



# CITY OF GLOUCESTER

CITY CLERK  
GLOUCESTER, MA

GLOUCESTER • MASSACHUSETTS • 01930

11 MAY 12 AM 8:42

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Wednesday, May 18, 2011 – 6:00 p.m.  
1<sup>st</sup> Fl. Council Conference Room – City Hall

## AGENDA

### 1. *Continued Business:*

- A) SCP2011-001: Decatur Street #14, GZO §5.2 Earth Fill and Removal Regulations
- B) SCP2011-002: Eastern Avenue #53, GZO §2.3.1.6 conversion to or new multi-family dwelling Units; three dwelling units, §1.10.1 and 3.1.6 building height over 35', §3.2.2(a) decrease in The minimum lot area and open space per dwelling unit

### 2. *Letter from Attorney J. Michael Faherty re: 35 Dory Road Extension of Special Permit under the Permit Extension Act of 2010*

### 3. *Request from Seacoast Nursing and Rehabilitation Center, Inc. to hold the 8<sup>th</sup> Annual Seacoast Seven Road Race*

## COMMITTEE

Councilor Joseph Ciolino, Chair  
Councilor Robert Whynott, Vice Chair  
Councilor Greg Verga

### Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Kirk  
Jim Duggan  
Gregg Cademartori

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Wednesday, May 18, 2011

DOCUMENTATION ON FILE

**1. Continued Business:**

- A) SCP2011-001: Decatur Street #14, GZO §5.2 Earth Fill and Removal Regulations
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Documentation for these continued items on the P&D Agenda can be found on line at the City website under Agendas and Minutes, Planning & Development Agenda Packets and Planning & Development Minutes, both for May 4, 2011. Complete documentation is also on file with the City Clerk's office, 9 Dale Avenue, Gloucester, MA.

CITY CLERK  
GLOUCESTER, MA  
11 MAY -2 PM 3:50

LAW OFFICES  
OF  
J. MICHAEL FAHERTY

111 MAIN STREET  
GLOUCESTER, MA 01930  
TELEPHONE (978) 283-9233  
(978) 281-0999  
FAX (978) 283-0314

Jacqueline Hardy, President  
Gloucester City Council  
City Hall, Dale Avenue  
Gloucester, MA 01930

May 2, 2011

Linda Lowe  
City Clerk's Office  
City Hall, Dale Avenue  
Gloucester, MA 01930

RE: **VARIAN SEMICONDUCTOR EQUIPMENT ASSOCIATES, INC.  
2010 PERMIT EXTENSION ACT**

Dear Mmes Hardy and Lowe:

I continue to represent Varian Semiconductor Equipment Associates, Inc. ("Varian"). Varian was issued a City Council Special Permit on December 11, 2007, for the construction of two (2) commercial land-based wind conversion facilities at Varian's property at 35 Dory Road. On December 3, 2009, the City Council granted an 18-month extension, which is set to expire on June 11, 2011.

It is my understanding and opinion, pursuant to the Section 173 of Chapter 240 of the Massachusetts Acts of 2010, also known as the Permit Extension Act, that the extension granted to Varian now has an expiration date of June 11, 2013. The specific language in §173(b) provides for a two year extension on all approvals in effect or in existence between August 15, 2008, and August 15, 2010. Section 173(a) defines an "approval" as, among other things, "a determination of rights from any municipal . . . governmental entity, including [those made under chapters] 40A to 40C." As such, Varian's extension should qualify for the additional extension provided by the Act.

For the Council's information, Varian expects to have a supply contract in place shortly, and a construction contract in place before the end of the year. Once a construction contract is in place, Varian plans to move swiftly in commencing construction of the project.

Please confirm to my office in writing that the City agrees with my opinion that the Permit Extension Act applies to Varian's extension.

Please call me if you have any questions related to this letter or Varian's permit and extension or if the City Council wishes to proceed differently than proposed.

Sincerely,

  
Michael Faherty

JMR/jf  
cc: Richard Johnson

CITY CLERK  
GLOUCESTER, MA  
MAY 2 2011  
PM 3:50

City Council President  
c/o Gloucester City Hall  
9 Dale Avenue  
Gloucester, MA 01930

CITY CLERK  
GLOUCESTER, MA

11 MAY -4 PM 3:39

Re: Letter of Intent  
Seacoast Seven Road Race  
July 16, 2011

To whom it may concern:

My name is Karen McCann and I am on the Board of the Friends of Seacoast, which raises money for the residents of Seacoast Nursing and Rehabilitation Center, 292 Washington Street, Gloucester, MA, a not for profit facility located in Gloucester. We are wishing to sponsor the 8<sup>th</sup> Annual Seacoast Seven Road Race on Saturday, July 16, 2011 at Stage Fort Park.

Our event begins with registration at 6:30 a.m. The race starts at 9:00 a.m. and most of the runners are finished by 11:30 a.m. We should be all cleaned up and gone by 1:00 p.m. We have sign-offs from the Joe Aiello of the GPD (see attached email) and Phil Dench of GFD. Additionally we have a permit from the City of Gloucester, DPW Director, Mark Cole for the use of Stage Fort Park (see attached email). Lyons Ambulance Service will provide a dedicated ambulance for the entirety of the race.

Additionally attached is a written plan of the race route, together with a map.

We are in the process of getting Liability Insurance through USA Track and Field, a copy of which is attached.

If you have any questions or concerns, please feel free to contact me directly at 617-335-0232. Thank you in advance for your support in the matter.

Sincerely,



Karen McCann  
11 Brightside Avenue  
Gloucester, MA 01930

Print Message

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**RE: Seacoast Seven Road Race**

✓ From Joe Aiello to me 03/21/11

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Just tell them I will be helping and we will get it done. Don't forget the problem we had with the starting line last year. No one knew where it was or how to start the race.

Lt Joe

-----Original Message-----

From: Karen McCann [mailto:karen.bresnahan@mac.com]

Sent: Monday, March 21, 2011 1:34 PM

To: Mark Cole - DPW; Joe Aiello

Cc: Jennifer.fisher@kindredhealthcare.com

Subject: Seacoast Seven Road Race

Hi Mark and Joe:

We have the Road Race scheduled for July 16th at Stage Fort Park. We are aware we have to go before the P & D Committee and will be contacting them this week. Do we need to do anything else?

Thanks

Karen McCann

karen.bresnahan@mac.com

Print Message

**RE: Seacoast Seven Road Race**

✓ From Mark Cole to me 03/25/11

Karen

I will scan a copy and send it to you as pdf. Will that work for you or should I mail a copy?

Mark

-----Original Message-----

From: Karen McCann [mailto:karen.bresnahan@mac.com]

Sent: Thursday, March 24, 2011 9:47 PM

To: Mark Cole

Subject: Re: Seacoast Seven Road Race

Mark: can you forward me a copy of the permit to show P & D?

Karen McCann

karen.bresnahan@mac.com

On Mar 21, 2011, at 1:44 PM, Mark Cole wrote:

> All set Karen - someone was asking if I had heard from your group or not

>

> -----Original Message-----

> From: Karen McCann [mailto:karen.bresnahan@mac.com]

> Sent: Monday, March 21, 2011 1:34 PM

> To: Mark Cole - DPW; Joe Aiello

> Cc: Jennifer.fisher@kindredhealthcare.com

> Subject: Seacoast Seven Road Race

>

> Hi Mark and Joe:

>

> We have the Road Race scheduled for July 16th at Stage Fort Park. We are

> aware we have to go before the P & D Committee and will be contacting them

> this week. Do we need to do anything else?

>

> Thanks

> Karen McCann

> karen.bresnahan@mac.com

>

>

>



Seacoast Seven Road Race  
Jenny LeColst

292 Washington St  
Gloucester, MA 01930

04/07/2011

Dear Jenny,

This letter and the enclosed materials verify that the USA Track & Field (USATF) sanction for your race, Seacoast Seven Road Race, has been reviewed and approved by the New England Association of USATF. Enclosed you'll find the approved sanction and a Post-Event Report form which should be completed and returned to USATF-NE office as soon as possible after your event. The return of that form is required. The form can be scanned/mailed or faxed as well, but if a fee is due because the event was larger than expected, you must return it by postal mail.

Please include a link to a webpage where results can be found - we don't need printed results. Also, if you haven't already done so, please send us a copy of your race application.

A reminder on two runner related items. "Baby strollers" are not permitted in sanctioned races. You should at minimum direct runners pushing strollers in road races to the very back and to the sides of the start. Dogs are absolutely prohibited in all events. A USATF rule allows event directors to prohibit the wearing of headphones in competition. This is a safety issue, and we strongly encourage that you discourage wearing of headphones to minimize risks in your event. Race directors have commented positively to this rule.

If, after receiving this approved USATF sanction, a sponsor, facility, or municipality requires a Certificate of Insurance naming them as additional insured, one can still be provided. Complete a Request for Certificate form for each certificate needed with the name of the third party, their address, and contact person. Certificate requests received fewer than 5 business days before the event are charged a \$20 late fee, and those received 2 days or fewer will incur a \$40 charge.

If you have any questions regarding the USATF sanction, please feel free to call your full-time USATF-NE office. Thank you for using the USATF sanctioning program, and best of luck with your event.

Sincerely,

A handwritten signature in cursive script that reads "Steve".

Steve Vaitones, Managing Director

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DATE OF EVENT: 07/16/2011 STARTING TIME: 8:30 AM  
USATF SANCTION NUMBER: 11-207 SITE: StageFtPk, Gloucester, MA  
USATF COURSE Certificaton Number:  
SANCTION FEE PAID - CHECK #: 1509-10

**FOR OFFICIAL USE ONLY**

National Control # USATF  
 Association Sanction Control # 11-02-207  
 Association Fee \$ 30 Check # 1516  
 National Fee \$ 75 Check # 1509  
 Approved  Denied  
 Association Signature Jenny LeColst  
 Championship  Assoc.  Regional  National



Date Received 3/29/11  
 Database  Assoc  National  
 Association Contact Information:  
**USATF NEW ENGLAND**  
 P.O. Box 1905  
 Brookline, MA 02446

**USA TRACK & FIELD APPLICATION FOR SANCTION**

Please read the instructions on the back before completing this form. Your returned, approved copy of this form is proof of insurance coverage.

Event Name Seacoast Seven Road Race Date(s) of Event 7-16-11 Start Time(s) 8:30A.M.  
 Site of event Stage Fort Park City Gloucester State MA Zip 01930  
 Event Organizer Seacoast Nursing & Rehab. Center USATF Organization Member: Yes  No   
 Website seacoastseven.com OR active.com  
 Contact Name Jenny LeColst Contact Telephone Number (978) 283-0300  
 Contact Address 242 Washington St. Contact Email Address jennifer.fisher@kindredhealthcare.com  
 City, State, Zip Gloucester MA 01930 Contact Fax Number (978) 281-6774

1. Type of Event (circle)  
 Indoor Track & Field  
 Outdoor Track & Field  
 Road Course Certification # (if applicable)  
 Race Walking-Track  
 Race Walking-Road-Distance(s)  
 Road Racing-Distance(s) 7 miles  
 Cross Country-Distance(s)

2. Age Divisions: Youth  **Open**  Masters  3. Sex: Male Only  Female Only  Male/Female

4. Estimate of number of finishers 200 5. Fees: Association \$ 30 National \$ 75 (see fee schedule)

6. The safety precautions taken to protect the personal welfare of the athletes and spectators, including provisions for medical supervision, at the competition are (attached additional sheet if necessary): SEE BACK

7. Organizer will require all participants and volunteers to sign a valid waiver of liability that releases the race organizers, volunteers and officials, and USATF from claims for damages. All waivers will be maintained in a secure location for at least five years (or longer if your state's statute of limitations on liability claims is longer than five years).  
 8. Organizer will file the required *Post-Event Report* within fifteen days of the event (enclosed with the approved sanction) and will submit electronic results to USATF (see www.usatf.org/events/results for instructions).  
 9. Upon approval of the sanction, the entry form will state that the event is sanctioned by USA Track & Field. The organizer may obtain a copy of USATF's Sanctioned Event insignia for this purpose at www.usatf.org/events/sanctions. Permission to use the USATF name and trademarks for any other purpose must be obtained from the National Office prior to such use.  
 10. The event shall comply with USATF's *Policy & Procedures for Accommodation Requests Pursuant to the Americans with Disabilities Act* available at www.usatf.org/groups/EventDirectors/ADA.  
 11. The Organizer will not transfer this sanction, if granted.

- Check if Organizer seeks an ELITE SANCTION (carefully read instructions on back) and attach *Elite Sanction Addendum*.  
 Check if Organizer waives USATF Liability Insurance for this event - you must attach *Waiver of Liability Insurance* form and a certificate of insurance naming USATF, its employees, directors, assigns & USATF Certified Officials as additional insureds.

**Indemnification and Statement of Conditions**

Seacoast Nursing & Rehab. (Organizer) shall indemnify, hold harmless, assume liability for, and defend USA Track & Field, Inc. (USATF), its member Associations, employees, officers, agents and volunteers from any and all damages, awards, costs and expenses including, but not limited to, attorneys' fees, court costs, and all other sums which USATF and its member Associations, employees, officers, and volunteers may pay or become obligated to pay on account of any and every demand, claim or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the sanction, issued by USATF and/or its member Associations, on 7-16-11 (event date) or by any action or omission of Seacoast Nursing & Rehab. (Organizer), its members, agents, employees, volunteers, officers or directors in relation to the sanction.

Organizer represents and warrants that it is fully familiar with all the rules and regulations of USATF and the IAAF applicable to the event to be conducted, including USATF competition rules, Article 20 of the USATF Bylaws and USATF Regulation 14, and that it shall take all necessary precautions to protect event participants, spectators, volunteers and workers from harm of any kind. Organizer further warrants and represents that it has complied with all requirements applicable to USATF sanctioned competitions conducted by it, within the preceding four-year period. Organizer understands that USATF shall be under no obligation to grant a sanction to an organization that has failed in the past to abide by the rules and regulations of USATF, or has defaulted on its obligation to give prizes to athletes, as stated in any contract, entry form or advertising literature. Organizer warrants that the information provided herein is true to the best of its knowledge. Organizer warrants that it has received the proper permission and permits to conduct this event at the facilities which the event will be held.

Signature J LeColst AD  
 Event Director or individual responsible for conduct of event

Date 3.23.11



Date Received \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Assoc. Sanction # \_ USATF  
National Control #. Control # 11-02-207  
N.O. Signature \_\_\_\_\_



Association Contact Information:  
Return to: **USATF-New England**  
PO Box 1905  
Brookline MA 02446

(This section must be completed by the Association before a refund is issued)

### USA TRACK & FIELD SANCTION POST-EVENT REPORT FORM

OR \_\_\_\_\_  
Email: [office@usatfne.org](mailto:office@usatfne.org)  
Fax: 617-734-6322

All USATF Sanction Holders are required to submit this form to their local Association within fifteen (15) days after the event. If the sanction is for a series of events, the form must be submitted within fifteen (15) days of the final event of the series. Events that fail to submit this report will be ineligible for a refund of overpaid sanction fees and are subject to denial of future sanction requests. Holders of an Elite Sanction must also submit required paperwork to the USATF National Office. (See Sanction Form and instructions regarding Elite Sanctions).

If a record is set at your event (road races on a certified course) you should obtain an "Application for Record" from [www.usatf.org](http://www.usatf.org). You should also electronically send your results to USATF. Results submission information is available at [www.usatf.org/groups/EventDirectors/](http://www.usatf.org/groups/EventDirectors/)

Name of event \_\_\_\_\_ Date(s) of Event \_\_\_\_\_  
Site of event \_\_\_\_\_ City, State \_\_\_\_\_  
Organizer of Event \_\_\_\_\_

- Check if appropriate:
- We adhered to USATF rules regarding safety precautions, medical supervision, athlete eligibility, officials, USATF name & logo use and course certification (as applicable).
  - All prizes and awards described in the entry information were awarded as promised.
  - Prize money is being held for athletes who were drug tested.
  - Please send me a First Report of Incident form.
  - Results have been submitted to USATF. Visit [www.usatf.org/groups/eventDirectors/](http://www.usatf.org/groups/eventDirectors/) for instructions on how to submit electronic results.

Pre-event estimate number of finishers: \_\_\_\_\_ Actual Number: \_\_\_\_\_

Sanction Fees Paid Prior to the event: Association \$ \_\_\_\_\_ Should have been \$ \_\_\_\_\_  
National \$ \_\_\_\_\_ Should have been \$ \_\_\_\_\_

- Check the appropriate box:
- Please refund me \$ \_\_\_\_\_
  - Enclosed is additional payment of \$ \_\_\_\_\_
  - Pre-event estimates were accurate and no further exchange of payment is necessary

**Note:** Refunds of overpaid sanction fees will not be paid without a copy of the results. Enclose a copy of the results or indicate a website where the results can be found. [www.\\_\\_\\_\\_\\_](http://www._____.)

**Please make check payable to:**

Name \_\_\_\_\_ Telephone Number ( ) \_\_\_\_\_  
Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
Email \_\_\_\_\_ Fax Number ( ) \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Association Office Use Only**

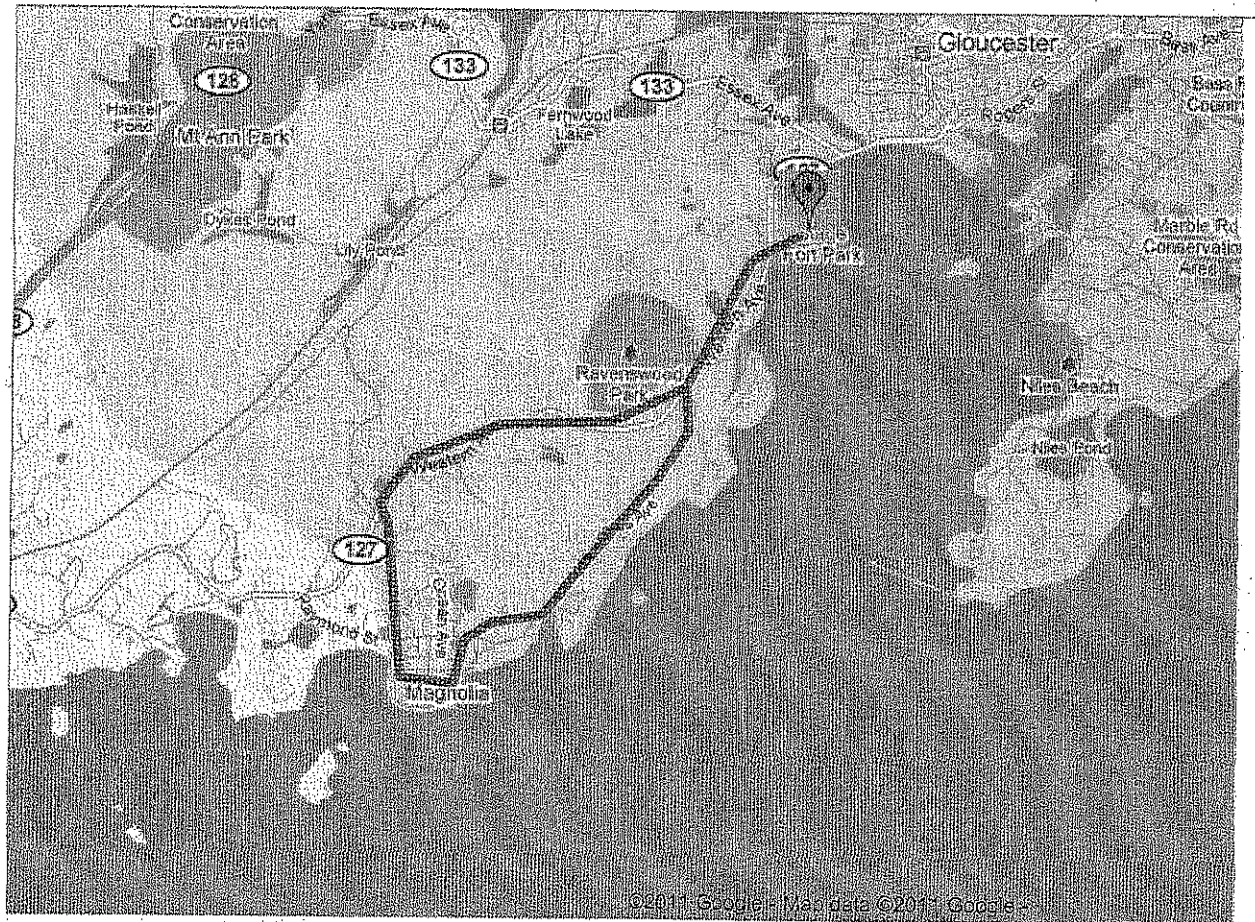
- Send national fee reimbursement directly to the event.
- Send reimbursement for the national fee to our office as we have already reimbursed the event.

Written plan of race route:

Starts at the top of the hill in Stage Fort Park on Hough Ave, take a left onto Western Avenue (by the tennis courts); take a left onto Hesperus Avenue; take a right onto Fuller Street and through the intersection onto Magnolia Avenue; take a right onto Western Avenue and a right onto Hough Avenue. Race ends at the top of the hill by the Gazebo.



To see all the details that are visible on the screen, use the "Print" link next to the map.



### Seacoast Seven Road Race

Seacoast Seven course map!

4,219 views - Public

Created on May 16, 2007 - Updated May 16, 2007

By



Placemark 1  
**START/FINISH LINE**



Line 5

Seacoast Seven race course