

CITY CLERK  
GLOUCESTER, MA  
2018 MAR 29 AM 9:32



GLOUCESTER CITY COUNCIL  
**Planning & Development Committee**  
Wednesday, April 4, 2018 – 5:30 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
*(Items May be taken out of order at the discretion of the Committee)*

1. ***PP2018-001: Request from National Grid to replace pole 376 and to install 130 feet of underground conduit from 12 Beachland Avenue to pole #376 - to be conducted as a Public Hearing***
2. ***Special Events Applications:***
  - A. Boston Wounded Veterans 5K Road Race, May 12, 2018
3. ***SCP2017-012: School House Road #2, #3 and #4, Map 262, Lots 14 & 37 and Gloucester Crossing Road #7, Map 43, Lots 4 & 5 for a Special Permit under the Mixed Use Overlay District pursuant to GZO Sec. 5.29 (including Major Project under GZO Sec. 5.7) and Sec.'s 5.29.10 and 5.11.8 (Cont'd from 03/07/18)***
4. ***CC2017-057 (Orlando/LeBlanc) Amend GZO by ADDING a Footnote "I" to Sec. 3.2.1, inserting into the CB column, & to ADD same footnote as Footnote "h" in the CB column for Sec. 3.2.2 re: affordable housing (Cont'd from 02/21/18)***

COMMITTEE  
Chair, Councilor Valerie Gilman  
Vice Chair, Councilor Jen Holmgren  
Councilor Paul Lundberg

CC: Mayor Theken  
Jim Destino  
Joanne Senos  
Chip Payson  
Gregg Cademartori

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

CITY CLERK  
GLOUCESTER, MA

2018 MAR 20 PM 2:00

Questions contact – Annette Thompson 781-907-3450

Petition of the NATIONAL GRID  
OF NORTH ANDOVER, MASSACHUSETTS  
For Electric conduit Location:

To the City Council of Gloucester, Massachusetts

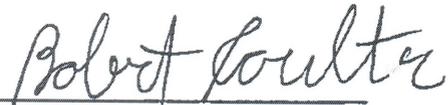
Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Beachland Ave – Gloucester – Massachusetts.

The following are the streets and highways referred to: Plan number # 21108859  
Beachland Ave - National Grid to install beginning at a point approximately 45 feet North of the centerline of the intersection of Rockport Road and Beachland Ave and continuing approximately 400 feet in a North direction. National Grid to install approximately 130 ft of underground service from house # 12 to pole 376 across the street. National Grid to replace existing pole 376 at the same location.

Location approximately as shown on plan attached

NATIONAL GRID  
BY \_\_\_\_\_  
Engineering Department



Dated: February 27, 2018

**ORDERED:**

Notice having been given and public hearing held, as provided by law, that the NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 27th day of February, 2018.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Beachland Ave – Gloucester – Massachusetts. Plan number # 24658339.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Beachland Ave - National Grid to install beginning at a point approximately 45 feet North of the centerline of the intersection of Rockport Road and Beachland Ave and continuing approximately 400 feet in a North direction. National Grid to install approximately 130 ft of underground service from house # 12 to pole 376 across the street. National Grid to replace existing pole 376 at the same location.

I hereby certify that the foregoing order was adopted at a meeting of the .....  
....., held on the ..... day of ....., 20 .....  
....., 20 .....

Received and entered in the records of location orders of the City/Town of  
Book ..... Page .....

Attest:  
.....

..... hereby certify that on .....20....., at ..... o'clock, ....M  
at ....., a public hearing was held on the petition of  
NATIONAL GRID for permission to construct the underground electric conduits described in the  
order herewith recorded, and that I mailed at least seven days before said hearing a written notice  
of the time and place of said hearing to each of the owners of real estate (as determined by the last  
preceding assessment for taxation) along the ways or parts of ways upon which the Company is  
permitted to construct the underground electric conduits under said order. And that thereupon said  
order was duly adopted.



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 178-24

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

Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying adjacent abutters as required by the City's City Council and it reflects the abutters to the Parcel known as Map 178 Lot 24 as further shown on the attached map dated 3/2/2018.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
178-57 BEACHLAND AVENUE LLC ET AL	4 BEACHLAND AV	178-57	BEACHLAND AVENUE LLC ET AL 78 SPRUCE ST FRAMINGHAM, MA 01701
178-22 FABRIZIO RICHARD L & NANCY L FABRIZIO ANDREW R & CONLEY NICOLE F TRS	8 BEACHLAND AV	178-22	FABRIZIO RICHARD L & NANCY L FABRIZIO ANDREW R & CONLEY NICOLE F TRS 8 BEACHLAND AV GLOUCESTER, MA 01930
178-23 CALNAN MARION P	10 BEACHLAND AV	178-23	CALNAN MARION P 5 CUTLER AV CAMBRIDGE, MA 02114
178-24 VILIAN DONNA LYNNE	12 BEACHLAND AV	178-24	VILIAN DONNA LYNNE 57 PUTNAM LN HOLDEN, MA 01520-1101

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

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

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

3/2/2018



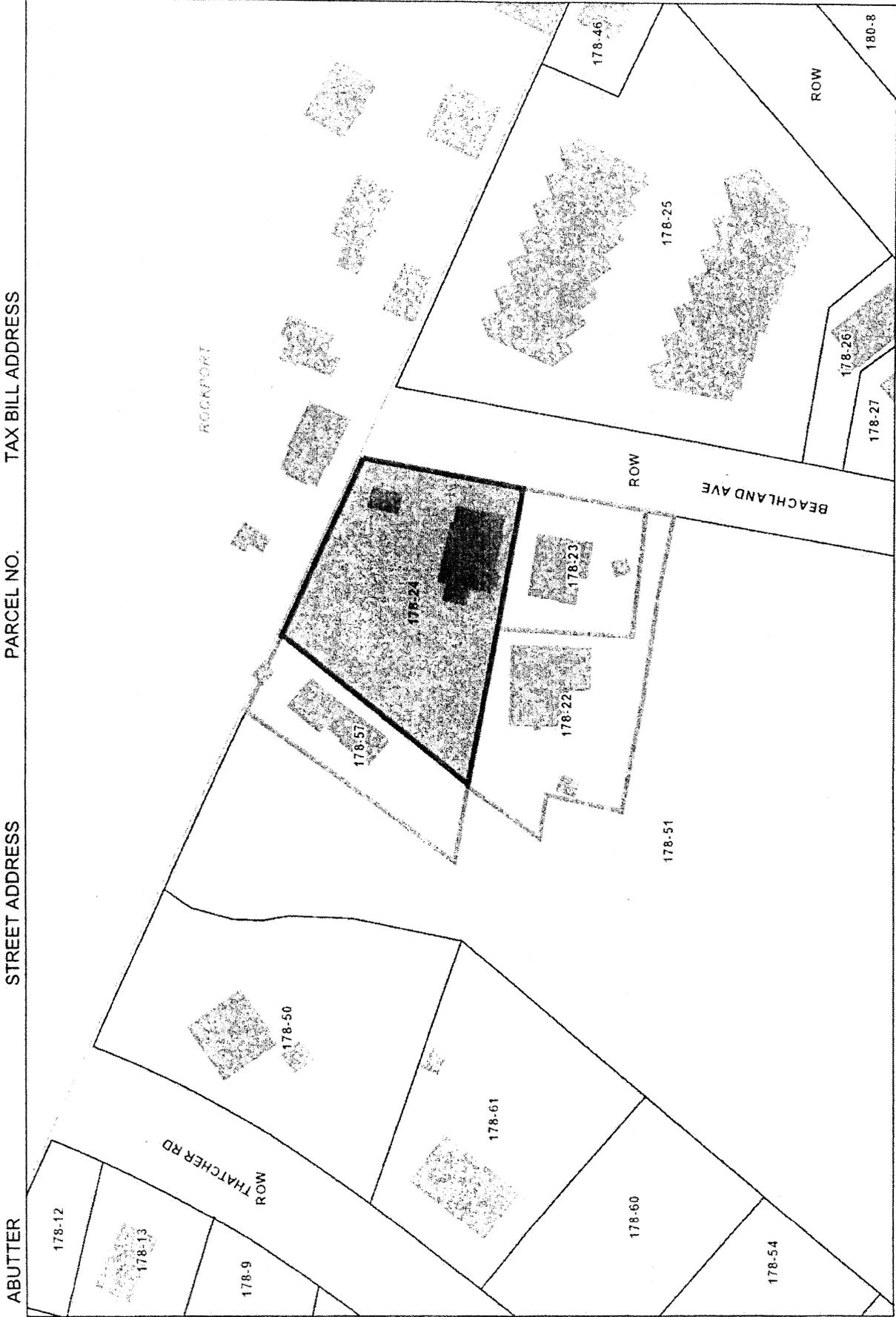
# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit **178-24**

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Gloucester Board of Assessors

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Check Date: **03/01/2018**

national**grid**

Check Number: **7001353387**

Vendor ID: <b>100003554</b>	Amount of Invoices: <b>\$360.00</b>
Vendor Name: <b>CITY OF GLOUCESTER</b>	Discounts Taken: <b>\$0.00</b>
Value Date: <b>03/01/2018</b>	Amount of Payment: <b>\$360.00</b>

Please be advised that **NATIONAL GRID USA SERVICE COMPANY, INC** has generated a payment on behalf of **MASSACHUSETTS ELECTRIC COMPANY**. The invoice payment details are as follows:

Origin	Invoice Number	Invoice Date	Invoice Received Date	Gross Amount	Discount Taken	Paid Amount	PO ID	Payment Message
NONPO	24658339	02/27/2018	03/01/2018	\$360.00	\$0.00	\$360.00		24658339 Petition Fee in advance
				\$360.00	\$0.00	\$360.00		

Contact the Accounts Payable Department at **1-888-483-2123** to receive payments electronically, update account information or make inquiries.

**National Grid USA - Accounts Payable Department - 300 Erie Blvd West, Syracuse, NY 13202 1-888-483-2123**

DOCUMENT IS PRINTED ON CHEMICALLY REACTIVE PAPER - THE BACK OF THIS DOCUMENT INCLUDES A CHEMICAL WASH WARNING BOX

**National Grid**  
300 Erie Boulevard West  
Syracuse, NY 13202-4250

**Citibank, NA**  
One Penn's Way  
New Castle, DE 19720

**62-20/311**

**7001353387**

**Date 03/01/2018**

**Check Amount \$360.00\*\*\*\***

**Pay \*\*\*\* THREE HUNDRED SIXTY AND 00/100 DOLLARS \*\*\*\***

**To** CITY OF GLOUCESTER  
**The** 9 DALE AVE  
**Order** GLOUCESTER, MA 01930-3009  
**Of**



Authorized Signature

**Void after 120 Days**

⑈ 700 1 3 5 3 3 8 7 ⑈ ⑆ 0 3 1 1 0 0 2 0 9 ⑆

3 8 8 6 0 6 4 7 ⑈

Department of Public Works  
28 Poplar Street  
Gloucester, MA 01930



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

CITY CLERK  
GLOUCESTER, MA  
2018 MAR 21 AM 10:50

CITY OF GLOUCESTER  
DEPARTMENT OF PUBLIC WORKS  
MEMORANDUM

Date: 20 March 2018

To: Councilor Valarie Gilman, Chair, Planning and Development Committee  
Councilor Melissa Cox, Vice Chair  
Councilor Paul Lundberg, Member

From: Michael B. Hale, Director of Public Works MBH

Re: Application (PP2018-001) by National Grid to construct a line of underground electrical conduits, including the necessary sustaining and protecting fixtures under and across Beachland Avenue.

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Councilors:

The Department of Public Works has reviewed the above mentioned application to install beginning at a point approximately 45 feet North of the centerline of the intersection of Rockport Road and Beachland Avenue and continuing approximately 400 feet in a Northerly direction. National Grid to install approximately 130 feet of underground service from house #12 to pole 376 across the street. National Grid will replace existing pole 376 at the same location. In an attempt to maintain the quality of City roadways, the Department of Public Works requests the following be required of the applicant:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works.
2. Proposed excavation may only occur during accepted road opening and construction season, 15 March – 15 November. No winter construction shall be permitted.
3. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.
4. The existing sidewalks are cast in place concrete and the City of Gloucester will only accept full panel pours.
5. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day, to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2-inches, totaling 4- inches.
6. All final paving shall be done in consultation with the Department of Public works and an agreed upon final paving plan executed by the applicant.

Should you have any questions regarding the conditions requested, please do not hesitate to contact my office.

2018 JAN 31 AM 8:34

**CITY OF GLOUCESTER – SPECIAL EVENTS PERMIT**

NAME OF EVENT: Boston Wounded Veterans 5K Race DATE OF EVENT: May 12 2018

**Special Events**

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

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

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

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

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

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

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

Completed copy filed: Date: 2/31/18 Initial: JMS Copy to Applicant: Date: 3/6/18 Initial: JMS  
Fee Paid: \$ 25.00 CA#1095

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

Name and Type of Event Boston Wounded Veterans 5K Road Race

1. Date: 5-12-2018 Time: from 8 to 12pm

Rain Date: none Time: from - to -

2. Location: Good Harbor Beach Foot Bridge

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

4. Name of Organizer: Marvin Pena City Sponsored Event: Yes No X
Contact Person: Marvin Pena 01906
Address: 239 Walnut St Sagus MA Telephone: 617-820-4933
E-Mail: Marvin.F.Pena@gmail.com Cell Phone:
Day of Event Contact & Cell Phone: same
Official Web Site: theyboughtwewide.com

5. Are street closures required: X Yes No If yes, where: At foot bridge

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

7. Is the Event Being Advertised? Yes Where? FB - GMB - GDT

7. (a) Is there a fee charged for tickets/attendance for event participation? Yes X No List all fees if yes. Registration fee \$3000

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

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

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

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

- A. Vending: Food Beverages Alcohol Goods Total No. of Vendors\*
(\*Local or State license required)
B. Entertainment: (Subject to City's Noise Ordinance) Live Music DJ X Radio/CD
Performers Dancing Amplified Sound Stage
C. Games/Rides: Adult Rides Kiddie Rides Games Raffle (requires City permit\*)
Other: Total No.
Name of Carnival Operator (requires permit and inspection of rides):
Address:
Telephone:

- D. Tents: Yes No. If yes, how many What are the tent sizes: (May require permits)
E. Clean Up: No. of additional trash receptacles required Yes No. of additional recycling receptacles required 2-3
(To be provided by and removed by applicant at their expense.)
F. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet)
No.: standard No.: ADA accessible

Will request GHB Bathrooms to be open if possible

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

PARADE \_\_\_\_\_ ROAD RACE X WALK-A-THON \_\_\_\_\_

1. Name, land line & cell phone number of contact person on the ground Day of Event:  
Marvin Pena 617-820-4933  
Melissa Cox 978-631-9015

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

3. Locations of Water Stops (if any): 1/2 way point & GHB

4. Will Detours for Motor Vehicles be required? yes If so, where and what length of time: Foot Bridge

4A. Are street closures required? \_\_\_\_\_ (This is determined by the Police Department)  
Where? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Start Location & Time for Participants: \_\_\_\_\_

6. Dismissal Location & Time for Participants: \_\_\_\_\_

7. Number of Participants: \_\_\_\_\_

8. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Location of Viewing Stations: \_\_\_\_\_  
\_\_\_\_\_

• Are Weapons Being Carried (If "Yes", Police approval may be required): Yes: \_\_\_ No X

• Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: \_\_\_ No \_\_\_

8. Name and Address of Insurer: K&K Insurance

9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

**CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):**

NAME OF EVENT: Boston Wounded Veterans Road Race 5K DATE OF EVENT: 5-12-2018

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

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

Initials of  
Dept. Head/  
Designee

Notes by Department Head or Designee

- 1. Special Events Advisory Committee \_\_\_\_\_
- 2. Planning & Development Committee \_\_\_\_\_
- 3. Gloucester Police Department \_\_\_\_\_  
 Is Police Detail Required? yes No. of Details T B D  
 Traffic, Parking & Transportation \_\_\_\_\_ Street Closure: yes (P+D)
- 4. Health Department \_\_\_\_\_
- 5. Building Inspector \_\_\_\_\_
- 6. Electrical Inspector \_\_\_\_\_
- 7. Department of Public Works: RESTROOMS GAB / PIC LOT  
 Use of City Property: Yes/No Location if yes: GAB Permits: \_\_\_\_\_
- 8. Gloucester Fire Department \_\_\_\_\_  
 Is a Fire Detail Required? ? No. of Details ? EMS \_\_\_\_\_ Use of Propane: no  
 (Attach EMS Memo)
- 9. Licensing Commission (includes vendors) (Through City Clerk: \_\_\_\_\_)
- 10. Licensing Board (Alcohol): \_\_\_\_\_
- 11. Harbormaster: \_\_\_\_\_
- 12. Tourism: (Mayor) Chris A. King

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

Melissa Cox  
Signature of Applicant

Jan 30<sup>th</sup>, 2018

**RESPONSIBILITIES OF APPLICANT**

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

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

Melissa Cox  
Signature of Applicant

Jan 30<sup>th</sup>, 2018

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

*Received at  
CCM 3/27/18*  
TEL 978-281-9700  
FAX 978-281-9738  
stheken@gloucester-ma.gov

March 27, 2018

To: City Council President Lundberg and  
Members of the City Council

From: Mayor Sefatia Romeo Theken

Re: Renegotiation of the Affordable Housing Hardship Claim Made by Fuller Mixed  
Use Venture, LLC

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As you know, on February 13, 2018, the City Council voted to refer the matter of the affordable housing hardship claim made by the Fuller Mixed Use Ventures, LLC (FMUV) to the Administration for the purpose of renegotiation that part of the FMUV application. I am pleased to announce that we have done just that. Attached please find the following:

- Support letter dated March 16, 2018
- Memorandum of Understanding dated March 27, 2018
- First Amendment to Purchase and Sale Agreement signed March 27, 2018
- Brownfields Program Income Fund Grant award letter dated March 27, 2018

I respectfully request that the City Council vote to accept these documents and include them in the major project application submitted by FMUV. Should you have any questions or concerns, please let me know. Thank you for your consideration in this matter.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 16, 2018

Mr. Christopher Lovasco  
Chief Executive Officer  
YMCA of the North Shore  
245 Cabot Street  
Beverly, MA 01915

Dear Mr. Lovasco,

I write to you to express my strong support for the YMCA's proposed affordable housing project at 71 Middle Street in Gloucester and their efforts to secure funding.

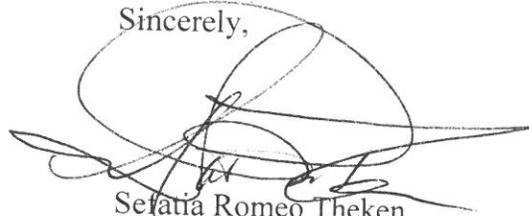
The City recently concluded a housing production plan and it forecasts an aging population with little opportunity for a younger generation to start families here. We are a working city with a working waterfront and we must be able to provide affordable housing for our workforce. This is a priority for me and my administration and we are working hard on it every single day. I strongly support 60% AMI (and lower) housing to meet the needs of our community, especially for veterans and seniors, and I have spoken to the Governor and Lieutenant Governor as well as legislative leaders on this issue. When we learned of the plans to convert the old YMCA at 71 Middle Street into affordable housing, we understood the incredible benefits it offered and we are eager to support it.

The YMCA has been an active member of the Gloucester community for decades; through their facilities and their programs, they make a real difference in people's lives. They have been here for us, now it is our turn to be here for them. Accordingly, my administration will actively support the YMCA as they work to acquire the necessary funding for the project at 71 Middle Street. We will waive some of the building fees for construction of the building, we will support a rider for project funding in the housing bill before the legislature, we will support substantial funding for the project from the City's Community Preservation Committee and the City's Affordable Housing Trust Fund, and we will support project funding from home grants and housing development pipeline grants. We recognize that financial support from the host community is a critical component to a successful affordable housing project. While it is too early to commit to a specific figure, we pledge our best efforts to obtain at least one million dollars of such local support for the proposed YMCA/71 Middle Street project.

*Mr. Christopher Lovasco*  
*March 16, 2018*  
*Page 2*

This proposed project is important to the City of Gloucester and I look forward to its successful completion.

Sincerely,



Seratia Romeo Theken  
Mayor

cc: Mr. Peter Gourdeau, Windover Construction  
Mr. Jack Meany, YMCA of the North Shore

## Memorandum of Understanding

This Memorandum of Understanding ("Memorandum") is entered into this 27 day of March, 2018, between the **City of Gloucester**, a Massachusetts municipal corporation ("City"), with a usual place of business at 9 Dale Avenue, Essex County, Gloucester, Massachusetts 01930, **Fuller Mixed Use Venture, LLC**, a Massachusetts limited liability company with a principal place of business at 66 Cherry Hill Drive, Essex County, Beverly, Massachusetts 01915 ("FMUV") and **YMCA of the North Shore, Inc.** a Massachusetts not for profit corporation, having a mailing address of 245 Cabot Street, Beverly, MA 01915 ("YMCA").

WHEREAS, the City owns 10.63 acres of property located at 4 School House Road in Gloucester ("Property");

WHEREAS, the Property contains, in addition to several acres of open space, a de-commissioned school building;

WHEREAS, on or about September 23, 2015 the City issued a Request for Proposals for the sale of the Property;

WHEREAS, FMUV, an LLC a member of which is the YMCA, a non-profit, bid on the Property;

WHEREAS, the City accepted FMUV's bid on the Property;

WHEREAS, on September 30, 2016, the City and the FMUV entered into a Purchase and Sale agreement in which the City agreed to sell and FMUV agreed to buy the Property;

WHEREAS, there is available funding under the City's Brownfields Program Income grant ("BPI") for the remediation of hazardous materials, including, but not limited to, asbestos containing materials, on the Property;

WHEREAS, the YMCA has applied to the City for a Brownfields Program Income grant;

NOW THEREFORE, the City, FMUV and YMCA hereby enter into a Memorandum of Understanding ("MOU") and hereby agree as follows:

1. Terms.

- a. At the time of the transfer of ownership of the Property from the City to FMUV, the Property must have an "active" Phase 1 Assessment where said Assessment is not more than six (6) months old;
- b. No later than 14 days after the submission of the BPI application, City will confirm that the YMCA has met all state and federal requirements for award of the BPI;
- c. The portion of the Property that is subject to the clean-up using said funds shall be owned by the YMCA during the clean-up phase; and

- d. Upon the City filing its final report with EPA, the City may request additional documentation from FMUV and/or the YMCA that may include, without limitation, evidence the YMCA's ownership of the portion of the remediated Property.
  - e. Provided FMUV and YMCA comply with the requirements of 1(a) through (d), the City will award the YMCA with the BPI in an amount of not less than \$475,000, the payment terms to be as defined in the grant award letter.
2. Notice. Any notice, demand, request, consent, approval or communication that either Party desires or is required to give to the other shall be in writing and may be delivered by hand, electronic mail (with telephone confirmation) or first class mail, postage prepaid. The date of the notice shall be deemed to be the date of the hand delivery receipt, telephone confirmation or the postmark. Notice to the Parties shall be sent to:

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

To FMUV:                      Fuller Mixed Use Venture, LLC  
   66 Cherry Hill Drive  
   Beverly, MA 01915  
   Attn: Lee Dellicker

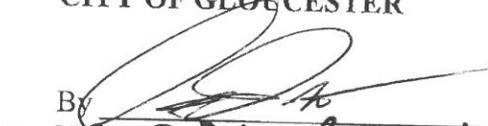
- 3. Governing Law. This Memorandum shall be governed by and construed in accordance with the laws of the City of Gloucester and the Commonwealth of Massachusetts.
- 4. Severability. If any provision of this Memorandum is found to be invalid, the remainder of the provision(s) of this Memorandum shall not be affected thereby.
- 5. Amendment. This Memorandum may be amended in writing from time to time by written agreement of both parties.
- 6. Entire Agreement. This instrument sets for the entire agreement of the parties with respect to this Memorandum and supersedes all prior discussions, negotiations, understandings or agreements related to this Memorandum, all of which are merged herein.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have executed this Agreement as a sealed instrument as of the date first above written.

Executed this 27 day of March, 2018.

CITY OF GLOUCESTER

By 

Name: Stefania Romeo Theben

Title: Mayor

FULLER MIXED USE VENTURE, LLC

By 

Name: Lee R. Dellicker

Title: MANAGER

YMCA OF THE NORTH SHORE, INC.

By \_\_\_\_\_

Name:

Title:

IN WITNESS WHEREOF, the parties have executed this Agreement as a sealed instrument as of the date first above written.

Executed this 27 day of March, 2018.

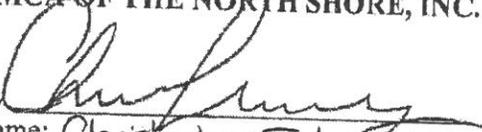
**CITY OF GLOUCESTER**

By \_\_\_\_\_  
Name:  
Title:

**FULLER MIXED USE VENTURE, LLC**

By \_\_\_\_\_  
Name:  
Title:

**YMCA OF THE NORTH SHORE, INC.**

By   
Name: Christopher J. LoRusso  
Title: Chief Executive Officer

FIRST AMENDMENT TO PURCHASE AND SALE  
DATED SEPTEMBER 30, 2016

PROPERTY ADDRESS: 4 School House Road (Assessor's Map 262, Lot 14), Gloucester, MA  
("Property")

SELLER(S): City of Gloucester ("City")

BUYER(S): Fuller Mixed Use Venture, LLC ("FMUV")

DATE: March 27, 2018

Reference is hereby made to an executed Purchase and Sale Agreement and all Applicable Riders and/or Attachments and/or Extensions described above for the above-referenced property ("P&S"). The SELLER and BUYER hereby agree to amend the P&S as follows:

1. FMUV agrees to conform to the provisions of the Gloucester Zoning Ordinance Section 5.11 "Inclusionary Housing Requirements" and will agree to construct in the residential portion of the FMUV project and permanently deed restrict 15% of the 200 units (30 units) as units affordable to households earning 80% of the area median income in accordance with Section 5.11.
2. Paragraph 6 PRICE of the P&S shall be DELETED in its entirety and the following paragraph shall be SUBSTITUTED:

6. CONSIDERATION

The agreed upon consideration for the PREMISES is Four Million One Hundred Thousand and 00/100 dollars (\$4,100,000.00) PLUS the construction of 15% of the 200 units (30 units) as affordable units in accordance with Gloucester Zoning Ordinance Section 5.11, of which

\$ <u>25,000.00</u>	was paid as a non-refundable initial deposit, except in the event Seller cannot deliver title as required herein, with BUYER'S proposal on November 24, 2015;
\$ <u>200.00</u>	was paid pursuant to Gloucester Code of Ordinance section 2-3 as a non-refundable administration fee within three business days of the execution of this Agreement;
\$ <u>100,000.00</u>	was paid as an Additional Deposit on or about May 2, 2017 in consideration of the City's second extension of the due diligence period from May 2, 2017 to June 16, 2017;
\$ <u>50,000.00</u>	was be paid as an Additional Deposit on or about July 17, 2017 in consideration of the City's last extension of the due diligence period from July 17, 2017 to July 31, 2017;
\$ <u>50,000.00</u>	shall be paid as an Additional Deposit upon the issuance of all "Government Approvals" as defined in paragraph 8 and the expiration of all appeal periods with no appeal having been filed; and
\$ <u>3,874,800.00</u>	is to be paid at the time of delivery of the deed in the form of a certified, treasurer's, bank or cashier's check issued by a responsible bank or trust company payable to the "City of Gloucester" or by wire transfer.
\$ <u>4,100,000.00</u>	TOTAL

At Closing, upon performance by each party, all deposits and the administrative fee shall be duly accounted for and credited to the Purchase Price. This paragraph shall survive delivery of the deed.

3. Paragraph 38 "Inclusionary Housing Requirements" of the Rider to the P&S shall be DELETED in its entirety.

Except as set forth in this Amendment, all terms and provisions of Purchase and Sale Agreement and all Applicable Riders and/or Attachments and/or Extensions shall continue in full force and effect.

This Amendment, which may be executed in multiple counterparts, is intended to take effect as a SEALED instrument.

FULLER MIXED USE VENTURE, LLC

  
By: Lee R. Dellicker

CITY OF GLOUCESTER

  
By: Safatia Romeo Theken, Mayor 3/27/18

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

March 27, 2018

Mr. Christopher Lovasco  
Chief Executive Officer  
North Shore YMCA  
245 Cabot Street  
Beverly, MA 01915

RE: Brownfields Program Income Fund Grant for YMCA

Dear Chris,

It is my pleasure to inform you that the application you submitted on March 21, 2018 for the proposed clean up at 4 School House Road (the "Property") has been selected for a City of Gloucester Brownfields Program Income (BPI) fund grant of not less than \$475,000. This award is conditioned upon the conveyance of the Property from the City to Fuller Mixed Use Ventures, LLC (FMUV) and is subject to the conditions spelled out in the application and in the *Memorandum of Understanding* between the City and FMUV dated March 27, 2018.

These conditions include:

- At the time of the conveyance the Property must have an "active" Phase 1 Assessment where said Assessment is not more than six (6) months old;
- The portion of Property that is subject to the clean-up using said funds shall be owned by the YMCA during the clean-up phase; and
- Upon the City filing its final report with EPA, the City may request additional documentation from FMUV and/or the YMCA, including but not limited to evidence of the YMCA's ownership of the portion of the Property that consists of the cleaned-up site.

The City and the YMCA will establish a monitoring and payment schedule at the time of conveyance.

Congratulations on the YMCA's BPI grant funds award. I look forward to seeing this important project move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken".

Sefatia Romeo Theken  
Mayor

cc: Peter Gourdeau, Windover Construction



CITY OF GLOUCESTER 2017  
CITY COUNCIL ORDER

**ORDER:** CC#2017-057  
**COUNCILLORS:** Joseph Orlando, Jr. &  
Steven LeBlanc

**DATE RECEIVED BY COUNCIL:** 12/12/2017  
**REFERRED TO:** P&D, Planning Director,  
Planning Board, ZBA  
**FOR COUNCIL VOTE:**

**ORDERED** that the Gloucester Zoning Ordinance be **AMENDED** as follows:

**ADD** a Footnote “i” to Sec. 3.2.1, inserted into the CB column, that says “In a building with only non-residential uses on the ground floor and one or more residential uses located above the ground floor, the dimensional requirements for the building shall be those of Sec. 3.2.3, provided, however, that at least one unit or 25% of the total number of units, whichever is greater, is designated an affordable unit pursuant to a fully executed Affordable Housing Rental Unit Restriction, in the form prescribed by the Community Development Department”.

**FURTHER ORDERED** to **ADD** the same footnote as Footnote “h” in the CB column for Sec. 3.2.2.

**FURTHER ORDERED** that this matter be referred to the Planning & Development Standing Committee, the Planning Director, Planning Board, and Zoning Board of Appeals.

Joseph M. Orlando, Jr.  
Councillor at Large

Steven LeBlanc  
Ward 3 Councillor

**Intent:** provide for amendments to 2.3.1, 3.2.1, 3.2.2, 3.2.3 and any other necessary section of the GZO, as well as any necessary footnotes in sections of the GZO, to enable the building of and/or use of multi-unit, mixed-use properties in the CB district by right, in the event the property owner provides at least one affordable residential unit on site. To do so, dimensional requirements for residential use in the CB district would be waived in the event the property owner delivered to the ZBA a fully executed, affordable housing rental unit deed restriction. These amendments also intend for the application to be provided to the Zoning Administrator for vetting as prima facie evidence of compliance and then sent to the ZBA for the necessary voting. The other intent is to streamline the application and approval process and timeline.

**Background:** As discussed, currently, although the Use Table in Section 2.3.1 of the GZO allows in the CB district (downtown) by right (i.e. no zoning relief required) "conversion to or new multi-family or apartment

dwelling, three dwelling units" provided, per Footnote 5, that no exterior changes to the building are being made. The GZO does not allow a stand-alone single-family use in the CB district but does also allow (i) a single dwelling unit in a "mixed use" building; and (ii) a two-family use, regardless of whether there are commercial units in the building. As with several other residential districts, once you get to four or more units, you need City Council approval.

The problem is that, once residential uses are introduced to any property in the CB district, you are then subject to either the 3.2.1 residential dimensional table for a two-unit use or the 3.2.2 residential dimensional table for a use of three or more units. These tables have frontage requirements, lot coverage requirements, lot area requirements, and front/rear/side yard setback requirements, which almost no properties in the CB district come close to meeting.

That means, even though the use is allowed--the building itself requires variances from multiple lines of the GZO tables. Variances are highly disfavored under the law and rarely withstand scrutiny when appealed. Even when variances are successfully obtained and remain unchallenged, the process still requires several thousand dollars in expense and at least 6-8 weeks in delay to get through the ZBA process.

To eliminate the need for these variances, and streamline the application process, as well as reduce the expense on the application.