

CITY COUNCIL STANDING COMMITTEE  
**Planning & Development Committee**  
Wednesday, June 20, 2012 – 7:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
-MINUTES-

**Present:** Vice Chair, Councilor Greg Verga; Councilor Jackie Hardy; Councilor Joseph Ciolino (Alternate)  
**Absent:** Councilor Tobey  
**Also Present:** Councilor LeBlanc; Councilor Cox

**The meeting was called to order at 7:00 p.m. There was a quorum of the City Council.**

**1. Memorandum from Planning Director re: recommendation for land disposition requests**  
**A. Marsh Street – Action Inc. – Request for Purchase (Cont'd from 06/06/12)**

**Councilor Verga** stated that a letter has been received from counsel for Action, Inc. that the matter is being withdrawn (on file).

**Attorney Catherine Schlichte**, representing Action Inc., explained because the City obtained title to this property through the state, with the state using eminent domain procedure to take the Marsh Street parcel to put in the state highway. Because it was taken for purposes of a public way it merges the parcel into Marsh Street; so it is not a separate parcel available for disposition. They would either have to ask the Council to discontinue the way or go to the Planning Board and have an A&R plan done and have that lot recreated and then return to P&D, or to return and ask for an easement. Action, Inc. asked therefore asked that their request for disposition be dismissed. **Councilor Verga** gave a copy of the letter from counsel to Councilor LeBlanc to inform the neighbors of this information.

**By unanimous consent the Committee dismissed the request for disposition regarding Marsh Street by Action, Inc.**

**This matter is considered closed.**

**2. Application for Further Modification for a Special Council Permit previously modified 12/7/10 originally granted July 7, 2010 re: Rogers Street #9-11, GZO Sec. 2.3.4(8) and Sec. 2.3.4 (9)(Cont'd from 05/16/12)**

**Attorney Catherine Schlichte**, stated she is now representing the applicant, Cape Ann Brewing Company (CABC) (letter received and on file), and that she was contacted by Mr. Goldberg to look into this matter. There were several issues raised at the last P&D meeting regarding the Chapter 91 license. She has had initial conversations with the DEP (Department of Environmental Protection), and it appears there would likely be an application to the DEP by them regarding the grain silo and the awning will represent a modification to the DEP license. She noted a June 2010 DEP letter (on file) which gives the reasoning and explanation behind the Chapter 91 license. That letter, she said, supports the license, and gives more information about what the intent is, and about the making the restrooms available to the public. The Chapter 91 license allows for the brew pub, restaurant and supporting applications; but that use has to be kept to 50% or less of the square footage of the premises which have to be demonstrated to the DEP. She expressed she was operating under the assumption that the Council wants those issues resolved first. They will have to make an application to the DEP to modify the Chapter 91 license.

**Councilor Ciolino** expressed concern that when the Council first permitted the brew pub, there were conditions that the exterior was to be kept as neat as possible. He did a site visit on his own prior to the meeting and had the following issues:

- The recently installed cyclone fence now encloses three dumpsters and about two dozen pallets and some bags piled on a pallet. He stated in general the policy is when fencing in a dumpster there has to be some type of screening devised, and therefore asked that the fence have some type of screening device be put on the fence for aesthetic purposes as it is unsightly. The building next door overlooks that area. Screening placed on the cyclone fence will solve the visual problem of the pallets and dumpsters.
- The Councilor has received complaints from Dr. Joel Gonzales who has offices in the building next door that at times the acrid smell which is a result from the brewing process goes directly into his office. He asked that Mr. Goldberg and Ms. Schlichte have a conversation with Dr. Gonzales regarding this issue to

see if there is a need to raise the chimney or find another way to alleviate that situation. He asked they report back to the Committee on that conversation.

- There is condition on the Chapter 91 license that there is a sign displayed showing public bathrooms [are available]. He did not see any signage indicating that on the property. The Councilor stated that Latitude 43 is supposed to have a public bathroom and the Gloucester House as well as a part of their Chapter 91 licenses. The Committee will ask that this stipulation be enforced.

**Ms. Schlichte** responded the DEP license states not only to the bathrooms need to be made available, but have to be publicized that it is available. **Councilor Verga** stated regarding public restrooms that, “signage should be prominently displayed on the exterior of the building...” The Committee would like to see the signage in place as soon as possible; the dumpster issue resolved as well with a screening that would blend in visually with the surroundings. **Ms. Schlichte** reiterated the CABC has to stay under 50% of the square footage of the parcel as a whole under the Chapter 91 license. **Councilor Ciolino** reminded Ms. Schlichte of the first time he was before them for the Special Council Permit for the brew pub at 9-11 Rogers street that at that time they told Mr. Goldberg, and he agreed, when rounding that corner on Rogers Street this area is the City’s “front door – a first impression of the City”. **Councilor Hardy** noted Mr. Goldberg had told them also at that time it would be beautiful and pristine. **Ms. Schlichte** expressed her belief most of the issues can be addressed that the Committee pointed out with a little attention. **Councilor Hardy** stated with regard to the Chapter 91 license, the applicant proceeds at his own risk and expense, and that the DEP decisions in that regard supersedes the City. The Councilor also noted the drawing provided to the Council showing the dimensions of awning in question is very difficult to read. She asked the applicant to submit one of a larger size.

**Councilor Verga** summed up the Committee’s requests of the applicant to be addressed immediately:

1. the application to reflect the dimensions of the awning and a larger version of the drawing with the dimensions be submitted;
2. signage for the public restrooms be displayed prominently on the exterior of the building;
3. screening on the cyclone fence addressed immediately;
4. that the applicant contact Dr. Gonzales to address his concerns;
5. and that a letter stating the status of the above be submitted to the P&D chair as soon as possible, ahead of the next regularly scheduled Committee meeting.

The Councilor further commented the Committee would wait and let the Chapter 91 license issues run its course. **Councilor Hardy** agreed with Councilor Verga’s summation and wished for Mr. Goldberg to understanding that it is not just fencing. He has to screen the fencing. **Councilor Ciolino** reiterated they are not “picking on” Mr. Goldberg, but that the dumpsters must be screened and that they are tackling that issue throughout the City wherever dumpsters are installed. It is the intention of the Committee to review other special permits for compliance as well. He asked that a letter be submitted to the P&D Committee when the dumpster is screened, the signs are up for the bathrooms, and a meeting was had with Dr. Gonzales. Ms. Schlichte was also asked to submit a letter asking the Council for a continuance of their public hearing which is scheduled to open on June 26, 2012 to July 24, 2012. Ms. Schlichte would also address a letter received by the Committee from Ms. Patti Page’s regarding DEP concerns directly with Ms. Page (who was in attendance).

**This matter is continued to July 18, 2012.**

### **3. Request and Application from Reid’s Ride 8<sup>th</sup> Annual 28 Mile Bike-a-thon on July 15, 2012**

**Lorraine Saco**, Director of Reid’s Ride and **Brent “Ringo” Tarr** presented the Health Department sign off. Councilor Ciolino confirmed he had received a memo from the Police Department. Missing was the sign off from the Fire Department. This supports young adult cancer research, named after her son. They go to six towns (listed on file in application). It ends at Stage Fort Park with a cook out and awards. It comes in at Hough Avenue which is not closed down to through traffic. They celebrate at the gazebo. They are supported by Dunkin’ Donuts; and fire and police departments through all the towns. They also are awaiting the permit confirmation from Mark Cole, Assistant DPW Director. **Councilor Hardy** asked they notify the neighbors of the event. She also asked they put up poster board signs up advising of the bike-a-thon a day in advance. The event has grown from 200 to over 400 riders now. It is more of a family event also. It starts at 9:30 a.m. and leave by noon. They clean up the area with volunteer help and leave the area clean and remove all signage all along the route. **Councilor Hardy** expressed her endorsement of the application.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the P&D Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit Reid's Ride 8<sup>th</sup> Annual Bike-A-Thon on Sunday, July 15, 2012 to hold their fundraising motor cycle ride which starts in Lynnfield, MA and ends in Gloucester at Stage Fort Park 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 July 6, 2012.**

**2. Road Closure Plans:**

**Memoranda from the Police Department and Fire Department giving approval of the plans for the Backshore 5 Mile Road Race on July 15, 2012 to be on file with the City Clerks office on or before July 6, 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 July 6, 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 8:30 PM, July 15, 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 function halls, motels and hotels, and other businesses along the bike route.**

**7. Responsibility of the Reid's Ride organization:**

**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 the Reid's Ride organization 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.**

**Editorial Note:** The following matters had been continued to this meeting from the P&D Committee's 6/6/12 meeting but did not appear on the agenda nor were taken up at this meeting:

- *CC2012-012 (Tobey) General Counsel & Planning Director re: legal constraints governing the redevelopment of the I4-C2 parcel and measures Council would need to initiate to seek lifting those constraints*
- *CC2012-009 (Tobey) The Administration, P&D and the EDIC prepare an inventory of vacant commercial buildings*

The following items statuses, also continued to this date, have changed:

- *A request has been received by the Council in writing by the applicant for SCP2012-006: Pleasant Street #14, GZO Sec. 3.1.6 increase in building height over 35' and Sec. 3.2.2(a) advising their withdrawal the application and to submit a new application for a Special Council Permit due to substantial changes in plans;*
- *The matter of SCP2012-007: New Way Lane #50, GZO Sec. 5.13.7 (PWSF) Modification submitted the Affidavit of Notice to Abutters as requested by the Committee at their 6/6/12 meeting. The matter is now to proceed to public hearing scheduled to July 10, 2012.*

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:22 p.m.**

**Respectfully submitted,**

**Dana C. Jorgensson  
Clerk of Committees**

**DOCUMENTS/ITEMS RECEIVED AT MEETING:**

- Letter dated 6/20/12 from Attorney Catherine Schlichte on behalf of Action, Inc. requesting dismissal of request for disposition by sale of Marsh Street
- Letter dated 6/20/12 from Attorney Catherine Schlichte informing the Committee of her retention as counsel to represent Cape Ann Brewing Co. for their application for a modification of the Special Council Permit granted July 6, 2010 and for a continuance on the matter
- Permit to Operate a Food Establishment (temporary) issued by Health Department for by Reid's Ride organization