

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, April 18, 2012 – 7:00 p.m.
1st Fl. Council Conference Room – City Hall
-MINUTES-

(Items May be taken out of order at the discretion of the Committee)

Present: Chair, Councilor Bruce Tobey; Vice Chair, Councilor Greg Verga; Councilor Joseph Ciolino (Alternate)

Absent: Councilor Hardy

Also Present: Councilor McGeary; Councilor Hardy; Councilor LeBlanc; Linda T. Lowe; Donna Compton; Mark Cole; Gregg Cademartori; Rick Noonan; Suzanne Egan; Tim Goode; Jeff Towne

The meeting was called to order at 7:00 p.m. There was a quorum of the City Council. Item #4 was taken out of order and taken up as the first order of business. All other matters were taken in order.

1. *Rezoning #2012-002: Commercial Street #33 and #47, Amend Gloucester Zoning Ordinances to create a Hotel Overlay District*

Councilor Tobey acknowledged Rick Noonan, Planning Board chair who was in attendance, and lauded him for leading a series of steady and consistent Planning Board meetings which were also participated with the P&D Committee in a joint meeting. The Councilor did miss one meeting; however, he did view the tape and has read the minutes of the third meeting.

Gregg Cademartori explained that the Planning Board concluded their public hearing on April 12th on this matter; and a report was filed with the City Clerk's office on April 13th. The report appends all the minutes of the four sessions of the Planning Board's public hearing as well as materials that were submitted from the public and staff (on file) throughout the course of the public hearing. The document is available on the City website. One of the attachments, a memo he wrote to the Planning Board members on March 30th framed many issues that the Board raised. Between the second and third session, the petitioner responded at a presentation to the Board and then followed up with a revised draft. The first issue the Board recommended was the appropriateness of the area. In his memo of March 30th two maps of the area (on file); one of the MI district as well as identifying other jurisdictions including the DPA; and then a close up of the Commercial Street area to look at the use pattern of the area. Several questions were raised and were addressed in the Board's recommendation. When a petition is filed there are a number of means that a rezoning petition can be filed, identified in MGL Chapter 48 as well as in the City's local ordinances. What is absent from it from both of those are what are to be considered in a rezoning. The area that is proposed to be rezoned is within a context. They often look at other communities to see what they adopted under similar situations and what their concerns were; and to look specifically as to the type of uses that would be proposed in a rezoning dealt with during the permitting process either 'as of right' or by special permit. Given the development history of the MI district, that it is not a perfect fit for all the uses contained within it. This particular area is not in the DPA and is significant in this discussion. It does not put into affect a whole other set of regulations on use and dimension of a property. The Board unanimously voted it was appropriate area to consider this additional commercial use in the form of an overlay district and then got into a more detailed analysis of how such a use would be permitted by the City Council. It is important to recognize that only by special permit could a hotel be proposed, reviewed and permitted. The comments and actions of the Board were to make the ordinance familiar to the special permit granting authority in dealing with issues of height and density the way the Council does already. Many of the comments related to new ways in which this use would be reviewed and permitted and also looking carefully at how they deal already with certain issues in the ordinances, one of which is most important, height. In the initial ordinance submitted by the petitioner on 1/31/12 is absent of dimensional requirements. This ordinance now provides an equation for what type of project can come forward in terms of the density of a proposal based on the parameters of the lot area of the district. Issues were raised by the public and Board members including potential environmental, traffic, and fiscal impacts of a proposal. Those are rolled into the discretionary permit if applied for that would be reviewed by the City Council not only in the standards of GZO Sec. 5.25 but in other provisions of the zoning ordinance, including Major Projects Special Permit as well as the standard six criteria of a special permit that the Council issues. There was a unanimous vote of the Board to recommend the amended draft submitted by the petitioner dated April 9, 2012 and made a recommendation on the boundaries of the district. The petitioner was asked what were the real walls of the exterior of the district that would be for their consideration as they are the ones

petitioning for the proposed use. The petitioner provided two alternatives, one excluding 33 Commercial Street, and one utilizing a portion of that for the flexibility and consideration of a project that have yet to see any detail on. The Board recommended utilizing potentially additional open space on 33 Commercial Street as the bounds of the district.

Councilor Tobey stated as this Committee goes forward to engage this matter and bring it to City Council with a possible re-opening of the public hearing on May 8th; and his intention as Chair is that they have this matter concluded by then, he asked Mr. Cademartori in his professional opinion what should be the criteria they consider.

Mr. Cademartori outlined a number of things for the Board to be considered and believed the Council should also: the appropriateness of the area itself; the site specific context of the location is critical. It would be more difficult to look at a rezoning proposal if there weren't distinctions; and there are many in this location. A most important aspect to the discussion is the DPA which is reinforcing the use of water-dependent marine/industrial uses. This is a location that does not front on the inner harbor. The definition of marine/industrial district in the zoning ordinance makes reference to being on the inner harbor. When the marine/industrial district came in, the first proposal was to look at properties that were within the first public way. They're looking at some of those areas that are outside of that area which are appropriate for reconsideration. One Board member voiced a strong opinion that this is a property that could potentially draw on the asset of being on the outer harbor and separated from the outer harbor from Commercial Street. The appropriateness of the area; the existing land use pattern is dictating what may be a future alternative. It is a mixed use district with residential properties on either side; on one side it is buffered by Fort Square; and on the other side there is an existing large commercial building on 33 Commercial Street that separates the locus from the residences on Beach Court and again across a public way to the industrial district on the other side. There are distinctions to consider for a potential future use of this property and how it will draw from that area for redevelopment.

Councilor Tobey asked Suzanne Egan, General Counsel her opinion on concerns this may be spot zoning. **General Counsel**, Suzanne Egan reviewed Attorney John Cunningham's memo (4/9/12 on file) regarding the spot zoning issues. The memo clearly frames the issue for the Council. Spot zoning is defined as singling out one parcel different from other parcels for solely the economic benefit, or detriment in some cases, of the property owner. As long as there is a general public benefit to the zoning amendment, the courts defer to the legislative action of the City Council in enacting a zoning amendment. You look to the record before you; the testimony people have given; the documents supplied and the plans as to whether or not this amendment will provide a general public benefit. If there is a rational basis for finding that it does, the courts will uphold the zoning amendment; and it will not be considered spot zoning. Spot zoning is typically raised to defeat a zoning amendment. The person who raises the issue has the burden of proving it and the burden of showing that there is no reasonable basis for enacting the amendment. Having attended several of the public hearings, in the first public hearing there were a number of people who spoke to the Council and the Planning Board and provided their opinion and the notion this would have a general public benefit. The record before the Committee clearly shows this could be reasonably related a public benefit. Therefore the City could defeat any claim of spot zoning.

Councilor Tobey noted the P&D Committee has sat through a number of hearings already with more to come, and have an extensive record; or have reviewed the minutes of the hearings and read the public record. He expressed that to frame the Committee's mission they have two questions to engage. One is whether to engage the positive recommendation of the Board to frame a motion that they can bring forward of an affirmative nature for the public hearing on May 8th. If they can, their 'mission' would then be to proceed with the question of how to engage it and what form the motion and recommendations would take. The Committee agreed to proceed and prepare the motion.

Attorney John Cunningham, representing the petitioner agreed the characterization by the Planning Director was correct. As those hearings developed, and the Board and Councilors framed questions and expressed concerns; the petitioner took those into account and proposed and submitted to the Board a draft of revisions intended to address those concerns. One of the issues of concern was the boundaries of the Hotel Overly District (HOD), and the role of 33 Commercial Street which remains an issue. They told the Board they are open to modifications of that and submitted alternatives. One, labeled "A" was solely the Birdseye parcel (#47 to #61 Commercial Street), and the second, labeled 'B' the open existing parking area of the "Chamber building" lot at 33 Commercial Street. One of the goals in submitting those revisions was to make the parameters of this proposal clear, defined and predictable so that the proposal as they conceive it (at a design stage) could come to the City Council and be successful under the HOD, but not that the district dimension requirements would not be overly expansive. That was done by dealing with height, lot area and set backs.

Mr. Cunningham spoke to remaining concerns about 33 Commercial Street. They heard speculation and concern that other parties are involved with this project. Sherri DeLorenzo and his client want to end that speculation and "state clearly and for the record there are only two partners in this hotel project. Those are Sheri DeLorenzo and Jim

Davis who are the sole members of Beauport Gloucester LLC.” As a further means of putting aside those concerns, they would suggest to the Council that Option A, HOD boundary that includes only the Birdseye lot, #47 to #61 Commercial Street and removing 33 Commercial Street entirely might serve to stop that and make “absolutely clear” that the hotel is proposed for that site; and there is no further expansion. **Councilor Tobey** reconfirmed it is Mr. Cunningham’s sense that they should proceed solely on the basis on #47-#61 Commercial Street and that 33 Commercial Street in its entirety is out. **Mr. Cunningham** stated that makes this process clearer, more defined and more responsive to the comments they heard, Board members, City Council members and others in the community. On inquiry from **Councilor Tobey** if this concerned General Counsel regarding spot zoning, **Ms. Egan** expressed she was not concerned about spot zoning at all.

Mr. Cunningham stated on height the Board suggested they divide the height of hotel from the height of the tower. They feel the tower is an important part of the project so that the height of the hotel will be governed by the standard in the MI district of 40 ft. but would also allow, as is the standard process of the City Council by way of special permit, to adjust the height in consideration of the characteristics of the site and of the proposal. The tower could be 20 ft. higher than the roof peak of a hotel, but, again, is subject to the Council’s discretion, as are all elements of this hotel are in the special permit process. They proposed using the MI front yard set backs to gain 10 ft. set back on Commercial Street and Fort Square. They drafted a definition of hotel that addressed the concern that it was unclear what could be in a hotel. That definition includes things that they view as commonly found in hotels. They may or may not be in this hotel but felt it addressed the concern of the Board in being more specific.

Councilor Tobey asked if they object to an expansion of that definition which states what may be there as it now stands so that it states what may not be there; for example, an express prohibition of condominiums; extended stay, and any other comparable uses subject to drafting by Mr. Cademartori. **Mr. Cunningham** stated at one of the public hearings that a condition in the special to that effect would be acceptable. They haven’t thought about how that fits into an HOD district; but they don’t object to the principal of it. **Councilor Tobey** noted that would be one of the things he would be looking for.

Mr. Cunningham stated that the side yard set back in a lot that has two front yards, which are Commercial Street and Fort Square, the other two become side yards; and the rear yard is an arc drawn at the back corner of 10 ft also. Recognizing that adjacent to the property on the harbor side is a beach; and they understand there is a discussion to be had on the beach, they felt there was a need for a side yard there. And the proposal also is that there is a public access walkway on the 33 Commercial Street side which would serve a side yard purpose as well. This was to avoid entanglements with beach and set back issues and being uncertain exactly where lot lines are. **Councilor Tobey** expressed concern about the corner of Commercial Street and Fort Square where there is an existing MI use which is not part of this overlay where there is a strong, viable contributor to the business community and it is hoped they will stay in that location. It seemed to him that some sort of required set back for a buffer would be appropriate.

Mr. Cunningham had no objection but asked how they do that if those are side yards, then how you do have some side yards and not other side yards. He would think about that with Mr. Cademartori and Ms. Egan to see if there is a way to do that.

Councilor Tobey touched on the matter of Pavilion Beach and its status which is still to be resolved. It seemed to him to be beneficial that the HOD not encompass any portion of the beach. **Mr. Cunningham** stated that leaves the problem of defining where that boundary is as the boundary is ambiguous. He did not see any harm leaving it in, and that is why they originally proposed it. **Councilor Tobey** asked they discuss and think about that. The boundary seemed relevant to him between the upper limits of the sandy beach and the beginning of the improved uplands, so called. If there was some way that could be captured, he expressed he would be more favorably disposed. **Councilor Ciolino** expressed agreement the beach shouldn’t be included. **Mr. Cunningham** noted they would be happy to discuss that and will also work on that with Mr. Cademartori, Ms. Egan and P&D.

Councilor Verga stated if this goes forward the next stage is to see some drawings and talk about specifics and studies in a special permitting situation. He asked how current allowable use and the proposed hotel use differ with traffic and economic impact; taxability, whether it is generated in the case of the \$80 million for the whole area versus the \$7 million for the complete far end of the success of the hotel. There is a flat tax rate in the case of the hotel. **Mr. Cademartori** stated the MI district already allows so many different types of uses. From the perspective of traffic impact, if an MI by right use went in there, they would have no control over evaluating it or mitigating it. Through the special permitting process that is something that is looked at very closely. Mr. Towne could speak to the economic impact. A hotel has restaurants often associated with them and has room tax revenue, not just the valuation of the improvements on the site. Construction for a commercial and hotel would be more per square foot than a general industrial use. **Councilor Verga** asked how it differs; an allowable use currently talking about the Birdseye site versus a hotel in terms of taxability. A question has been raised about how much money is generated in the Fort area now versus what a hotel might generate. Also, is there much of a difference as far as the City is

concerned with the taxing of the property. **Mr. Towne** stated not for their purpose. Their purpose is for building and land value assessed at what the value is. They don't get anything if they're making a product. They would make money off of the meals tax if they had a restaurant at the hotel; and make money off of the hotel/motel tax if there was a hotel there. Everything else is based on the assessed value of the property however the Assessors times the commercial/industrial tax rate. If it was assessed as Birdseye, for instance, with a building on it at a commercial/industrial tax rate times the value the Assessors put on it versus a hotel/restaurant on it and whatever else is included there, you would get the incremental difference between the two. If this was valued at "X" and this was valued at three times "X" when it is all fully built out, there would be more tax revenue. They don't get anything per se if this company produces \$50 million in sales and the hotel only does \$30 million in sales. They get the assessed value times the tax rate. **Councilor Verga** stated there would be a more extensive economic impact. Mr. Towne's explanation helped the Councilor as to the question of appropriateness and allowable use and the potential of this change. **Councilor Tobey** expressed it was important to note he did hear an enumeration of any considerations of a plan on economic analysis. That would be a consideration, among others, at the point of consideration of a Special Council Permit to which **Mr. Cunningham** expressed assent. **Councilor Ciolino** stated questions have been raised about "by-right". Hotels and accessory buildings would be by right for this property he believed. **Mr. Cademartori** stated they would be by special permit, not 'by right'. They would have to apply for a special permit. The use schedule for the MI district does not allow a hotel. The overlay district permits the consideration of a hotel use for that site. **Councilor Ciolino** asked about height is what is in the MI district now. **Mr. Cademartori** stated as it was originally proposed in the draft submitted on the 31st, just putting a ceiling on height. The Board recommends using the 40 ft. underlying height. There is a provision for the tower; and if a proposal comes forward and is something the community would like to see replicated, that is specifically called out. Otherwise, the height of the structure would have a ceiling of 40 ft. unless the City Council issued a special permit for an increased height and using the criteria. **Councilor Ciolino** stated the question of traffic, utilities, height, shadowing, all comes out in public hearings for a special permit; and all that has to be worked out in order to work in the neighborhood which **Mr. Cademartori** also confirmed. **Councilor Tobey** suggested this be continued to May 2, 2012 so staff and the applicant can fine tune several of the issues identified; set backs and the beach and any other issues reflected in the minutes. One document was submitted for the communications record. They will look to have final motion capturing these issues for the public hearing.

This matter is continued to May 2, 2012.

Councilor Tobey announced that on Thursday, May 3, 2012 at 7:00 p.m. in Kyrouz Auditorium there will be a public hearing by the Planning Board on the matter of an Existing Hotel Overlay District for Atlantic Road #107 and #125 and he would be calling a P&D Committee meeting to be conducted simultaneously.

The Committee recessed at 7:37 p.m. and reconvened at 7:40 p.m.

2. Memorandum from Planning Director re: recommendation for land disposition requests

A. Marsh Street – Action Inc. – Request for Purchase

Gregg Cademartori, Planning Director stated this application submitted to the Land Disposition Committee was submitted by Action, Inc. as a request for purchase. There is a small 4,200 +/- sq. ft. parcel adjacent to Marsh Street and also adjacent to a Special City Council permitted multi-family project where the address of the project was actually on Cunningham Road. Action, Inc. would like to purchase the property from the City, and potentially redesign the parking associated with that project. The Land Disposition Committee met; and there were no objections from the DPW regarding future or existing utility needs. The lot was a taking associated with Rt. 128. The Land Disposition recommended the sale of that property. **Councilor Tobey** understood the motion from the Committee is to concur to let the sale proceed. **Mr. Cademartori** agreed and stated the only thing that is absent is the price for the sale. **Councilor Ciolino** stated there is a lot of dissension in that neighborhood [about this project]. Opening up Cunningham Road to Marsh Street will be a surprise to the neighborhood that it is not a dead end street any more. The neighborhood should be notified. **Councilor LeBlanc** commented as the Ward 3 Councilor in which this parcel is, he had not been notified of this matter. **Mr. Cademartori** stated if they are going to revise their site plan they'll have to come back to the Council for an amendment for their Special Permit. They're asking if the City will entertain a request for purchase; he would assume they'd probably want to permit what they would like to do

prior to make that purchase. **Councilor Ciolino** expressed he would vote to do it, but there is a need take into consideration of the neighbors' feelings on the matter before they make a decision. **Councilor Tobey** asked how the sale and closing of the property and the permitting all flow. **Mr. Cademartori** stated one of the questions is whether this property is surplus and reasonable for the City to consider. It may only have a potential need to someone immediately adjacent to it. If Action Inc. doesn't have the ability to consider this property they will not amend their plan and continue with what they have. The first test would be is there an existing City need for this parcel. There has been no staff recommendation that it has a municipal use in this particular area because of it being adjacent to Marsh Street. The only consideration is any existing or future utility being immediately adjacent to a right of way. Beyond that they would want to pursue any potential amendment to their project before they would purchase the property. **Councilor Tobey** stated they would hold off on seeking bids or conducting an auction. **Mr. Cademartori** admitted it was an odd request. **Councilor Tobey** added, assuming Action wins, as opposed to someone on Cunningham Road who has an interest in buying it, would it be an offer with a contingency of approval of the permit. **Councilor Ciolino** commented that Action has been planning this for a long time and reiterated they need to know there is a possible auction for this property. **Mr. Cademartori** noted this particular piece of property is between the existing project and Marsh Street. Cunningham Road loops back from Marsh Street. By acquiring this they would concentrate some of the project on the Marsh Street side rather than having parking around the entire building. **Councilor Hardy** stated it is not a dead end. She and the Councilors looked at a drawing of the locus to and discussed that fact. **Councilor Verga** agreed with Councilor Ciolino that they hold off and let Councilor LeBlanc contact the neighborhood. If he comes back and says that the majority has no problem with it, then they will move forward with it. **Mr. Faherty** asked if it was the intention they would then allow, if it is declared surplus land, is it intended to let Action file an application to amend their site plan prior to the auction. **Councilor Tobey** expressed that is what the Committee is taking under consideration. **Mr. Faherty** continued that if they do that, since they wouldn't be the owner when they are applying, it is up to the City to authorize them to make an application on the City's behalf. That puts them at a distinct advantage over some neighbors who might like to control that parcel. **Councilor Tobey** stated that is why it would be an auction, assuming theirs was the winning bid, with a contingency. **Mr. Faherty** added they were not going to let anyone else come in, unless they have multiple applications, seeking alternative uses of the site before the auction for their benefit. They have to be careful on being fair. The neighbors should have the same application rights that Action gets. Councilor Tobey commented there is no intention on the Administration's part that this would be structured so that only Action would be able to bid on it. **Mr. Cademartori** stated, "No." **Ms. Egan** added in terms of Action amending their special permit to include this parcel; they would need the permission of the City to do that. In order to amend the special permit you need the permission of the property owner, and that would be the City who would have to agree with that. As it stands now, if they hold off on this until they've gone through the RFP process and whether or not they own it, they don't have that permission from the City. The City doesn't have the authority to give that to them. **Councilor Tobey** supposed that were the bidding to go forward with no contingency allowed, and they own it, maybe they can or can't open the roadway up. They'll have to make that business judgment themselves. **Councilor Verga** stated even if Councilor Leblanc comes back and says the neighbors are OK with it; it is important that it is fair and Action should at the same level as anyone else who might be interested, stating that Mr. Faherty's point was well taken.

This matter is continued until May 2, 2012.

B. National Grid – Near Rose Marine – Request for Easement

Mr. Cademartori stated this is a request from National Grid to install additional infrastructure near Rose Marine. This is a peculiar situation where the City has part of Rogers Street is actually contained in a lot rather than the layout of the street. Rather than a typical request for the installation of a utility in a public way, it is in a separate parcel and is an easement to maintain the installed utilities. **Linda T. Lowe**, City Clerk added that since it is a proposed easement she suggested it be made clear what is being adopted is a proposed easement and includes the that the document is to be filed at the Registry of Deeds.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council pursuant to GCO Sec. 2-3(2)(d) to grant an easement at 375 Main Street, Land Court Lot #22 Plan of Land No. 14862N with Certificate of Title #43971 as provided in the easement documents dated 12/13/2011 and as shown on "National Grid Easement Sketch Rose Oil Company, 375 Main Street, Gloucester" Plan #11295202 dated 8/24/2010 and as shown on

Plan attached thereto to National Grid. National Grid is required to record the easement and plan with the Essex County Registry of Deeds.

C. Maritime Gloucester – Request for License

Mr. Cademartori stated this application is from Maritime Gloucester and noted Thomas Balf; Director of Maritime Gloucester was in attendance. There are a couple of City-owned lots immediately in front of Maritime Gloucester in Harbor Loop. It is an area that they maintain their sign and flagpole and landscaped area and would like to request permission in the form of a license to install a piece of artwork in front of their headquarters. **Mr. Cademartori** showed the Committee photographs of the artwork (not submitted for the record) which was in the form of a compass rose. The Land Disposition Committee nor did the DPW have any objections to the license agreement and recommended it. **Councilor Tobey** asked if there was a need to coordinate a review of this with the Committee for the Arts. **Ms. Egan** stated, “No”. The Committee for the Arts looks at the installation of public art. This is a license to use City property for the installation of public art. It is also a license to maintain that lot; the flagpole. They have had discussions with the Committee for the Arts, and have explained that process to them. They had requested to review the entire request. As soon as General Counsel explained to them that this was a license agreement, then they realized they didn’t have that jurisdiction over it. **Councilor Verga** pointed out there was a request before O&A now that should address this in the future. Councilor Tobey wondered if they actually need that. **Ms. Egan** didn’t believe they did. She did speak with Judith Hoglander, their chair, and was going to get together with her and discuss that proposed amendment. **Councilor Verga** understood that the Committee for the Arts was in favor of this piece of this artwork. Through Ms. Hoglander they pointed out there was a flaw that a piece of artwork that is going to be public misses the proper venue which he stated is that Committee. He hoped a change in the ordinance would avoid this in the future. **Councilor Ciolino** noted this would be a part of the Harbor Walk and understood it would be illuminated. **Thomas Balf**, Director of Maritime Gloucester stated this stands about 18 inches off the ground and is illuminated by a solar powered lighting underneath and so there were no utility issues. It is a hefty, solid 50-75 lbs. piece, 12 ft. in diameter made of thick glass and rods. **Councilor Verga** asked when it would be installed. **Mr. Balf** stated they hoped to install as soon as possible now. They need to get in touch with the donor and install it to align it with the Harbor Walk. **Councilor Ciolino** stated the City has no responsibility for this. **Mr. Balf** agreed and explained historically they’ve maintained that site and will continue to do so. **Councilor Hardy** asked if the Gloucester House had been informed of this as they have a similar compass rose in their inlaid floor and wondered if there was a trademark issue. **Mr. Balf** stated a compass road is ubiquitous. The Councilor asked Mr. Balf to inform them as a courtesy.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to approve a licensing agreement as drafted and approved by the City Solicitor between the City and Maritime Gloucester regarding the installation, maintenance, repair and utilization of a 12 ft. in diameter brass and colored glass sculpture; landscaping of the site, a sign and flagpole on city-owned property located in front of the Maritime Gloucester headquarters at 23 Harbor Loop.

3. Recommendation for disposition and lease of the Witham Street Parking Area – 99 Thatcher Road

Gregg Cademartori confirmed this was a continuing license. **Mark Cole**, Assistant DPW Director stated he did the math on the parking, and Gary Johnstone, City Assessor did calculations for the price range of \$6,000 to \$6,500; \$6,500 is the current lease agreement. **Donna Compton**, Purchasing Agent confirmed that math is in the RFP. **Councilor Tobey** asked when this matter comes to the Council if they could have a more robust presentation as to the figure stated in the RFP and that the Assessors pull that together.

MOTION: On motion by Councilor Verga, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to approve the disposition by means of a lease as provided in the Lease Agreement #12131 for the Witham Street Parking Area at 99 Thatcher Road between the City of Gloucester and the Good Harbor Beach Inn Corp., pursuant to the terms and conditions as stated therein. Said term is to be a three year term from May 1, 2012 to April 30, 2015.

4. Request for road closure from Fishbox Derby, Inc. to hold “Soapbox Car” Race on September 16, 2012

Councilor Tobey explained this is an event that has been going on for years, and runs smoothly each time.

Councilor Ciolino agreed the event is well run; and that the organization raise funds for scholarships. He wished them continuing success.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Verga, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the full City Council to permit Fishbox Derby, Inc. on Sunday, September 16, 2012 to hold the Fishbox Derby (“Soapbox Car” Race) closing Rogers Street from 6 a.m. that day to 4:00 p.m. with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk’s Office on or before September 4, 2012.

2. Road Closure Plans:

Memoranda from the Police Department and Fire Department giving approval of the plans for the Fishbox Derby on September 16, 2012 to be on file with the City Clerks office on or before September 4, 2012. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 4, 2012. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.

3. Refuse and Comfort Stations:

All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early in the morning of the day of the event and removed by 5:00 PM, September 16, 2012.

4. Emergency Services:

A signed, visible and staffed first aid station must be in place in an accessible location in the area of the race course throughout the event.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts. A list of event staff and their cell phone numbers to be submitted to the Police, Fire or DPW Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the race route.

7. Responsibility of the Fishbox Derby, Inc.:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health and the Licensing Commission. It is the sole responsibility of Fishbox Derby, Inc. to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:02 p.m.

Respectfully submitted,

Dana C. Jorgenson

Clerk of Committees

ITEMS/DOCUMENTS SUBMITTED AT MEETING:

- **Memo to the P&D Committee, copy to the City Council from Rich Hersey, Sunny Robinson, Marcia Hart, Peter Anastas, and Damon Cummings dated April 18, 2012 re: Open questions pertaining to the HOD petitioned by Beauport Gloucester LLC**