

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, April 20, 2011 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall

Minutes

Present: Vice Chair, Councilor Robert Whynott, Councilor Greg Verga, Councilor Paul McGeary (Alternate)
Absent: Councilor Ciolino
Also Present: Police Lt. Aiello; Michael Hale; Gregg Cademartori; Rick Noonan; Fire Chief Phil Dench

The meeting was called to order at 6:00 p.m. Items were taken out of order.

[**Note:** Item #2 was taken as the first order briefly and returned to later in the proceedings.]

1. Continued Business:

- A) Update on SCP2010-012: Kondelin Road #16, GZO Sec. 5.13 PWSF (See 11/03/10)
TBC to 05/04/11

This matter is continued to May 4, 2011.

- B) Letter from Ronald Benjamin requesting a sewer line acceptance re: Beachcroft Road
(Cont'd from 04/06/11)

The Committee was in receipt of reduced scale As-Built Plan for the Beachcroft Road sewer extension as provided by DPW Director Mike Hale. Full-scale plans are now on file in the City's Engineering Department and one full-scale copy was provided by Mr. Hale for viewing by the Committee and placed on file with the Council.

Mike Hale, DPW Director noted this was a sewer application from about 13 years ago prior to current regulations. The owners of this private sewer extension are wishing to have it turned over to the City for maintenance noting they do that already. He expressed he had no objections and that this is just a formal process.

Councilor McGeary noted this plan would be sufficient for the City's purpose showing all the dimensions and layout of the lines which **Mr. Hale** confirmed and again noted sewer construction was prior to the current regulations and never had a requirement for As-Built plans to be submitted stating the City provided the as-built plans because of that fact. He added at Councilor McGeary's inquiry he felt the as-built plan to be accurate as it was done by a professional land surveyor and that ground control was accurate.

Councilor McGeary asked what the documents would be on file which **Mr. Hale** enumerated was the maintenance plans and the as-built plan.

Councilor Whynott believed this to be a good thing for the City and would vote in favor.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council that the City of Gloucester accept ownership of and full responsibility for the approximately 340 linear feet (from the terminal flushing valve to existing sewer manhole) pressure sewer main and all existing laterals that lay within the streets known as Beachcroft Road which was constructed by J. Doyle Backhoe and as shown on the plan entitled "As-Built Plan in Gloucester Mass. Showing As-Built Locations of Water and Sewer Shutoffs "Beachcroft Road"" prepared by Jay Jarosz, P.L.S., 3 Mill Street, Manchester, MA dated April 20, 2011 with the following CONDITIONS:

1. **That the existing, current rules and regulations pertaining to the City's acceptance of private Sewers are adhered to;**
2. **That the homeowners residing at #17, #28, #34, and #61 Beachcroft Road represented by Ronald Benjamin of 7 Finch Lane and the City of Gloucester by its appropriate Administrative Staff coordinates the execution and exchange of all documents deemed necessary by the City of Gloucester's legal office to effectuate the transfer of ownership and control of the Beachcroft Road pressure sewer project to the City of Gloucester.**

C) 2011-0001: Application to amend Gloucester Zoning Ordinance re: 77 Langsford Street
(Cont'd from 04/06/11)

[**Note:** Previous to the meeting the Committee was in receipt of a recommendation memorandum from the Planning Board on this matter dated 04/14/2011 and was on file prior to the meeting].

Attorney J. Michael Flaherty representing the applicants explained the process, of two meetings with the Planning Board. At the first meeting several people spoke on the application; and they tried to incorporate suggestions made by Attorney Coakley and Frank Wright who testified individually and as member of the Board of Appeals. The Planning Board was looking to be as specific as they could as to definitions and where this relief would be allowed. When viewing the definition originally proposed (see schedule within the report from the Planning Board) for a multi-family or apartment dwelling the Planning Board had eliminated the idea that it was a structure containing one or more permitted non-residential on the ground floor or on other floors or also containing more than one dwelling unit. That was changed slightly by the Planning Board so it now reads: a multifamily dwelling is a structure that contains one or more non-residential use on the first floor and more than one residential unit on second floor. He explained it only excludes the one-over-one or the one-over-two. One dwelling unit is the maximum amount that is not characterized as a multifamily dwelling unit. On inquiry by **Councilor McGeary, Attorney Faherty** confirmed a store with a single apartment above it would not be a multifamily. A store with two apartments above it would still be under a multifamily dwelling. Because some concern of the permitting process was expressed, there has been no change recommended by the Planning Board made in the City Council permitting process of a building that has one residence over non-residential on the ground floor. The Planning Board recommended the set up of a separate use schedule in row 5 of the use schedule of the zoning ordinance for residential uses under Sec. 2.3.1. He read the current wording: Conversion to a new multifamily or apartment dwelling up to two dwelling units and the conversion of a new mixed use building with not more than one dwelling unit would still in the NB (Neighborhood Business) district require City Council approval as a special permit. There are no new uses created by this amendment; and he felt most importantly, no reduction in the permitting process. The other issues were with a mixed use building, Attorney Coakley and Mr. Wright expressed concern that there may be a mixed use building with more than one principal use and would be intended in a NB or in Other Business District (OBD). Rather than exclude those, the definition has been amended to say that it is more than one principal use; whether in separate buildings or the same building, it is still a mixed use building.

Attorney Faherty, acknowledging the presence of **Rick Noonan**, Chair of the Planning Board and **Gregg Cademartori**, Planning Director for the City, stated regarding the savings provision that the argument was made if building was in existence as a matter of right (the use was a matter of right) there was no reason why that building should not be afforded the same protection as a single or two family dwelling was afforded in NB throughout the City in most areas where the zoning was changed and outlined in the zoning ordinance. He recounted the issue was if the business use was allowed as a matter of right, not as a matter of special permit or variance in those districts, there was no reason to treat them differently. The savings provision would apply to front, side and rear yard setback distances for buildings used as of right for any of the business uses described in Sec. 2.3.4 of the ordinance or mixed use businesses defined in the ordinance which were in existence before March 1999 or subject to a building

permit issued before that date and are located on those portions of R-20 and R-30 districts identified in the street list and the Appendix of the existing ordinance shall be the same as in the existing ordinance shall be the same as the front, rear and side yard setbacks for single or two family dwellings on the designated streets as set out in said Appendix.

Attorney Faherty noted the key points were the final recommendations of the Planning Board creates no new uses; creates no change in the permitting requirements; and treats those buildings that are used for businesses that are as of right get the same benefit as the others do. He believed these to be rather minimal changes in the ordinance but addresses the issue of one-over-ones which otherwise create problems.

Councilor Whynott noted he went to the site visit to see what they are trying to do and had no problems with it. He expressed this is different than most rezoning in certain areas. Most times they notify the abutters within 300 feet or thereabouts [Notice to Abutters on file]. He expressed these changes may affect the whole City in some way. He requested the applicants put an ad in the paper to explain in layman's terms these proposed changes because it does not just rezone the applicants' property so that someone from another section of the City would understand, after consulting with Mr. Cademartori and Mr. Noonan who agreed with him it was a reasonable request. If the applicants did that (placing the ad), they would have his full support [Advertisement required by Zoning Ordinance is on file].

Attorney Faherty would work with the Planning Department to put things in laymen's terms for that ad. He also felt it was not limited to the property in the proposal before the Committee and the Council. He agreed with that prior to the public hearing.

Councilor Verga agreed with Councilor Whynott. He also noted attending the site visit and that the current setbacks were difficult and thought it made sense as to the proposal because of a gap in their ordinances. Further, it made sense to him for the applicants publish this additional ad to let the community know so there were no surprises in the future.

Councilor McGeary noted in his reading the original proposal that only a maximum of two mixed uses; any permitted use, and have now gone back to the original language.

Attorney Faherty clarified they'd originally put that in the petition. It was brought to their attention that they're dealing with in that section the definition of mixed use and has nothing to do with anything other than expanding on the definition of mixed use that's in the ordinance, indicating that mixed use could be one-over-one, side-by separate building. They all have to be allowed. He pointed out Attorney Coakley raised the issue that in a situation such as Gloucester Crossing, there may be more than one principal use that would be allowed and why limit it to the one situation which prompted the change. There are a number of places in the City that it would apply to and pointed out several examples.

Councilor McGeary summed up that Attorney Faherty in dealing with 77 Langsford Street found other places in the ordinance that were in conflict and triggered these proposed changes.

Attorney Faherty expressed this also came from his more than 30 years of practice in the City and seeing a number of people going to the Board of Appeals under a standard of a multifamily dwelling which didn't resemble what they were applying for and having to go through a "totem pole" of permits when all they were doing was one dwelling unit. There have been some instances where nothing was changing on an existing building but were forced to go under the multi-family standard just to prove what had been in place for years. The Board, he felt, was critical and attuned to the fact they wanted to see as small a change as possible which he believed they had found a way to do.

Bill Thoms, 1174 Washington Street stated his property has the longest abutting shared property line with 77 Langsford Street. He felt this affects not only himself personally but hundreds of property owners and believed no one knew about this.

Councilor Whynott pointed out the notice of the site visit was publicly posted and the public was welcome (and the City Council hearing was advertised and on file).

Mr. Thoms expressed no one notified him. He is adjacent to the site and had he known he would have been able to give his views at that time expressing he felt he was left out of that process. He noted he wrote letters to the Planning Board and stated they did not get to people. He also stated he had sent a letter to the Planning Board Chair and that letter had not been shared either.

Gregg Cademartori, Planning Director replied the letter Mr. Thoms referred to was distributed to the Planning Board which he did personally.

Mr. Thoms noted the matter has been before the ZBA who gave their approval to the property owner's plans. He appreciated that the owners, Greg Gibson and Ann-Marie Crotty of 77 Langsford Street for withdrawing the original plan to put a 4,200 sq. ft. building on a 9,400 sq. ft. lot and submitted a new plan. Stating he had an email from Mr. Gibson from February 2011, he had been told by the owner that there would be no residence there but it would be for business use only. This is to pave the way for them to put a residence on the second floor and a business on the first floor with the plans showing the same thing. He believed what this proposed amendment to the zoning ordinances is to allow for them to put a residence on the second floor with their business on the first floor. Noting a definition of spot zoning, he believed this was an attempt to place an intensified use into a non-conforming lot and out of keeping with the character of the community. He expressed this lot is only zoned NB because a business existed there decades ago before the zoning ordinance was created. What they have seen over many years is the gradual extinguishing of business activity in that area. He told the Committee this affects hundreds of properties throughout the City, over 400 properties which meant there are at least 800 neighbors no one knows about this.

Councilor Whynott noted they are following the law and are doing extra to ensure additional notice to the public.

Mr. Thoms stated this proposal will make changes City-wide not just for 77 Langsford Street. The modifications will be subject to fewer restrictions. People have long standing expectations of the neighborhoods they live in and the government to protect their interests. The City has more restrictive requirements for dimensions. He felt the multifamily buildings should be more restrictive dimensions. He also felt it was not appropriate for the petitioner to come before the City and ask for a City wide change. He urged the Committee to consider these changes as spot zoning solely for the benefit for one owner and vote against the proposed ordinance changes.

Councilor Whynott asked that Suzanne Egan give the P&D Committee a legal opinion of spot zoning for this matter prior to the City Council's public hearing (scheduled for 4/26/2011) on the matter.

Mr. Thoms reiterated his belief this is spot zoning obscured in a city wide zoning change.

Councilor Whynott stated a property owner is allowed to request rezoning as well as a 10 tax payer group and the City Council.

Mr. Thoms thought it is OK for the Gibsons to want to rebuild their property due to storm damage and wished them well and for them to rebuild. But there was nothing about the lot that was conforming. The ZBA subdivided it in 1982 at which he testified and said it wasn't right at that time to subdivide it as it was a narrow six sided lot that will be created but it was done regardless. Subsequently, the City changed the dimensional requirements for that section of Gloucester; it is now 20,000 sq. ft. This proposal moves the area away from single family homes.

Councilor Whynott noted this is not new construction.

Mr. Thoms rejoined anything done will be "out of whack". However, their current plan is wisely scaled back. He endorsed the applicant's modified plan and would go to the ZBA and tell them he doesn't disagree with that plan. This tonight, however, is paving the way for the owner to increase the non-conformity. They're changing the rules because the lot is awkward. He stated this violates fundamental fairness and expressed that he would make his opinions known to the full Council at the public hearing. He felt the Committee was misreading public opinion and that they should look carefully at this.

Councilor Whynott asked what irreparable harm would be done by the rezoning. Mr. Thoms would have the opportunity to express his views again on the matter at the public hearing. He also noted they were following the appropriate process as laid out by the law.

Councilor McGeary noting Mr. Thoms had raised some points and asked the opinion of the Planning Board Chair or the Planning Director.

Mr. Thoms added that he was never notified of their meetings.

Mr. Cademartori responded this matter had been in the paper; that he had emailed Mr. Thoms which told him the dates they would have the Planning Board meetings and had those email on file and could

forward them to the Council. He also left his telephone number and invited Mr. Thoms to come in any time to discuss the proposal, and he did not. **Mr. Noonan** also added in a subsequent email he had encouraged Mr. Thoms in his role as Chairman of the Planning Board to involve himself in their public hearing and participate in the process and how important it weighs on their decision-making process to hear from the public and to have it as a matter of record in their Planning Board decisions.

Councilor Whynott asked that those emails be forwarded to the Committee through the P&D Chair, Councilor Ciolino which **Mr. Cademartori** agreed he would do.

Mr. Thoms offered to forward Mr. Gibson's email to him who stated he would have no residential use for the property and wondered why they were having this discussion at all and that he was the person most affected by this proposal. They would be changing zoning ordinances that would change hundreds of properties across the City which he perceived as a granting of a special benefit to one property owner. **Mr. Cademartori** spoke to the various issues raised. Whenever there is a proposal to a change of a definition or in certain sections in the zoning ordinances they have to be careful of what the impacts are, not only from a spatial perspective through the City but also making sure there is consistency in the ordinances. When there is commercial and residential use together, regardless of the number of dwellings that is termed a multifamily use. The Council has the special permit granting authority and has seen numerous occasions where applicants have to appear before the ZBA to request relief for front, side, rear yard setbacks or even lot area requirements. They're not ruling on the actual special permit. Several years when they revised Sec. 1, 2 and 3, there was a strong opinion of the Zoning Board at that time they didn't act on it then because it was an attempt to clean up issues in the zoning ordinance of consistency, presentation and to make it more user friendly. The Zoning Board, represented by Frank Wright, felt it is difficult for them to deal with setback requests for relief as they are not the permit granting authority. He noted Gloucester's uniqueness in having more than one special permit granting authority under the zoning ordinance (three in all: the Planning Board, the ZBA and the City Council). Depending upon the intensity of use is handled by the Zoning Board, and surpassing that threshold, it is handled by the City Council. Dimensional relief related to a permitted use should be dealt by one permit granting authority. It is difficult for them to make a finding on a variance when they're not dealing with the use that's being permitted. One residential unit over a commercial use, both use allowed as of right in NB are being thrown into setbacks that are being applied to 40 unit buildings with commercial pointing to the example of the Elm Street Project permitted several years ago. They are talking about two by right uses by themselves would only be subject to certain setbacks. Because the definition of multifamily puts any mix of those uses into the multifamily category, does it make more sense to move the request for relief or discussion of the intensity of mixed use to one permit granting authority? Whether these definitions are changed or not, the Council would still rule on a special permit for that type of project. Clarifying for **Councilor McGeary**, he stated any units above are still a City Council special Council permit. In that use schedule where it is broken up into "5a and 5b", it carries the same permissions across the districts. Although the definition is being changed for the use, it is still the Council special permit. It was pointed out by Attorney Faherty and Mr. Thoms that the setback requirements for multifamily are very stringent and designed for large projects. One-over-one in an NB district which is constrained by the size of the lot more appropriate to follow the dimensional requirements for the district rather than being set up for failure with multifamily setbacks and is particular to the district that Mr. Thoms resides in Lanesville. On another point, he stated there was an attempt to recognize that for growth control in the '90's where there was rezoning sometimes twice in the same year in one area from a 10,000 sq. ft. district to a 20,000 or 40,000 sq. ft. district, that there had to be some way of not making every lot non-conforming. Afterwards, a footnote was added which said if you were in existence you follow the setbacks in the R-10 district. Any change to those structures would require relief from the ZBA and any other permitting authority. He felt this was a bit of "reaching back" to afford protection to a new class of buildings that were in existence prior to those zoning changes and also saying for the intensity of what is usually a small retail operation on a first floor and one residential unit above should they be subject to the stringent multifamily setbacks that they have. He noted demonstrations had been provided to the Committee and likely provided at the public hearing of the impact of the multifamily setbacks for some smaller lots that

are zoned NB; some cases in Village Business (VB) and Commercial Business (CB) where the setbacks shrink the development area where they may not be looking to create space between two uses, particularly in the CB district.

Councilor McGeary asked if someone changes the footprint of the existing building how does it figure into this proposal; was there distinction of building on an existing footprint and on a new one.

Mr. Cademartori responded there was particularly with the provision that looks at buildings that were in existence. It looks to the surrounding district for its setbacks. In NB and R10 and R20, they would use the setback requirements in the adjacent district. The savings provision would take it back to an R-10 district which would give some relief in setback requirement going back to the R-10 district, so it would be going from a 20 ft. setback to a 10 ft. setback in some of these districts. Further, it doesn't negate the fact if the lot is undersized or there is some other dimensional relief needed, you still might have to go to the ZBA, and if it is a special permitted use, they still have to go for a City Council special permit and comply with parking requirements and any other requirements of that special permit.

Councilor McGeary stated this allows the ZBA to rule on the specific question of setback requirements without having to consider the eventual use of the project.

Mr. Cademartori responded this could relieve some setback relief. They may not require as much relief. Any relief that is requested, however the ordinance is changed, the ZBA is always the grantor. It is difficult in some of these districts. Some of these setbacks are for 30 ft. of relief when it is not practical, and can't be done because of the multifamily setbacks. It is very rare to see a multifamily application that doesn't have a request for relief from the ZBA on setbacks. The setbacks can't be complied with. That process still takes place now. It is now expanding the definition of mixed use. There is a little relief for a lower intensity use.

Councilor McGeary noted Mr. Thoms pointed to a statement Mr. Cademartori had made that this could apply to 400 properties in City.

Mr. Cademartori believed he had categorized the number of NB, and that his concern was that when the original definitions came in, they aren't talking about one lot or two lots in Lanesville but any district that allows residential and commercial use in the same district like CB, NB, VB as well as CCD, if they 'tweak' definitions they have think about every district it applies to. Additionally with the extensions to the setbacks it isn't just two lots; it is a number of lots. They could refine it further to those that are unbuildable, those that are single or two-family use on them now or a business use now; any changes to those uses would require the special permit process that is there. It is a slight relaxation in setback from R-20 to R-10 district. The Board of Appeals statement through Frank Wright in the initial review of Sections 1, 2 and 3 and in testimony at the Planning Board, the setbacks are so constraining the potential for a one-over-one use, when it is promoted in that district. Both of those uses are allowed separately; they're allowed in the mix by special permit; but they're being asked to grant relief of unreasonable setback requirements because of it being classified as multifamily use.

Mr. Thoms commended the Gibsons to reconcile with the neighbors. He again reiterated that this is changing zoning for hundreds of properties across the City. He reiterated his plead this is a residential neighborhood. These businesses have been gone for many, many years.

Councilor McGeary thought that if this was spot zoning they would have heard about this earlier. Rick Noonan, Planning Board Chair, noted through professional testimony on a prior matter that the first and foremost test for abutters benefit, any zoning change could be considered spot zoning if it was only "disparate treatment", in that it affects one or two owners; and felt clearly the benefit of a use table change is giving benefit to more than one or two property owners. There is a broader district applied to this.

Mr. Thoms pointed to the intensity of use and that this is a quiet area and there is little traffic.

Attorney Faherty thought it hard to imagine that this would affect hundreds of lots and would also be spot zoning. Mr. Thoms has not identified with specificity on how what is being recommended affects him. If the growing trend in Lanesville is residential, he wondered how someone can be negatively affected by a dwelling unit on the second floor. Mr. Thoms noted limited traffic yet he stated this is intensification. An addition of one unit will not destroy the neighborhood. If his client came and wished

to put a dwelling on the second floor, they'd have to adhere to the setbacks requirement. They have to put an application to the City Council for the second floor unit. Anyone would have ability to appear before this body to oppose or speak for it. It would then have the six criteria for a special permit be applied such as traffic, safety issues, environmental considerations; all those would be up for debate in a forum. That debate will still be held. He didn't see where catastrophic result would transpire. Further, he stated for the record he had no professional relationship with any member of the City staff present.

Mr. Thoms expected that he would come to a peaceful agreement and reconciliation with his neighbor but asked they consider the ramifications of what they are of passing.

Councilor Verga while this may affect change City-wide, they looked specifically at Lanesville, an area that has two churches and at least one condominium and a neighborhood business at least. Further, he believed that this is far from spot zoning and that the extinguishment of these small local businesses is not desirable.

Councilor McGeary agreeing it affected the City as a whole, there are a lot of mixed use buildings in the City. He felt it is a rationalization of the zoning ordinance for those buildings. If it affects 400 properties he did not believe it was spot zoning; and he also didn't think the extinguishment of local small business is not necessarily desirable either.

Councilor Whynott also added his agreement with his fellow Councilors.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the City of Gloucester Zoning Ordinances as follows:

Amend Section 2.3.1 Use table by deleting Section 5 and replacing it with:

Section 5(a) Conversion to or new mixed use building with not more than one (1) dwelling unit.

5(b) Conversion to or new multi-family or apartment dwelling, up to two dwelling units.

The uses permitted by right and by special permit for section 5 remain the same for sections 5(a) and 5(b).

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the City of Gloucester Zoning Ordinances as follows:

Amend Section 3.2.3 by adding footnote g. to both VB and NB districts:

- g. The front, side and rear yard setback distances for buildings used as of right for any of the business uses described in Section 2.3.4 of this ordinance or mixed use business as defined in the Ordinance thereto which (1) were in existence on or before March 9, 1999 or for which are building permit was issued on or before March 9, 1999; and 2) are located in those portions of R-20 and R-30 districts identified by the street lists in the Appendix to section 3.2 at the end of Section 3.2 of this Ordinance shall be the same as front, side and rear setbacks for single and two-family dwellings on the designated streets as set out in the said Appendix.**

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the City of Gloucester Zoning Ordinances as follows:

Amend Section 2.2.3 by deleting the current language and replacing it with the following:

2.2.3 Mixed Uses

Where a building or structure or land is proposed to be used for more than one principal use, whether the uses are in separate buildings or in the same building either vertically or horizontally connected, each of which use is permitted in the zoning district in question and neither of which is accessory to the other, such mixed uses shall be allowed. In the event that a provision of this ordinance applying to one of such uses is inconsistent with a provision applying to another, the more restrictive provision shall apply.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the City of Gloucester Zoning Ordinances Section VI Definitions by replacing the definition of Dwelling, Multi-Family or Apartment with the following:

Dwelling, Multi-Family or Apartment: A structure containing three (3) or more dwelling units, whether for rental, condominium ownership, or other form of tenancy, including row or town house structures; or a structure containing one or more permitted non-residential uses on the ground floor or on the ground and other floors, and also containing more than one dwelling unit above the ground floor.

Councilor Verga suggested that perhaps the draft minutes be provided to both newspapers that if they had any questions to contact the Acting Chair of the P&D Committee. He also reminded the Committee **Attorney Faherty** agreed to do an ad for the newspaper as well.

On inquiry from **Mr. Thoms**, **Councilor Whynott** clarified this matter will again be before the City Council on April 26th for public hearing as it had been continued. There may or may not be a vote that evening. He also stated that the advertisement for the public hearing had already been published in the local paper which was done as it had done properly for every public hearing. This vote to be taken now is simply for good order sake.

Mr. Thoms contended the public had been inadequately notified.

Councilor McGeary stated the public has been notified in accordance to the law. It is posted at City Hall, the Police Station, on the City's website as well as the newspaper.

Councilor Vega pointed out that there was a hearing at last week's City Council meeting where the neighbors were notified on a different matter and yet no one showed up.

Councilor Whynott then noted for the record that while this matter had already been legally advertised (copy on file) and the public hearing opened and continued by the City Council previous to this date, the following motion was for good order sake.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to ADVERTISE FOR PUBLIC HEARING the four motions passed on April 20, 2011 by the Committee regarding the matter of the 2011-001: Application to amend Gloucester Zoning Ordinance re: 77 Langsford Street presented in these minutes herein.

2. *Request for Use of Kent Circle for ADA's 2011 American Diabetes Association Tour de Cure May 22, 2011*

The Committee was in receipt of an email (on file) from Councilor Jacqueline Hardy clarifying that Kent Circle is the descriptive for the grassy area upon which the City's WWII monument is sited. She noted the proper legal name for this grassy area is legally known as McKinnon Triangle and asked henceforth that location be referred to by its proper legal name.

The Committee also acknowledged members from Veteran's organizations including Art McCann from the AMVETS, and Michael Linqata, Chair, WWII Memorial Committee. They were assured that the rest stop would not be placed too close to or on the area known as McKinnon's Triangle where the WWII Memorial was sited.

Councilor Whynott asked where the rest stop would be located exactly; was the plan to have it on the grounds of the monument; if so, it would be a problem.

Laura Flynn, Associate Manager, Special Events of the American Diabetes Association stated they would be willing not to have the rest stop on the grounds of McKinnon Triangle and move it to another location in that area that would be amenable to the Committee.

The Committee also acknowledged members from Veteran's organizations including Art McCann from the AMVETS, and Michael Linqata, Chair, WWII Memorial Committee. **Councilor Whynott** assured that the rest stop would not be placed too close to or on the area known as McKinnon's Triangle where the WWII Memorial was sited.

Councilor Verga asked if there were recommendations for alternatives for a rest stop.

Lt. Aiello stated they could use either the tennis court area or the Little League area and would work with the ADA and the DPW to delineate an area for their rest stop off of McKinnon Triangle assuring they would stay off the WWII memorial area completely.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to allow the American Diabetes Association Tour De Cure ride to use the area near the intersection of Essex and Western Avenues as specified by the Gloucester Police Department on Sunday, May 22, 2011 from 10:30 a.m. to 3:00 p.m. as a rest stop for participants in their event. All items associated with the race and their personnel must be off City streets and the designated area for the rest stop by 3:00 p.m. that same day. It is expected that all trash is to be removed and disposed of appropriately by the race organizers at their expense on May 22, 2011 by 3:00 p.m.

3. Request from American Diabetes Association re: Tour de Cure May 22, 2011

Ms. Flynn stated they're starting this year's race will start in Hamilton and would not start or finish in the City. They will work with the City with regards to the rest stop. She made note of the two routes passing through the City. She would provide more information if requested. She reviewed the route markings to be done with special temporary route marking paint. They will be on Routes 133 and 127. The 62 milers will turn right on Essex Avenue and the 100 milers will turn left and loop through Gloucester and Rockport and then come back into Gloucester continuing on Route 127. She had been in touch with Chief Dench and the Lt. Aiello noting a memo is on file from the Police Department. They will have support vehicles on the routes. A safety plan will be in place which would be forwarded to the Fire Chief; and a mechanic will be at the rest stop to assist the bicyclist. They work with amateur ham radio operators along the route. Their number one priority is safety of the cyclists. She assured signage will be taken down the same day. Further, the ADA is appreciative the cities and towns they go through and will do whatever they can to work with the City. She explained spray painted signs in the road of the red triangle and green or white interior is done with temporary paint which washes away in about 20 days, a red triangle with white, much like the ADA logo. **Councilor Whynott** didn't think the DPW director would not object to this street painting. **Ms. Flynn** assured that she would notify the appropriate departments when the Tour staff was out doing the necessary street marking. **Chief Dench** asked about medical staff for the Tour and related the Fire Department was short-handed and do not have a lot of resources available at this time. **Ms. Flynn** would update the Chief as soon as the information regarding the safety plan was available and forward that to him. They would have a dedicated EMT for the Tour and depending on the severity of the situation they would deploy that EMT. Otherwise they would call 911.

Councilor Whynott commended the ADA for their efforts having lost a beloved Police Officer of the City to diabetes just recently.

MOTION: On motion by Councilor McGeary, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the American Diabetes Association to hold their Tour de Cure bicycle ride through City streets for their 100 mile and 60 mile routes as on file with the City Clerk's office on Sunday, May 22, 2011, starting at 7:00 a.m. with all riders off the City's streets by 3:00 p.m. All routes through the City are to be clearly marked and with signage removed off the route by 3:00 p.m. Certificate of Insurance listing the City of Gloucester as the co-insured, and memorandums of endorsement from the Police and Fire Chief are to be on file in the City Clerk's office by the close of business May 12, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTATION/ITEMS SUBMITTED AT MEETING:

- Copy of letter dated January 20, 2011 addressed to Councilor Ciolino from William Thoms, 1174 Washington Street re: 77 Langsford Street
- Original documentation re: ADA Tour De Cure from Laura Flynn
- Full Scale As-built Plan for Sewer Acceptance of Beachcroft Road Sewer Project from Michael Hale, DPW Director