOR COUNCIL VOTE:	10/16/2007

That the Gloucester City Council resolves as follows:

1. The Gloucester City Council shall not consider any DIF for the Gloucester Crossing project unless:

- a. The City Council and the community receive a public presentation from the appropriate State agency on the working details of MGL c. 40(Q) and a comparison and contrast of the DIF and TIF programs;
- b. Negotiation of a DIF between the City of Gloucester and the Gloucester Crossing developer are conducted with the assistance and advice of Special Counsel retained to represent the City, who that shall be retained based upon a demonstrated background in similar negotiations and substantial experience in private sector commercial real estate development;
- c. The City Council, through a duly designated representative, is a full participant in all such negotiations; and
- d. Any proposed DIF is structured to maximize commercial and/or industrial economic development potential in the proposed DIF area and minimize any loss of real estate tax revenue from the project to the City;

And

2) That the Mayor is requested to submit a recommendation, subject to his determining that the use of the funding source is an allowable one, that the City Council approves a supplemental appropriation to cover the costs of said Special Counsel from the recent EDIC economic development grant to the City.

**CAPE ANN CHAMBER OF COMMERCE***Serving Gloucester, Rockport, Essex & Manchester-by-the-Sea*CITY CLERK
GLOUCESTER, MA

07 SEP -5 AM 9:06

4 September 2007

Mr. Jim Destino, President
Gloucester City Council
City Hall, 9 Dale Avenue
Gloucester, MA 01930

Dear Mr. Destino:

On behalf of the Cape Ann Chamber of Commerce, I would like to invite you and the members of the Gloucester City Council to attend the Chamber's Breakfast Club on Friday, September 21, at 7:30 a.m. at The Elks at Bass Rocks as our guest. The agenda will include a debate among the candidates for the office of Mayor of the City of Gloucester.

The Breakfast Club will also include such regular highlights as the introduction of new Chamber members and the chance to mix with business colleagues and elected officials. The meal will be served promptly at 7:30 a.m. and the program will conclude by 9:00 a.m. Please RSVP by September 18.

Sincerely,

R. Pino

Ruth Pino
President

cc: Gloucester City Councilors

2007 GLOUCESTER CITY COUNCIL
FOR COUNCIL VOTE 09/18/2007

ORDER #:

2007-37

COUNCILLOR:

Walter Peckham

That the Mayor request the EDIC to use its resources to improve conditions on Kondelin Road at Cape Ann Industrial Park. It is a public way and needs to be upgraded and maintained.

I have met with Alan Hagstrom and the Association and will be submitting their recommendations.

COUNCILLOR	YES	NO
DESTINO		
FOOTE		
GROW		
HARDY		
MCLEOD		
PECKHAM		
ROMEO		
SWEKLA		
TOBEY		

2007 GLOUCESTER CITY COUNCIL
FOR COUNCIL VOTE 09/18/2007

ORDER #:

2007-39

COUNCILLOR:

Jason Grow

That the Mayor be requested to instruct the Fire & Police Chiefs to prepare and present a comprehensive report to the full City Council on the decision to opt out of regional 911 planning. The presentation should include a thorough analysis of estimated start-up costs, current staffing costs, minimum manning requirements, national best-practices, long-term savings and estimated time to recoup initial investment and pros/ cons for participation and all other relevant information.

COUNCILLOR	YES	NO
DESTINO		
FOOTE		
GROW		
HARDY		
MCLEOD		
PECKHAM		
ROMEO		
SWEKLA		
TOBEY		

FOR COUNCIL VOTE

09/18/2007

MOTION: To recommend to Mass. Highway Department (MHD) a limited access traffic signal (left out only and a right in-right out option) for the Gloucester Crossing Development.

COUNCILLOR	YES	NO
DESTINO		
FOOTE		
GROW		
HARDY		
MCLEOD		
PECKHAM		
ROMEO		
SWEKLA		
TOBEY		

2007-07

LAW DEPARTMENT

MEMORANDUM

TO: Jeremy Gillis
Assistant City Clerk

FROM: Suzanne P. Egan *SPE*
Assistant General Counsel

DATE: September 10, 2007

RE: Special Council Permit Decision

Enclosed herewith, please find the City Council's Decision on George and Ellen Sibley's Special Permit application.

Also enclosed is your file.

Enclosures

In Re:

Application of George R. and Ellen S. Sibley)	
for a modification of a Special Permit)	DECISION OF THE CITY
Pursuant to the City of Gloucester)	COUNCIL OF THE CITY
Zoning Ordinance Section 2.3.6 (#63))	OF GLOUCESTER
Arts and Crafts Studio)	

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision with regard to the application of George R. and Ellen S. Sibley to amend the special permit issued pursuant to Section 2.3.6 (63) of the City of Gloucester Zoning Ordinance to allow an employee dwelling in an art gallery.

George and Ellen Sibley are the applicants and owners of the property located at 15-17 Rocky Neck Avenue. . The property is shown on Assessor's Map 130, Lot 10. It is in the (R-3) residential zoning district. The applicants seek to amend a Special Permit to allow an accessory employee dwelling within the art studio. The original special permit to allow an arts and craft studio was granted on July 8, 1997 and recorded at the Essex South Registry of Deeds at Book 14260, page 239.

On June 11, 2007, the application was filed with the City Clerk. It is incorporated herein by reference. The City Council referred the application to its Planning and Development Standing Committee.

On July 18, 2007, the Committee held a properly noticed public meeting. Attorney Michael Faherty represented the applicants. He explained that the applicants originally intended to put a marine related use in the building. Later they added a second story to house an art studio with a gallery. They obtained a section 2.3.6(63) special permit for an arts and crafts business. Now, they would like to add an employee dwelling to the art studio. The zoning ordinance requires that the special permit be amended to include this additional use on the premises. Currently, the second floor contains a gallery, storage and a full bathroom. They would like to add a kitchen and formal sleeping space. The applicants have represented that there will be no exterior changes to the building.

In response to questions by City Council members, Attorney Faherty represented that city sewer services the property. He stated that this additional use will complement the other art galleries in the area.

The Committee found that the application meets the six special permit criteria as follows:

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

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

2. Traffic flow and safety:
There will be no effect because the site is already used as a gallery.
3. Adequacy of utilities and other public services:
Public sewer, water and private utilities already serve the locus.
4. Neighborhood character and social structure:
There will be no impact on the neighborhood. Locus is already a gallery.
5. Qualities of the natural environment:
No change.
6. Potential fiscal impact:
No change.

The Planning and Development Committee, on motion of Councilor Hardy, seconded by Councilor Peckham, voted 2 in favor, 0 opposed to recommend to the full City Council the granting of special council permit to George R. Sibley and Ellen S. Sibley, 15-17 Rocky Neck Avenue, Map 130, Lot 10, zoning classification R-3, pursuant to Sections 1.4.2.2, 2.3.6(63) and 2.3.7 (70) of the Gloucester Zoning Ordinance, to create a kitchen in an art gallery.

On July 24, 2007, the City Council held a properly advertised public hearing to consider the application. Attorney Faherty briefly described the premises as a two-story building. A jewelry business is located on the first floor and an art gallery with a studio is on the second. He explained that the second floor is a 24 by 30 foot square with a single bathroom. Half of the space is used as a gallery and the other half a studio. The applicants would like to construct a kitchen and living quarters in the gallery studio space. The dwelling is an accessory use and only an employee may live there.

Section 2.3.7 #70 of the Zoning Ordinance authorizes a dwelling accessory to industry. The Special permit previously granted for the locus permits an arts and craft studio on the second floor of 17 Rocky Neck Avenue. This application is to amend the special permit to allow an employee dwelling pursuant to section 2.3.7(#70).

No one spoke in opposition to the application

In response to questions from the Councilors, Attorney Faherty represented that no additional interior partitions will be installed on the second floor. He also stated that the applicants do not intend to convert this property into a residence. He noted that the applicants understood that this is a request for an accessory employee dwelling and that only employees may live in the studio.

The applicant represented that the six special permit criteria are met in the following manner:

1. Social, economic and community needs will be served by the permit because the use will complement other galleries in the Rocky Neck Art Colony. There is a considerable demand for galleries in which artists can work and live. The principal use of the space is an art gallery.
2. Traffic flow and safety. There will be no additional traffic flow or safety issues because the space is already used as a gallery.
3. Adequacy of utilities and other public services. The locus is served by public sewer, water and private utilities.
4. Neighborhood character and social structure: There will be no change to the neighborhood as the space is already used as an art gallery.
5. There will be no change to the natural environment.
6. There will be no fiscal impact.

The public hearing was closed.

The Planning and Development Committee submitted its recommendation to the full City Council. The Committee voted 2 in favor, 0 opposed, to recommend to the full City Council to modify the existing special council permit for George R. Sibley and Ellen S. Sibley, 15-17 Rocky Neck Avenue, Map 130, Lot 10, zoning classification R-3, pursuant to Sections 1.4.2.2, 2.3.6(63) and 2.3.7(70) of the Gloucester Zoning Ordinance, to create a kitchen in an art gallery.

Whereupon, having considered the entire record herein, including all minutes of the Planning and Development Committee and all testimony and documents received at the Council hearing, on motion of Councilor Peckham, seconded by Councilor Hardy, the City Council voted by roll call eight (8) in favor, (Destino, Foote, Hardy, McLeod, Peckham, Romeo, Swekla, Tobey), zero (0) opposed, to modify the existing special permit for George R. Sibley, and Ellen S. Sibley, 15-17 Rocky Neck Avenue, Map 130, Lot 10, zoning classification R-3, pursuant to Sections 1.4.2.2., 2.3.6(63) and 2.3.7(70) of the Gloucester Zoning Ordinance with the condition that there be no further interior partitions constructed.

The following general conditions shall also apply:

1. In granting this Special Permit, the City Council relied upon the applicant's oral and written representations as reflected in documents submitted and in its testimony presented at committee meetings and at the

public hearing. Any failure by the applicant to honor any material representations made to the City Council shall constitute just cause to revoke this special permit in accordance with Section 1.4.2.2(f) of the Zoning Ordinance.

2. Each finding, term and condition of this decision is severable. Any finding, term or condition of this decision found to be invalid shall not be held to render any other provision invalid.
3. The applicant/owner is required to provide documentary evidence to the City Council proving that all conditions specified in the City Council permit have complied with at which time the City Council will issue a "Certification of Conditions Complete."
4. This permit shall not take effect until a copy of the decision is recorded with the Registry of Deeds for Essex County. The owner shall pay the fee for such notice. Prior to the recording of the decision with the Registry of Deeds, the petitioner shall have the City seal affixed to the same.

The minutes of the July 24, 2007 City Council public hearing and all documents and testimony received during the hearing are incorporated in this Decision.

Accordingly, by said City Council Vote of July 24, 2007, the modification of the Section 2.3.4 Special Council Permit is hereby approved.

Decision adopted in City Council meeting of September 10, 2007

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 July 24, 2007 vote of the City Council sitting as the special permit granting authority.

James M. Destino
President of Gloucester City Council

Robert D. Whynott, City Clerk

Dated: _____, 2007

LAW DEPARTMENT

MEMORANDUM

TO: Jeremy Gillis
Assistant City Clerk

FROM: Suzanne P. Egan *SPE*
Assistant General Counsel

DATE: September 10, 2007

RE: Special Council Permit Decision – Lansing Banks
7 Crafts Road

Enclosed herewith, please find the City Council Decision on Lansing Banks' Special Permit application.

Also enclosed is your file.

Enclosures

2007-08

2007-08

In Re:

Application of Lansing Banks)
for a Special Council Permit) DECISION OF THE CITY
pursuant to the City of Gloucester) COUNCIL OF THE CITY
Zoning Ordinance Section 5.5.4) OF GLOUCESTER
(Lowlands) 7 Crafts Road)

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following findings and decision with regard to the application of Lansing Banks for a Special Council Permit pursuant to Section 5.5.4 Lowlands of the City of Gloucester Zoning Ordinance

Lansing Banks is the applicant and the owner of the property that is located at 7 Crafts Road, Gloucester, and shown on Assessor's Map 233, Lot 70. The zoning district is EB, extensive business. Mr. Banks seeks a Special Council Permit as required by Section 5.5.4 of the Zoning Ordinance to construct a 10 by 6 foot deck and 85 by 4 foot walkway in a lowland.

On June 11, 2007, the application was filed with the City Clerk. The application and a plan entitled "Site Detail Plan of Land in Gloucester prepared for Lansing Banks dated May 2, 2002" prepared by Rural Land Surveys, 130 Centre Street, Danvers, MA, are incorporated herein by reference.

The City Council referred the application to its Planning and Development Standing Committee.

On July 18, 2007, the Planning and Development Committee held a meeting to review the application. The applicant's attorney, Michael Faherty, presented the proposal. He explained that in 2002, Mr. Banks received an order of conditions from the Conservation Commission to construct a pier and walkway. He was required to build the walkway four feet above the marsh to protect the marshland resources. In 2005, the walkway was constructed without a building permit. The Conservation Commission found that the walkway was constructed 10 feet longer than permitted. Mr. Banks then filed an application for a lowlands and building permit. However, he was sent back to the Conservation Commission because the walkway, as constructed, did not conform to the permit. Presently, the issues before the Conservation Commission have been resolved and the application has been approved.

Councilor Hardy requested that a letter of approval from the Shellfish Constable should be submitted and made a part of the application. Mr. Banks assured Councilor Hardy that controversial crossties on the walkway had been removed.

The Planning and Development Committee determined that the criteria of Section 5.5.4 had been met: 1) the proposal satisfies the Wetlands Act, Massachusetts General Laws chapter 131, §40, by the issuance of an Order of Conditions and Wetlands Permit from the City of Gloucester Conservation Commission; 2) there is no hazard to health or safety especially with the use of careful construction techniques; and 3) the proposal conserves the shellfish and other wildlife resources by protective measures during construction.

On motion of Councilor Hardy, seconded by Councilor Peckham, the Planning and Development Committee voted Two (2) in favor (Hardy, Peckham), Zero (0) opposed to recommend to the full City Council the granting of a special council permit to Lansing Banks, 7 Crafts Road, Map 233, Lot 70, zoning classification EB, pursuant to Sections 1.4.2.2 and 5.5.4 of the Gloucester Zoning Ordinance.

Following proper notice and advertisement, on July 24, 2007, the City Council held a public hearing on the application.

Attorney Michael Faherty explained that the applicant is requesting a Special Council Permit for the already constructed four-foot high 85-foot long walkway to access a recreational float. He explained the history of the project. The applicant has an order of conditions from the Conservation Commission. The Commission has approved this application and the walkway was constructed in accordance with its instructions. All of the requirements of section 5.5.4 have been met.

No one spoke in opposition or in favor of the application.

Communications: An e-mail communication was received from the Shellfish Constable, Dave Sargent, in support of the application.

The public hearing was closed.

The Planning and Development Committee reported that at its July 18, 2007 meeting the Committee voted Two (2) in favor, Zero (0) opposed to the granting of a special council permit to Lansing D. Banks, 7 Crafts Road, Map 233, Lot 70, zoning district EB, pursuant to Sections 1.4.2.2 and 5.5.4 of the Gloucester Zoning Ordinance.

The City Council further determined that the proposed project satisfies Section 5.5.4 of the Zoning Ordinance: 1) the proposal satisfies the Wetlands Act, Massachusetts General Laws chapter 131, §40, by the issuance of an Order of Conditions and Wetlands Permit from the City of Gloucester Conservation Commission; 2) the project will not pose a hazard to health and safety; 3) that the proposal conserves the shellfish and other wildlife resources.

Upon motion of Councilor Peckham, seconded by Councilor Hardy, the Council voted by a roll call Eight (8) in favor (Destino, Foote, Hardy, McLeod, Peckham, Romeo, Swekla, Tobey) Zero (0) opposed, to grant a Special Council Permit to Lansing Banks, 7 Crafts Road, Map 233, Lot 70, zoning district EB, under Section 5.5.4 and 1.4.2.2 of the Gloucester Zoning Ordinance.

The following general conditions shall apply:

In granting this Special Permit, the City Council has relied upon the oral and written representations made by the applicant in documents submitted in support of his application and in his appearances at the Committee meetings and the public hearing on the application and the final plan for the project. Any failure by the applicant to honor any material representation made to the City Council shall constitute just cause for revocation of this Special Permit in accordance with Section 1.4.2.2(f) of the Zoning Ordinance.

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

The Special Council Permit under Section 5.5.4 shall not take effect until notice is recorded by the owner with the Registry of Deeds for Essex County by the recording of a copy of the Decision. The fee for such notice shall be paid by the owner. Prior to the recording of the Decision with the Registry of Deeds, the Petitioner shall have the seal of the City affixed to same.

The applicant/owner is required to provide documentary evidence to the City Council proving that all conditions specified in the City Council permit have been complied with at which time the City Council will issue a "Certification of Conditions Complete".

The minutes of the Planning & Development Committee meeting of July 18, 2007 and of the July 24, 2007 City Council public hearing and all documents and testimony received during the hearing, and the Plan dated May 2, 2002, are incorporated into this Decision.

Accordingly, by said City Council Vote of July 24, 2007, the Section 5.5.4 Special Council Permit application is hereby granted for an 85-foot walkway at 7 Crafts Road.

Decision adopted in City Council meeting of September 10, 2007.

Pursuant to Rule 25 of the City Council Rules of Procedure, in this instance, 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 July 24, 2007 vote of the City Council sitting as the special permit granting authority.

James M. Destino
President of Gloucester City Council

Robert D. Whynott, City Clerk

Dated: _____, 2007

Public Hearing #1 09/18/2007
Participation of retirees in State Contributory Group Insurance Plan

Legal Notice

NOTICE OF PUBLIC HEARING

The Gloucester City Council will hold a public hearing on Tuesday, August 7, 2007, at 7:00 p.m. in the Fred J. Kyrouz Auditorium, City Hall, relative to the following:

• Order 2007-12 Ordered that, in accordance with the procedures set forth in MGL Ch. 32b, Sec. 11e, the City of Gloucester shall terminate participation in the State contributory Group Insurance plan for retirees currently covered under this program and incorporate said retirees and future retirees into the City of Gloucester health insurance program under the provisions governing municipal retiree and surviving spouse benefits.

At the Public Hearing, all interested persons will have the opportunity to be heard.

By Vote of the City Council
Robert D. Whytrott, City Clerk

GT - 7/30/07

B&F 08/02/2007

MOTION: On motion of Councilor Destino, seconded by Councilor Grow the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council that, in accordance with the procedures set forth in Mass. General Law, Chapter 32b, Section 11e, the City of Gloucester shall terminate participation in the State Contributory Group Insurance plan for retirees currently covered under this program and incorporate said retirees and future retirees into the City of Gloucester health insurance program under the provisions governing municipal retiree and surviving spouse benefits.

CCM 08/07/2007

The public hearing is opened and continued to 9/18/07.

MOTION: On motion of Councilor Tobey, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed to refer the Retired Teachers Health Benefits (GIC) back to Budget and Finance.

4. Updated Fee Compendium

Councilor Destino suggested putting this in pamphlet form for the public and asked that this continue to evolve into a better format.

Councilor Grow suggested also having these fees listed by department for easier downloading on the city website.

5. Status Report – City Hall Restoration Project

Joe Parisi, DPW Director provided an overview of work done to the City Hall tower.

Emergency shoring of the tower has been completed and we continued on with architectural gathering of information and plans. There are actually two leans to the tower which have been properly measured and a detailed survey of all the exterior of the tower and all work needing to be done has been specifically noted. Structural engineer, Arthur McLeod designed a system to eliminate the overload on certain timbers by using structural steel which will be put in the tower from the bell level up.

Councilor Grow asked if the bell puts unnecessary stress on the building.

Mr. Parisi replied no the building is designed for it. He provided a schedule of the work.

Councilor Swekla asked about the finances of the project.

Mr. Parisi replied as the quotes came in they went beyond our estimations. We will be doing one half of the tower from the clock level up and coming forward requesting more funding for the bell level and below. Certainly a lot of work needs to be done and the Building Committee and the City Hall Restoration Committee are looking at the overall building, not just the tower. They have talked about fund raising efforts and are also looking at grant opportunities.

Maggie Rosa, City Hall Restoration Committee contacted Jim Duggan and asked him to look into potential funding sources and he maintains that there are earmarked funds from the state and federal government still out there, so we need to investigate those sources of funding. The other opportunity is going after private funding. Historic Preservation funds are not huge.

Councilor Destino asked didn't we have some insurance money.

Mr. Parisi replied there was insurance money early on for some of the damage we had on the trusses. Those funds rolled in subsequent projects. We have \$1,305,000 to take care of the design work and complete Phase I of the project and will require approximately another \$1 million to finish.

Councilor Destino stated the Community Preservation Act (CPA) could possibly be on the ballot in November and he asked what the time table to collect that 1% and get the state match is and could that be leveraged to help fund this.

Ms. Rosa replied the state match will not kick in until FY09. You can borrow against what you anticipate in receiving in CPA funding.

Mr. Magoon stated this coming fiscal year is a very busy one for the Assessor's office because it is a revaluation year.

Councilor Destino stated this work schedule goes to the end of FY08 and does it make sense to shore up the tower and continue to look for grant monies until we can tap into the CPA money.

Ms. Rosa stated the \$1.3 million is for the shoring and straightening up and it should be structurally sound as of November.

Mr. Parisi stated we will be done with the project we defined by June of 08 with the funding that has been appropriated.

6. Memo from Personnel Director and supplemental regarding retired teacher's health insurance proposal.

Councilor Swekla recused himself from this and left the meeting at this time.

Councilor Destino asked if everyone has been notified with a 30 day notice.

Donna Leete, Personnel Director replied yes, we have resolved any and all concerns on statutory notification.

Councilor Grow stated the City Council's role is to vote to participate or not to participate in the GIC and the administration is responsible for the implementation of the transition.

Ms. Leete stated there are significant administrative differences with this proposal as prior (she provided a copy of the impact on monthly premiums) because we have come up with a grandfather provision (*copy in file*). She is hoping that by putting the administrative provisions out front that will impact the vote. All the retired teachers have elected GIC supplemental indemnity coverage. Medicare eligible and Blue Choice come over at the same premium they are now paying GIC. Blue Care Elect premiums for that plan are 15% higher because can't match current premiums. That is a plan for anyone out of state or the snow birds that go out of state for three months or more. We will be counseling people into Blue Choice but we will have some migration into the more expensive plan that will impact our savings. Blue Care Elect requires no referrals and is a nationwide network. They are comparable plans but there are higher co-pays under Blue Care Elect.

Councilor Destino asked if there is any data on how many retirees live here and out of state.

Ms. Leete replied there are 7 individual and 2 family plans out of state.

Councilor Grow stated people will actually save money on prescriptions, etc.

Ms. Leete agreed that the prescription is the most significant savings. The Gloucester Teacher's Association (GTA) president, business agent and executive group endorses this plan, but not with a vote of the entire group.

Mr. Magoon stated they still have concerns about the additional cost for Blue Care Elect.

Ms. Leete met with Andrea Pretzler, GTA President and that concern has been alleviated.

Mr. Magoon stated we are working on a draft to memorialize the agreed to transition plan. They want to make sure if we agree to provisions that they will remain in place. It is not a collective bargaining issue.

Ms. Leete suggested making it a memorandum of understanding. The city has to be careful to protect our rights going forward as we will probably have to make a lot more changes as health insurance costs continue to rise.

Councilor Destino asked when the open enrollment period is.

Ms. Leete stated she has received clarification from GIC that they cannot meet her target date of 10/1 but they can meet a target date of 11/1. The city will have an open enrollment of one month done by Blue Cross representatives.

Councilor Destino feels that needs to be explained at the Council meeting.

Ms. Leete stated out of state people will be done by mail with direct assistance from herself and Holly.

Councilor Destino asked will B&F have to form a trust for the retirees.

Mr. Pratt stated all we need is another account for the retirees. The procedure is a transfer going from Cherry Sheet charges to personal for retired teacher's health insurance.

Ms. Leete stated our open enrollment will be done in September and the GIC will be effective through 10/31. The savings as of 11/1 are \$150,000.

Councilor Destino asked Anna Tenaglia, CFO for a projection of potential minimum savings two years out.

Brian Tarr, Assistant Superintendent stated nurses are part of this same contract. There are nine in that group and only one retiree this year.

Mr. Magoon stated the other concern is the impact this will have on the risk pool.

Ms. Leete will have numbers on Monday but stated there is no way to get an analysis by age by next Tuesday.

Councilor Destino asked if the projected increase of the risk pool has been figured into the potential savings.

Ms. Leete replied no, but she will have her consultant at the Council meeting to try to address these issues.

MOTION: On motion of Councilor Destino, seconded by Councilor Grow the Budget and Finance Committee voted 2 in favor, 0 opposed to recommend to the full City Council that, in accordance with the procedures set forth in Mass. General Law, Chapter 32b, Section 11e, the City of Gloucester shall terminate participation in the State Contributory Group Insurance plan for retirees currently covered under this program and incorporate said retirees and future retirees into the City of Gloucester health insurance program under the provisions governing municipal retiree and surviving spouse benefits.

It was moved and seconded to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees

units for a period of no longer than one year from the date of granting by City Council with the following additional conditions: In order for the applicant to obtain a building permit the applicant provide a copy of the registered deed restriction for a below market unit to be located on Map 105, lot 48 which was a condition that Mr. Slatas voluntarily made and became part of the initial decision and that within 90 days the rock pile that is on the corner of Osman Babson Road and Washington Street be moved to the back end of the property.

MOTION: The SCP for CES Design, Inc. 343 Washington Street was referred to the Legal Department for a written decision by UNANIMOUS consent of the full City Council and for clarification of the initial decision with regards to the below market rate unit.

Public Hearing #2

Participation of retirees in State Contributory Group Insurance Plan

The public hearing is opened and continued to 9/18/07.

Mr. Magoon stated due to newly received information from BCBS he asked the City Council refer this back to committee.

Councilor Tobey urged the City Auditor be included in this discussion. He stated we can use some of the resources from the GASB 45 audit for insurance and liability to figure out the long term consequences in doing this.

Councilor Romeo stated Congressman Tierney is working diligently to try to get this for Essex County and he knows what we are going through - Essex County is high risk - and she wishes that the Mayor's office would work with Congressman Tierney to get us this.

MOTION: On motion of Councilor Tobey, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed to refer the Retired Teachers Health Benefits (GIC) back to Budget and Finance.

Public Hearing #3

Amend 22-279, 22-280 "Washington Street"

Speaking in favor. **Mr. Milletti, owner of DeMarco Cleaners** supports this request for fifteen minute parking to make it easier for his customers to find parking in front of his store.

Bob Ryan, Chairman Traffic Commission stated on 7/19 the Traffic Commission voted to support and recommended this due to safety reasons and the nature of the business. The 84' accommodates the business and the upstairs residence.

Speaking in opposition. No one spoke in opposition.

Communications. None.

Questions. **Council President Destino** asked is that 15 minute parking all night long.

Mr. Ryan stated that was what was ordered and that is what we went with.

Council President Destino stated at this time the issue in front of the Traffic Commission is the 15 minutes.

Mr. Ryan can't speak on behalf of the commission but would have to ask the business owner.

Mr. Milletti stated his hours of business are Mondays through Fridays, 7 a.m. to 6 p.m. and Saturdays, 7 a.m. to 2 pm.

Mr. Ryan would support the amendment as well.

The public hearing is closed.

MOTION: The Ordinances and Administration Committee voted 3 in favor, 0 opposed to recommend to the full City Council that Section 22-279, entitled "Thirty Minute Parking" of the Gloucester Code of Ordinances be amended by DELETING Washington Street, easterly side, from a point 20 feet from the intersection of Pearl Street in a southerly direction for a distance of 11 feet and by ADDING Sec. 22-280, entitled "Fifteen Minute Parking" of the Gloucester Code of Ordinances Washington Street,

PUBLIC HEARING #2 09/18/2007
SCP 2007-11: 142 WHEELER STREET, FLOAT CONSTRUCTION

Legal Notice

NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing on **September 4, 2007 at 7PM** in the Kyrouz Auditorium, City Hall relative to the following **Special Council Permit Application**:

APPLICANT: Stephen Kaloyanides, Jr.

LOCATION: 142 Wheeler Street

TYPE OF PERMIT: Construction of a float on the Annisquam River

PRESENTLY ZONED: R-3

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public Hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Robert D. Whynott, City Clerk

GT - 8/20, 8/27/07

P&D 08/15/2007

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of an special Council permit to Stephen Kaloyanides, Jr., 142 Wheeler Street, Map 100, Lot 22, zoning classification R-3, pursuant to Sections 1.4.2.2(e) and 5.5 of the Gloucester Zoning Ordinance and further to ADVERTISE FOR PUBLIC HEARING.

CCM 08/21/2007

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted 6 in favor, 0 opposed the granting of an special Council permit to Stephen Kaloyanides, Jr., 142 Wheeler Street, Map 100, Lot 22, zoning classification R-3, pursuant to Sections 1.4.2.2(e) and 5.5 of the Gloucester Zoning Ordinance and further to ADVERTISE FOR PUBLIC HEARING.

Ms. Webster stated that will be complied with.

Councilor McLeod supports this and is glad they are doing this downtown.

Councilor Hardy also asked they reach out to the Downtown Development Commission (DDC) to let them know and provide brochures that the City Council can pass along to other business owners.

MOTION: On motion of Councilor McLeod, seconded by Councilor Hardy the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of the road closure of Harbor Loop on Friday, September 21, 2007 from 8 a.m. to 4 p.m.; Saturday, September 22, 2007 from 9 a.m. to 6 p.m. and Sunday, September 23, 2007 from 9 a.m. to 5 p.m. for the Gloucester Maritime Heritage Center/NOAA anniversary event.

4. Memo from Cape Ann Chamber of Commerce re: Harbor Plan

Steve Magoon, CAO stated the waterfront property owners requested an opportunity to make suggestions regarding the harbor plan and we participated with the Chamber in an effort to do that. It is the position of the administration to have the harbor plan before the City Council before end of August with full and complete consideration to the Chamber's waterfront property owner's recommendations.

Councilor Hardy recommended the letter to the Waterfront Property Owner's Task Force from the Chamber of Commerce dated 6/28/07 be filed and urged the administration to get the harbor plan to the Council as soon as possible.

5. SCP – 142 Wheeler Street, Sec. 5.5.4

Councilor Peckham reviewed the requirements of the application and noted the application is complete.

Attorney Robert Coakley, representing the applicant Stephen Kaloyanides, Jr. provided an affidavit of notification service. Mr. Kaloyanides bought this as a cottage on pilings located on the Annisquam River and he would like to construct a small gangway and float. In order to do so he has to construct a concrete pad that will be below the 10' elevation and is considered to be a structure. A neighbor has deeded him a sliver of land that has eliminated the need for him to apply for a variance from the ZBA. He has received approval from the Conservation Commission, the Shellfish Warden and Harbormaster and if this board agrees he still has to go to the state DEP to amend the existing Chapter 91 license. Wetland specialist, Bill Manuel said it may take several pours of concrete to construct this since you can only pour so much concrete at low tide.

The project meets the six special permit criteria under Section 1.4.2.2(e) of the Gloucester Zoning Ordinance as follows:

1. **Social, economic or community needs served by the proposal:** The applicant proposes to construct the proposed gangway and float as shown on the plans in order to prevent wear and tear on the existing house.
2. **Traffic flow and safety:** There will be no traffic impact resulting from the construction of the proposed gangway and float.
3. **Adequacy of utilities and other public services:** No new use of utilities or other public services are proposed.
4. **Neighborhood character and social structure:** Addition of the gangway and float in this location is consistent with other water-related uses in the neighborhood and the neighborhood is in support of this proposal.
5. **Qualities of the natural environment:** The Gloucester Conservation Commission has approved this plan under the Hatch Act (a/k/a the Wetlands Protection Act) and Gloucester's Wetlands Ordinance. Application will be made to the Massachusetts

Department of Environmental Protection for a License under Chapter 91. A copy of the Order of Conditions issued by the Conservation Commission is attached to the application. In addition, the Shellfish Constable has approved the proposed plan and that approval is also attached to the application.

6. **Potential fiscal impact:** Addition of the gangway and float in this location is an important amenity to the property and could result in an increased tax assessment.

Esther Steele, 144 Wheeler Street is the neighbor that deeded over a strip of land. She feels strongly that everybody on the water should have a way to get around.

Donna Carr, 3 Riverside stated they are great neighbors who have great respect for property and the environment and she highly supports this.

Don Carr, 3 Riverside also supports this and stated one advantage is to have something there that someone could latch onto in case of emergencies. This is a rough area of the river and a good place to put a boat when you are in trouble.

Questions. Councilor Hardy asked if this will be a permanent year round structure.

Attorney Coakley stated the concrete pad will be permanent, but the float system will be put in and taken out spring and fall.

Councilor Hardy stated it will meet the order of conditions of the Conservation Commission and she highly recommended the applicant comply with all the Conservation Commission's requests.

Attorney Coakley and the applicant concurred.

Councilor McLeod is familiar with this place and stated it is nice to see the neighbors supporting each other.

Councilor Hardy amended the application to read Map 100, Lot 22 (not Map 165) and asked Attorney Coakley to correct the original in the Clerk's office. She stated the six special permit criteria have been met and the Shellfish Warden has also given a letter in support and signed off but has indicated the Ch. 91 license needs to be amended.

MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council granting of an special Council permit to Stephen Kaloyanides, Jr., 142 Wheeler Street, Map 100, Lot 22, zoning classification R-3, pursuant to Sections 1.4.2.2(e) and 5.5 of the Gloucester Zoning Ordinance and further to ADVERTISE FOR PUBLIC HEARING.

6. SCP – 304 Main Street, Sec. 1.4.2.2(e) and 2.3.1.4

Councilor Peckham reviewed the requirements of the application and noted the application is complete.

Attorney James McKenna, representing Matthew Enslow and Denise Raphael has submitted an amendment to the original application for a four family; due to the extent of the rehabilitation needed the lenders are requesting one extra unit to cover the loan amount. The Webster-Lane House built in 1845 is a historically recognized property that needs immediate, extensive and complete rehabilitation. The property is listed on the National Registry of Historic Places and is not under the jurisdiction of the Historic Commission but we did ask for their comments and they were thrilled that we would be rehabbing the façade but keeping the original façade. We are bringing it right back to the period it was built – we are not expanding the property in terms of volume and will be creating four new units without building more intensely on the property. We did go to the ZBA for relief due to the non-conforming structure and architectural adjustments and the ZBA wholeheartedly endorsed the plan as proposed. This property as proposed is very consistent with the neighborhood, it is zoned Central Business CB but has always been used as a residence. There is nothing on record that gave the original permission for the property to be used in recent years as a residence but there is antidotal information that it has been used as a

PUBLIC HEARING #3 09/18/2007
SCP 2007-12: 35 DORY ROAD, COMMERCIAL WIND FACILITY

Legal Notice

CITY OF GLOUCESTER
NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, section 11, the **Gloucester City Council** will hold a public hearing on **September 4, 2007 at 7PM** in the Kyrouz Auditorium, City Hall relative to the following **Special Council Permit Application**:

APPLICANT: Varian Semiconductor Equipment Associates, Inc.

LOCATION: 35 Dory Road

TYPE OF PERMIT: 5.22 Commercial Land Based Wind Energy Conversion Facilities

PRESENTLY ZONED: BP (Business Park)

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public Hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Robert D. Whycott, City Clerk

GT - 8/20/07

P&D 08/01/2007

MOTION: The Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council **ADVERTISE FOR PUBLIC HEARING** the SCP application for Varian Semiconductor Equipment Associates, Inc., 35 Dory Road, Map 263, Lot 30, zoning classification BP, pursuant to Section 5.22 of the Gloucester Zoning Ordinance.

CCM 08/07/2007

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed to **ADVERTISE FOR PUBLIC HEARING** the SCP application for Varian Semiconductor Equipment Associates, Inc., 35 Dory Road, Map 263, Lot 30, zoning classification BP, pursuant to Section 5.22 of the Gloucester Zoning Ordinance.

Attorney Orlando stated he has no intention of putting six units in this building.

The six special permit criteria pursuant to Sec. 1.4.2.2e of the Gloucester Zoning Ordinance are as follows:

1. **Social, Economic, or community needs served by the proposal.** Consistent with municipal plan to encourage residence in upper stories of downtown area.
2. **Traffic flow and safety:** No change then current - less than for office use.
3. **Adequacy of utilities and other public services:** Public water and sewer.
4. **Neighborhood character and social structure:** Consistent mixed use neighborhood.
5. **Qualities of the natural environment:** No change.
6. **Potential fiscal impact:** No change.

MOTION: On motion of Councilor Peckham, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council the granting of a SCP to Joseph M. Orlando, Trustee, Orlando & Associates Realty Trust, One Western Avenue, Map 2, lot 28, zoning classification R-4, pursuant to Sections 1.4.2.2e and 2.3.1.4a of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

3. SCP – 35 Dory Road, Sec. 5.22

Speaking in favor. Attorney Michael Faherty, representing Varian provided a certificate of service that abutters were notified of this hearing. Notification to Cape Ann Medical Center, LLC was returned unable to forward. (*copy in file*)

Attorney Faherty reviewed the application materials for completeness. Both the Building Inspector and the Planning Director have signed off on the application. The property is located in the Business Park (BP) district at 35 Dory Road.

Requirements for submission under Section 5.22.9(3) include proof of ownership (control) of the property. He provided a copy of the transfer certificate of title which shows that Varian is the registered owner of this property (*copy in file*). The locus on this application consists of the two parcels described in that certificate of title. A US-GS map has also been provided, as have 12 copies of plans 1"= 40' showing property lines, subject property and all adjacent properties within 300' of the turbine. The numerals that appear on the buildings indicate the distances at grade from the closest proposed wind energy conversion facility. The site plan meets the requirements of the ordinance with the indication of the two turbine facilities and a topographic of the immediate area surrounding the facility. Within 50' of the proposed facility are 2' contour lines and outside of that are 3' contour lines. Section 5.22.9e is a requirement for elevations of the project and he noted the scale is different for vertical than horizontal.

He then went on to describe the exhibits attached to the application.

Exhibit F shows materials in color.

There is an outstanding issue with the procedure for a balloon or crane test which needs to be determined by the Council.

Operations and maintenance plan. We have not selected the exact machine; it will be either a General Electric or Fuhlander and we would follow the manufacturer's specs for operations and maintenance.

Landscaping plan - landscaping will be appropriate with the setting and consistent with landscaping currently maintained at the Varian site.

The work around turbine #2 would be in accordance with plan submitted to Gloucester Conservation Commission and the conditions imposed and they have provided a copy of the determination of applicability regarding tower #2. Tower #1 is not in the Conservation Commission's jurisdiction.

Also included in the application are a sound level impact assessment report, a system impact study by National Grid, a letter regarding tree canopy, Federal Aviation Administration determination of no hazard, National Telecommunications and Information Administration letter, Gloucester Historical and Mass. Historical Commission, no adverse effect determination, and Insurance certificates - specimen.

Section 5.22.6 - Criteria

Height is not to exceed 500'. From the base of the tower to the turbine is the height of the tower and above and beyond that you measure the length of the blades at the apex of the 12:00 high. The 100 meter tower is 477' high and the 85 meter tower will be 45' less in height, so the requirements for height are met with either model.

Setbacks exceed all requirements. There are separate requirements in effect for wind turbines.

Councilor Hardy asked if they are using any wetlands as a buffer for the setbacks.

Attorney Faherty replied no. Turbine #2 is closest to the Varian building and if you scale that we are in excess of 85' from the edge of the turbine to the building and the requirement in the ordinance is it be at least 50'. With respect to the minimum distance from public and private ways is 100'. Turbine #1 is in excess of 160' from Great Republic Road and in no event would the length of the blades ever go over someone else's property.

Councilor Hardy asked if would go over any other piece of Varian property that is contiguous.

Attorney Faherty replied yes, turbine #2 would but the building itself straddles those two registered lots. The only clearing required will be the access road into turbine #1 (shown on the plan). Not asking for any reductions in the setback requirements.

Visual impact - Peter Glick, Symmes, Maini, McKee Associates provided a computerized birds-eye visualization as to what the project will look like. It shows the perspective of coming off of Blackburn Circle onto Dory Road and into the project and what it looks like coming up Harrison Avenue which is the closest residential area to this project.

Color exhibit - Colors of the turbines will be a light grey color and will blend in with the background and the clouds.

Lighting and signage - Federal Aviation Administration letters supplied for each of the turbines. He provided a supplemental for the file. The turbines are now registered with the FCC for the FAA. There will be median dual lighting with no obstruction glare.

Utility connections - National Grid updated letter speaks to the fact there are no additional requirements with respect to the Grid or the connection.

Richard Gross, Renewable Energy Planning stated overwhelmingly the electricity will be used on site but occasionally some of that energy will be dumped back into the Grid. When the wind is blowing strong enough the blades turn and create electricity which is stepped up with a transformer, then cables connect underground and rise up to the overhead distribution circuit. The concept is that most of the time Varian is using a lot of power and these are producing 2.5 megawatts each and at any given time Varian is using 5 megawatts of electricity. At a time they are not using much power any excess generated will be thrown back to National Grid to supply other customers.

Councilor McLeod asked if Varian gets reimbursed if they send electricity back to the Grid.

Mr. Gross stated the current meters will be replaced with meters that will keep track of power used and power sent back to the Grid.

Councilor Hardy asked if there is ever a time that Varian would make a profit on the extra electricity produced - supplying it to other customers.

Mr. Gross replied no.

Attorney Faherty stated Varian's annual electric bill is well in excess of \$2 million and any power purchased back by the Grid is bought back at a wholesale rate. Varian is not in a situation where they are directly supplying power to someone else.

Rick Johnson, Varian stated there is a meter on the power pole at the corner of the property and the Grid from the street stops at that pole and from that pole forward is Varian's power supply.

Attorney Faherty stated it is a monopole tower, a preferred type of construction.

Signage will comply with any conditions. The Conservation Commission did want us to put some signage concerning the wetlands characteristics of the adjacent wetland which we would meet but would not be posted on the tower but in the area. The certificate of negative determination from the Conservation Commission was appealed and denied by DEP and further appealed which was also denied. Now those same people have applied for a motion of reconsideration and that has not been resolved as of yet.

Siting - The distance between the turbines must be such that one will not take away the wind from the other. Turbine #2 is right at the main entrance to the Varian facility and most of the trees that need to be removed have already been removed for the testing.

Storm Water - There will be no storm water runoff created by the turbine. Turbine #1 is located in the woods; turbine #2 is already a cleared site and there won't be any runoff issues.

Noise - Typo - page 5 of the noise study should read cul-de-sac off of "Eastern" Avenue, not "Emerson" Avenue. The ordinance states that we must comply with Sec. 3.10CMR and references Sec. 7-10 and he presented a copy of that section. That is not the section. It is the Massachusetts policy from DEP on noise that Mr. O'Neil will speak to.

Robert O'Neil, Epsilon Associates

Councilor Hardy asked if there is any simulation as to noise or to give us some comparatives.

Mr. O'Neil stated the sound levels from that fan would be in the range of 46 to 50 decibels.

Councilor Hardy asked what the nearest residential property would they be hearing.

Mr. O'Neil stated at the end of Harrison Avenue (closest residents) it would be 44 or 45 decibels.

Councilor Hardy asked would that be constant or rhythmic.

Mr. O'Neil stated at the distances you are talking about that is really all you are going to hear is the whooshing of the blades.

Councilor McLeod asked if you would even hear the current noise level at the industrial park.

Mr. O'Neil stated they measured the quietest sound levels during the day of 48 and 49 decibels and traffic count measured 54 and 58 decibels.

Attorney Faherty stated it is important to note that even though the decibel level of a fan is 50, if there was something else in the room that was 60 decibels you don't add them together - the 60 overwhelms the 50 and it has to be more than 3 decibels to perceive a difference. The background noise at all times would be in excess of what you would hear from the turbine itself. The information and data collected indicates we comply with city ordinances and state policy.

Shadowing and flickering - The water tower, cell tower and buildings all cast shadows and the length of a shadow depends on the height of the sun. The purpose of this study is to help determine if the proposed location is an appropriate location for the site. Putting the towers to the rear minimizes shadowing on neighboring businesses.

Councilor Hardy asked if there are any shadows being cast on Harrison Avenue.

Attorney Faherty replied no because at no time is the sun coming from that direction.

Councilor McLeod asked does Standard Electric know there is a shadow.

Mr. Johnson hasn't specifically showed them yet.

Attorney Faherty stated this is a worse case scenario in each case - that is assuming the blades are completely perpendicular to the sun.

Councilor McLeod asked is the prevailing wind coming off of the water.

Attorney Faherty replied no, the prevailing wind is southwesterly.

Safety Standards - No waste is created by the turbines and hazardous materials are limited to the oil and hydraulic fluid, which are self contained in the unit.

Bob Straton and Tom Michelman from Boreal Renewable Energy Development, Varian's consultants, are also present to answer any questions.

Off Air TV reception analysis (*copy in file*). Microwave study analysis although not required has also been provided.

Councilor Peckham asked is there an external ladder on the outside to service this.

Attorney Faherty stated there is an elevator and ladder inside for servicing the turbine and an automatic shutoff in high winds or icy conditions.

Councilor Hardy asked what the length of the individual rotary blade measured from the hub to the wind turbine is.

Attorney Faherty stated each blade is 146', 90 meter diameter, so the radius would be 45.

Councilor McLeod asked if one machine goes at a slower rate than the other.

Attorney Faherty stated the Furhlander is slightly louder but because it is higher there is actually less impact.

Bob Straton stated the GE blades are 77 meters or 126'.

Councilor Hardy asked why Section 1.4.2.2e is shown as non applicable.

Attorney Faherty stated the following criteria are to be used in lieu of the SCP criteria outlined in 1.4.2.2e per the ordinance.

All wind energy conversion facilities shall be constructed and operated in locations that minimize adverse visual, safety, and environmental impacts. No special permit shall be granted unless the special permit granting authority finds in writing that:

1. The proposed location is in an appropriate location on the site.
2. The use will not pose a significant adverse impact to the health or public safety of the neighborhood.
3. There will be no serious hazard to pedestrians or vehicles from the use.
4. Adequate and appropriate facilities will be provided for the proper operation of the use.

Councilor Hardy asked if they plan on having a telecommunications antennae mounted on either tower.

Attorney Faherty stated they have no plans to do that now.

Councilor Hardy asked if the applicant changed their mind would there be a co-applicant.

Attorney Faherty stated there is a provision in this ordinance that you would have to apply under the subsequent section of the ordinance.

Councilor Hardy asked if there is a temporary wind tower measuring device.

Attorney Faherty replied that is done - we were able to use the cell tower.

Councilor Hardy referred to Section 5.22.5 - proof of financial security and asked was that addressed in the application.

Attorney Faherty replied that is proof of liability insurance and they have provided specimen copies of the policy.

Councilor Hardy asked if any of the required lights interfere with our new lighting ordinance.

Mr. Cademartori stated they are exempt for safety reasons.

Speaking in opposition. Stevan Goldin, 14 Hodgkins Street referred to his letter submitted as a communication. There is presently an environmental appeal underway and the Council can judge for itself. When there is final determination more material will be presented. There is one environmental question he would like the Committee to deal with tonight and that is the environmental study commissioned by Varian and that an additional detailed study be required. This is a major bird flyway area and some of these types of projects have been totally disastrous. At the ZBA, Attorney Faherty said these studies were being done. At the DEP site visit the question was raised and Mr. Faherty refused to speak on that. He would like the committee to ask Attorney Faherty if these studies are being done and more information. The other question raised in the letter is social and economic. He would like this question addressed on equity and fairness of the fact that we are all paying. A \$500,000 renewable energy grant was given to Varian. This wind turbine is being financed by a \$500,000 grant that we are all paying for. The Council has the prerogative to request this money to go to the City of Gloucester to be used for the city - public housing or low income housing. He feels it is a shameful part of this whole process and needs to be addressed.

Rebuttal. Attorney Faherty stated the Mass. State Legislature and previous administrations in Boston have provided this grant so companies can apply to explore the feasibility of doing these things. The amount of the grant is peanuts compared to what this will cost and it is not something the council or anyone else can interfere with. We don't choose what taxes are assessed by the state government. Wetlands have to do with alteration of land. Birds and things like that are not subject to the Wetlands Act, unless there is an alteration or destruction of habitat. Varian did conduct some avian studies that were completely appropriate and there was nothing in those reports contrary to the position taken nor are they part of the ordinance.

Mr. Goldin stated there are fine points of law about alteration and what is legally appropriate. The Wetlands Protection Act says that wetlands cannot be dredged, filled or altered and provide wildlife habitat protection. If it opens up the area in the buffer zone it is an alteration. That is a legal argument. As for the studies being done, he asked if Attorney Faherty could present these to the City Council before the public hearing.

Communications. Letter from Stevan Goldin dated 8/1/07.

Councilor Hardy referred to Section 5.22.9 (d) visualization - 4 or more site lines including from the nearest building - view of wind turbine conversation facilities and asked for pictures depicting visual effects from Good Harbor, Brightside and Rocky Neck.

First visual - Rocky Neck

Second visual - Good Harbor Beach

Third visual - Brightside Avenue

Fourth - Stage Fort Park.

Fifth - Blackburn Rotary coming from Grant Circle into Blackburn.

*****Site visit scheduled for Tuesday, 8/7/07 - 3 p.m.**

MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to continue review of the SCP application for Varian Semiconductor Equipment Associates, Inc., 35 Dory Road to 8/15/07.

MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council ADVERTISE FOR PUBLIC HEARING the SCP application for Varian

Semiconductor Equipment Associates, Inc., 35 Dory Road, Map 263, Lot 30, zoning classification BP, pursuant to Section 5.22 of the Gloucester Zoning Ordinance.

4. Other Business:

a. Update on SCP - 85-89 Bass Avenue.

Memo from Bill Sanborn dated 7/27/07 (*copy in file*)

Councilor Hardy received telephone calls regarding some of the conditions in the special permit not being taken care of and noted there are a few conditions yet to be addressed.

Nino Ciaramitaro, 85-89 Bass Avenue planted flowers last year but they didn't come back. He has to finish construction prior to painting parking lines and he has to dumpsters - one large dumpster for the laundromat and a 10 yard dumpster for which he is responsible to pay.

Councilor Hardy stated her recollection of the permit granted and the condition for plantings was that vines would be planted to grow up the wall.

Mr. Ciaramitaro stated he has to finish the foundation construction work first.

Councilor Peckham asked what Mr. Ciaramitaro feels would be an adequate time to complete these conditions.

Mr. Ciaramitaro could not provide an answer.

Councilor Hardy did a site visit last night and noticed a large hole in the parking lot next to sidewalk is still there and the piece of wood that was covering it has fallen into the hole and there are some boulders in the hole - it is very dangerous.

Mr. Ciaramitaro put the wood over it because he was worried someone would fall in.

Councilor Hardy suggested a site visit with Mr. Ciaramitaro to point these things out and come to a compromise.

The matter of 85-89 Bass Avenue is continued to 8/15/07 pending a site visit.

***** Site Visit - Tuesday - 8/7/07 - 9:30 a.m. at the site 85-89 Bass Avenue.**

b. Update on SCP - 128 Western Avenue (corner of Tolman)

Memo received from Bill Sanborn dated 7/31/07. (*copy in file*)

The update on 128 Western Avenue was continued to 8/15/07.

It was moved and seconded to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

June Budrow
Clerk of Committees

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, August 15, 2007 - 7 p.m.
Third Floor Conference Room – City Hall

Attendance: Councilor Walter Peckham, Chairman, Councilor Jackie Hardy, Vice Chairperson, Councilor Michael McLeod
Also: Steve Magoon, Gregg Cademartori, Harriet Webster, Bob Coakley, Jim McKenna, Mike Faherty, Rick Johnson, Stephen Kaloyanides, Jr., Esther Steele, Donna and Don Carr, Jason Gove, Matthew Enslow, Denise Raphael
Absent:

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

1. SCP - 35 Dory Road, Sec. 5.22 (*cont from 8/1/07*)

Attorney Faherty stated that the reason they took it upon themselves to place the public notice in the Gloucester Daily Times of the helicopter hover test was due to the requirement of two week notification prior to the test. The test will occur at 10:00 a.m. on Wednesday, August 29, 2007 with a rain date of August 30th. He stated video and pictures will be taken from the helicopter and may be used to determine if surveillance cameras can be installed on the towers for police and security.

Councilor Hardy asked if the pictures will be taken from the same vantage point as the original pictures.

Attorney Faherty replied yes.

Councilor Hardy asked how the turbines and towers would get to the city.

Attorney Faherty stated they will come into the state fish pier, be off loaded and transported up the extension to the site. One concern is to make the turn onto Bass Avenue.

Councilor Hardy asked if all the licenses have been cleared for the helicopter.

Attorney Faherty replied yes.

Councilor McLeod asked how long the sections to be moved are.

Attorney Faherty replied they are 80' sections

Rick Johnson, Varian stated that the crane company transporting said they can make all turns.

Councilor Hardy asked if the helicopter will be hovering over both tower locations.

Attorney Faherty replied yes, and Rick Johnson will be in the helicopter. When we left the meeting after the site visit we talked about possibly a helicopter hover test and the City Council president told him he thought it was the standing committee who had the authority to authorize this. The applicant took the risk of putting the ad in the paper in order to have the two weeks notification needed but ultimately it is the committee's decision.

MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to approve use of a helicopter hover test in place of a balloon test under Gloucester Zoning Ordinance, Section 5.22.9g and that it be arranged according to the advertisement placed in the paper.

Attorney Faherty stated there is an updated microwave report; a response from one person using microwave, that has not operated for the last four years and recognizes if he went back on line that he would have to work around the turbines.

Councilor Hardy stated someone at the last meeting asked if we were considering an avian study. She stated it is not a requirement of the ordinance, but if the applicant has done one would they like to share it with us.

Gregg Cademartori, Planning Director provided the Wind Power Rapid Environmental Analysis Process (WINDREAP) that was submitted to the Conservation Commission and the ZBA for the wind energy device that did address avian impacts, species in the area and prior studies done nationally and globally. The study referenced in the bibliography and other organizations confirm the same rate of 1 to 2 fatalities per turbine. (*copy in file*)

MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to continue the matter of the SCP for Varian pursuant to Section 5.22 to 8/29/07.

2. Request for road closure - Magnolia Road Race.

Councilor Hardy stated last year she made a request that signs be posted notifying residents of the event prior to the event and she was assured those signs would go up last year but those signs did not go up last year, so she is making the request again.

Councilor Peckham will follow up on that and will have a map showing the route for the full Council meeting.

Councilor Hardy also requested that next year they submit their request in July.

MOTION: On motion of Councilor McLeod, seconded by Councilor Hardy the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council approval of road closure request for the annual Magnolia Road Race to be held on Thursday, August 30, 2007 that the following roads in Magnolia be closed: Lexington Avenue from Hesperus Avenue to Norman Avenue from 5:00 p.m. until 8:00 p.m. and Magnolia Avenue from Magnolia Square to Western Avenue from 6:50 p.m. until 7:20 p.m.

3. Request for road closure - GMHC/NOAA Anniversary.

Harriet Webster, Executive Director, Maritime Heritage Center stated that NOAA approached them about a 200th anniversary event. This event will be free to the public and will include booths, educational exhibits; weather balloons and the coast guard will be providing demonstrations. They are requesting road closure of a section of Harbor Loop for the days and times noted on the poster. (*copy in file*).

Councilor McLeod would advise they meet with the Police Chief so they can provide assistance. Councilor Hardy asked if they are going to be closing all or a portion of Harbor Loop.

Ms. Webster stated it is the center or the horseshoe section of the loop and will be closing off the driveway to the harbormaster's office.

Councilor Hardy asked if they have notified abutters.

Ms. Webster stated they have notified the harbormaster

Councilor Hardy would like to know the neighbors have been notified of this.

Councilor Peckham asked if there will be additional trash containers and cleanup.

Ms. Webster stated NOAA is taking care of that; they are partnering with us so the events are specific to the area where they are happening.

Councilor Hardy asked is this something that will become a yearly event.

Ms. Webster replied no, this is a 200th year anniversary.

Councilor Hardy stated if food will be served a permit must be obtained from the Board of Health.

PUBLIC HEARING #4 09/18/2007

SCP# 2007-13- 264 Main Street: 1.4.2, 2.3.2.17 Relocation of Cape Ann Moose

Legal Notice

NOTICE OF A PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing on September 18, 2007 at 7PM in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

APPLICANT: Cape Ann Lodge #1471, Loyal Order of Moose

LOCATION: 264 Main Street

TYPE OF PERMIT: 1.4.2 and 2.3.2.17

PRESENTLY ZONED: CB Central Business

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Robert D. Whynott, City Clerk

GT - 9/3, 9/10/07

P&D 08/29/2007

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council granting of a special Council permit to Cape Ann Lodge #1471, Loyal Order of the Moose, (owner Marilyn F. LeBlanc, Trustee, Green Tavern Realty Trust), 264 Main Street, Map 13, lot 7, zoning classification Central Business (CB), pursuant to Sections 1.4.2.2 and 2.3.2.17 of the Gloucester Zoning Ordinance and **FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

CCM 09/04/2007

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed granting of a special Council permit to Cape Ann Lodge #1471, Loyal Order of the Moose, (owner Marilyn F. LeBlanc, Trustee, Green Tavern Realty Trust), 264 Main Street, Map 13, lot 7, zoning classification Central Business (CB), pursuant to Sections 1.4.2.2 and 2.3.2.17 of the Gloucester Zoning Ordinance and **FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
Planning & Development
Wednesday, August 29, 2007 - 7 p.m.
Kyrouz Auditorium –City Hall

Attendance: Councilor Walter Peckham, Chairman, Councilor Jackie Hardy, Vice Chairperson, Councilor Michael McLeod
Also: Mike Faherty, Bob Coakley, Gregg Cademartori, James Pratt, Mr. LeBlanc, Thomas Murphy, Dan Dulaski, Roger Corban, Jim Santos, Frank Santos
Absent:

The meeting was called to order at 7:00 p.m.

1. SCP - 35 Dory Road, Sec. 5.22 (*cont from 8/15/07*)

Attorney Michael Faherty stated the helicopter hover was conducted and test pictures were taken and will be provided. He feels the demonstration was an accurate representation. The applicant is requesting a continuance of the public hearing scheduled for 9/4/07 until 9/18/07; the reason being there was a structural failure in Oregon so for everyone's benefit we want to get answers to what happened. We do expect to have that information in writing before the next P&D meeting. A letter from Attorney Faherty requesting the continuance was submitted for the file (*copy in file*).

Councilor McLeod feels the demonstration was a good show of what the applicant is trying to put forward.

Councilor Hardy thanked Attorney Faherty and Varian for coordination of the helicopter hover test.

MOTION: On motion of Councilor Hardy, seconded by Councilor McLeod the Planning and Development Committee voted 3 in favor, 0 opposed to continue the special council permit application for Varian Semiconductor, Inc., 35 Dory Road to 9/12/07.

2. SCP – 264 Main Street, Sec. 2.3.2.17

Councilor Peckham outlined the application requirements. An abutters list has been included and abutters have been notified; an affidavit confirming notification has been provided for the file. (*copy in file*).

Attorney Robert Coakley, representing Cape Ann Lodge, "Loyal Order of the Moose" joined by Mr. LeBlanc, owner of 264 Main Street and James Pratt, Treasurer of The Moose. Attorney Coakley presented a plan that was also presented to the ZBA and noted that in many respects this is a three quarter transaction, in that the Cape Ann Historical Museum owns the location where the Moose is currently located and if allowed to go to the new location the Historical Society would be able to expand and the Green Tavern liquor license would move elsewhere. When at the ZBA, Attorney Coakley characterized Main Street as three different areas, the East End, the Central Business district and the West End. Three years ago the Moose were looking to move down to the West End and came to the City Council for a special permit. The decision from the council was not unanimous but was 6 to 3; the concern was predicated on the fact that they thought there was some relief needed from the ZBA. Ultimately, the ZBA did not grant the relief from parking because the applicant did not ask for parking relief and they

were considered a business, yet this has always been operated as a fraternal organization. Since then they have received the relief from parking requirements for the new location. There is also an independent income stream from the four apartments above the current Green Tavern. The Moose also have obtained financing from a bank. They don't have parking on site but do have a lot of available parking demonstrated to the ZBA's satisfaction. There is ample parking on Main Street and Manuel Lewis, in the lot next to the Senior Center and the lot behind the Armory. The North Shore Movie Theatre was located where the Liquor Locker is presently located and Little Earl's was a very popular night club. There was also a Union Hill Theatre that held 1,300 and further up the hill, another theatre - all places of assembly like the Moose. We don't expect a lot more businesses to come to this area as it is already built up and there are no other sites to be developed. The Moose Lodge is a national organization that recently received an award for superior community service. (*copy in file*). How they propose to use the facility on Main Street is to divide it into an area for the lounge and an area for a functional hall, to erect a partition within the structure. The function hall will be made available to members of the Moose and other non-profit organizations that don't have a regular meeting hall. The Moose sponsor and assist a lot of public groups. If approved by the Council they would then go before the Liquor License Board. This is a better location than the other location at the other end of Main Street and the Moose are collectively very excited to have this property come on the market.

No one was present to speak in opposition.

Questions. **Councilor McLeod** asked when the Moose was established.

Attorney Coakley replied they have been in that building since 1915 and in 1925 the wall was erected around the outside.

Councilor McLeod stated in his 35+ years with the Police Department he has never had any problems with the Moose. He asked about membership numbers.

James Pratt, Moose Lodge Treasurer replied there are 280 members with an average of 30 to 40 coming in per day. We are open to anybody that is in need.

Mr. LeBlanc feels going from an open door bar, such as the Green Tavern to a closed door, like the Moose is an asset because closed door clubs can allow smoking indoors and everything will be confined, eliminating the need for people to smoke out on the sidewalk.

Councilor Peckham asked if the facility has a full sprinkler system.

Mr. LeBlanc replied yes, a sprinkler system was installed when the apartments went in.

Councilor Coakley noted that the apartments are fully permitted and have been inspected and certificates issued by the Board of Health.

Councilor Hardy asked if there are any parking requirements for the four apartments.

Mr. LeBlanc stated in 1987 we rented parking from the North Shore Theatre and then the city passed an ordinance so parking wasn't required because there was public parking on Middle Street.

Councilor Coakley stated we are not changing the use of the downstairs because businesses are exempt under the parking regulations. The upstairs was permitted by the Council for the four units. This multifamily activity upstairs is fully permitted and the downstairs is only a change going from an open door to a closed door club.

Councilor Hardy asked if the parking next to property is two separate lots.

Mr. LeBlanc stated at one time it was separate and he tried to purchase it for parking. Now that the Thai restaurant has put on an addition it doesn't qualify as a separate lot.

Councilor Hardy asked about the Cape Ann Animal Shelter.

Attorney Coakley stated the President of the Cape Ann Animal Aid told him when they move from their current location to the new facility they will be doing something with that property and we have asked to be put on notice as we would have an interest in that property because it is adjacent.

Councilor Hardy asked what a function hall for the new owners entails; will there be loud music into the night, etc.

James Pratt stated it is a closed door facility and there would be no functions per say – it will be members and families and once in a great while we might have a small band in there, perhaps twice per year.

Councilor Hardy asked if the applicant would object if the Cape Ann Animal Aid sought a 30 minute spot in front of your building.

Mr. Pratt replied not at all.

Councilor Hardy stated the parking lot beside the Cape Ann Animal aid is currently owned by the Gloucester Housing Authority and what would happen if they decided to develop that property and the parking spaces went away.

Attorney Coakley stated the analysis to the ZBA shows how many spaces are available on the street and the public parking spaces behind the Liquor Locker and also on Rogers Street.

Councilor Hardy stated the new owners need to know and to inform tenants that there are dogs next door and occasionally there will be barking dogs.

Councilor Peckham at the ZBA hearing it was said it was the Moose Lodge's intent to demolish the building and add to the parking which would be an improvement. He also asked what the significant fiscal impact is.

Attorney Coakley replied in talking about the three quarter move, the tax assessment stays the same on the Moose property but the benefit is that they move from next door and the Historical Society has an opportunity to expand. It is good for the neighborhood area of Main Street and the liquor license gets to go someplace else.

Councilor Peckham asked but what is the significant fiscal impact.

Attorney Coakley replied there is no negative fiscal impact.

Councilor McLeod stated being Vice Chair of the Gloucester Housing Authority, we discussed the property that we have in custody (parking lot) and would love to build an assisted living. We do not have any plans but within the next five years we will be moving very seriously towards doing something with that property because that is what we told the state and we are confident the Animal Aid will be complete by then and it will help them by selling that building.

Mr. Pratt stated we are limited to 11 parking spaces where we are presently located and he feels the parking will be adequate.

Councilor McLeod asked what is the difference between the day and night crowd.

Mr. Pratt stated normally we don't open until 2 p.m. and close around 10 p.m. We may have 10 cars during the day and they are in and out.

Councilor Peckham asked for clarification that functions would be small private parties.

Mr. Pratt replied yes, there would be small functions for members and guests.

Councilor Hardy echoed the concern of Jenny Perkins, ZBA who would like to see improvements to the façade of the building and asked how long you think it would take to have the transaction concluded.

Attorney Coakley replied they expect to be complete by the end of the year.

Councilor McLeod will support this. He feels the Historical Society has been patient in waiting to develop the property next to City Hall and the fact that this will be a closed door facility and it is a well run organization.

The application meets the six special council permit criteria pursuant to Section 1.4.2.2(e) as follows:

- 1. Social, economic or community needs served by the proposal:** The Cape Ann Moose Lodge has been a long standing member of the Gloucester community and supports many local community groups including Pathways for Children, the Boy Scouts, Relay for Life. They also participate in community clean up projects and hold events for children throughout the year. This community participation and support would continue and be enhanced by their relocation to a new space and would free up their current space for use by another community group, the Cape Ann Historical Society.

2. **Traffic flow and safety:** The proposed relocation of the Lodge will have minimal, if any, traffic impacts. Observations of available parking spaces at the proposed new location indicate ample on-street parking. The Lodge has also made inquiry of two sources for future off-site parking.
3. **Adequacy of utilities:** The utilities at the proposed site are adequate for the Lodge's purposes. By relocating the Lodge facilities to the Green Tavern location there is actually a downsize in the use.
4. **Neighborhood character and social structure:** The Lodge proposed to upgrade the existing Green Tavern building which will be an enhancement to the neighborhood.
5. **Qualities of the natural environment:** There will be no environmental impact on the area or the City by the granting of this Special Permit.
6. **Potential fiscal impact:** The relocation of the Lodge will provide significant positive fiscal impact:
 - a. Expansion of the Cape Ann Historical Museum will positively impact the downtown business and cultural centers;
 - b. The Lodge will continue to pay taxes and water and sewer charges to the City and support community service through donations;
 - c. Green Tavern liquor license moves to a new location to enhance that business.

MOTION: On motion of Councilor Peckham, seconded by Councilor Hardy the Planning and Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council granting of a special Council permit to Cape Ann Lodge #1471, Loyal Order of the Moose, (owner Marilyn F. LeBlanc, Trustee, Green Tavern Realty Trust), 264 Main Street, Map 13, lot 7, zoning classification Central Business (CB), pursuant to Sections 1.4.2.2 and 2.3.2.17 of the Gloucester Zoning Ordinance and FURTHER TO ADVERTISE FOR PUBLIC HEARING.

3. SCP – 26 Railroad Avenue, Sec. 5.17

Attorney Thomas Murphy representing Jim Santos, applicant and also present Dan Dulaski, Traffic Solutions. Mr. Santos has been in Gloucester for 20 years with a business located on Washington Street. Mr. Santos has been a good citizen, civically involved and has run a successful business. The CSO project coming down Washington Street greatly impacted his business negatively and he relocated the business to 26 Railroad Avenue which was an expensive move that increased his overhead substantially and as a result has to increase revenues to stay even. One of the mechanisms he focused on to stay competitive was the drive through window. Many people who stop to get a cup of coffee prefer to drive through for convenience. There is a benefit and value to the customer. Not having a drive through facility puts Mr. Santos at a business disadvantage. The application under Sec. 5.17 of the Gloucester Zoning Ordinance is for a special council permit to operate a drive through facility. Dan Dulaski has prepared the site plan and traffic study as required by the by-law and because of some of the limitations on the building it was necessary to get a variance from the ZBA for building set backs, both street and side yard. The dumpster is closer to the boundary line than desirable and a vegetative buffer was not available on the site. The ZBA decision has been included in the application packet. He reviewed the six special council permit criteria pursuant to Section 1.4.2.2(e) of the Zoning Ordinance as follows:

1. **Social, economic or Community needs** are served by the proposal, as consumers wish the convenience of a drive through facility for their coffee. The proposed drive through provides that convenience in a safe manner without cars stacking into the public street. In addition to convenience, a drive through facility helps drivers with children, disabled drivers, and others. Improvements to this area of downtown is a goal of the Community Development Plan 2001.

PUBLIC HEARING #5 09/18/2007

SCP #2007-14- 26 Railroad Avenue: 1.4.2.2 Drive Through

Legal Notice

NOTICE OF PUBLIC HEARING

In accordance with the provisions of MGL Chapter 40A, section 11, the Gloucester City Council will hold a public hearing on September 18, 2007 at 7PM in the Kyrouz Auditorium, City Hall relative to the following Special Council Permit Application:

APPLICANT: ERS Wash, Inc dba Jim's Bagel and Bake Shop

LOCATION: 26 Railroad Avenue

TYPE OF PERMIT: 1.4.2.2 for a Drive Through Facility (Sec. 5.17)

PRESENTLY ZONED: Neighborhood Business

Plans of the above are on file in the City Clerk's Office and may be seen any business day prior to the Public Hearing. At the Public hearing all interested persons will have the opportunity to be heard.

By Vote of the City Council
Robert D. Whycott, City Clerk

GT – 9/3, 9/10/07

OPEN AND CONTINUE UNTIL
10/30/2007

P&D to meet on 10/10

Joint site visit with Planning Board and Traffic Commission on
10/18