

CITY COUNCIL STANDING COMMITTEE
Planning & Development Committee
Wednesday, August 21, 2013 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall
MINUTES

Present: Chair, Councilor Greg Verga; Vice Chair, Councilor Tobey; Councilor Jackie Hardy

Absent: None

Also Present: Councilor Ciolino; Councilor Cox; Councilor McGeary; Councilor Whynott; Councilor LeBlanc; Linda T. Lowe; Suzanne Egan; Tom Daniel; Gregg Cademartori; Tony Gross; Jim Caulkett

The meeting was called to order at 6:34 p.m. There was a quorum of the City Council. The Committee took agenda items out of order. Councilor Tobey entered the meeting at 6:53 p.m. There is no longer a quorum of the City Council at 7:35 p.m. when Councilor McGeary departed the meeting.

1. Request to Amend Permit for Lone Gull 10K Road Race on September 15, 2013

Attorney Leonard F. Femino, Race Director of the Lone Gull 5K Race benefitting the Children's Center for Communications said that he was again before the P&D Committee due to a need for an additional road closure to through traffic on Nautilus Road for 2-1/2 hours from 8 a.m. to 10:30 a.m. The Police Department and Fire Department have submitted their approvals (on file) of this road closure change, which is being requested to ensure public safety during the road race for this annual fundraising event he noted.

The Committee members agreed with Mr. Femino and that of the Chiefs and voted as follows:

MOTION: On a motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 1 in favor, 0 opposed, 1 (Tobey) absent to recommend to the City Council to amend the special event permit for the Lone Gull 10K Road Race on Sunday, September 15, 2013 to include the following road closure:

- **Nautilus Road is to be closed from 8:00 a.m. to 10:30 a.m. to through traffic for public safety reasons. Appropriate signage is to be posted directing vehicular and pedestrian traffic to alternate routes.**
- **All other conditions from the City Council vote of May 14, 2013 shall remain the same.**

2. Memorandum from Mayor re: Request for Referendum Question on Designated Port Area (DPA) (Cont'd from 03/20/13)

Councilor Verga said that this is a matter carried over from March which was at the request of the Mayor regarding a request for a referendum question to gauge public sentiment on remaining in or seek a lifting of the Designated Port Area (DPA) designation. At the last meeting where this matter came up, the Committee discussed letting the Harbor Planning Committee (HPC) to do their work.

Councilor McGeary, member of the said the HPC has been meeting once a month since last autumn. The HPC is reviewing the 2009 Harbor Plan and are looking at changes permitted under the DPA and same time the City is requesting an administrative review of the State to review of the boundaries of the DPA, noting there are fairly rigid restraints to add or remove parcels. HBC at its last meeting hired a consultant who described to the HPC his charge to provide the HPC with what is possible financially, legally and economically feasible given the constraints of the DPA, and will give the HPC a range of what could be done currently within the DPA and what implications and changes the City could make under the Harbor Plan to develop parcels within the DPA. The consultant is with Ninigret Partners of Providence Rhode Island. Initial research by the consultant is ongoing, he said.

Councilor Tobey asked what the community could reasonably expect of the maximum extent of change in the DPA through this process, or is it dependent on what the consultant reports. **Councilor McGeary** said some of it is coming to consensus by the HPC: it is a long and tortuous fact finding process to date. However there is consensus to create greater flexibility while retaining the DPA, he said. **Councilor McGeary** added there are some proposals shopped around that within the current State Chapter 91 and CMR there are some things that the HPC thinks it can do to make it more attractive to develop property and retain the intent the DPA to protect the industrial part of the port. The City was supposed to get something in exchange from the State for instituting the DPA, but that is slow in coming he pointed out.

Councilor Tobey said that he filed two Council Orders coming forward under the Council Consent Agenda on August 27th; one will be a renewal to take I4-C2 by legislative action a Home Rule Petition out of the DPA which he said he assumed was not in front of the HPC. **Councilor McGeary** said that would have to be an act of legislation and not something the HPC can do. **Councilor Tobey** said the second Council Order to refer to P&D the matter of adding Council support to the application of Cape Pond Ice to be removed from the DPA. He said that the community needs to do to have a mature, informed, conversation about its future, is to figure out, given all the change over the decades, what the existing scope of investment opportunity in the industrial working waterfront is likely to be versus the extent to which the City has land banked huge parcels so that can begin adapting, changing. **Councilor Tobey** noted he did not have any expectation that the administrative process that the Administration has determined that it will take its current course will bring about any meaningful change; that in 10 years things will look much the same as they do now because of it.

Councilor McGeary said what is likely to emerge is some tools but won't be a game changer. There is a strong voice in the HPC that the DPA has to be preserved in some form; that the market can't simply drive that process. That is the trade off and discussion to be had by the HPC, he said. **Councilor McGeary** said the consultant told the HPC that one of the issues that committee will have to make is a judgment on what is the future of the fishing industry in Gloucester which has a range of views and will have to make a best informed judgment.

Councilor Tobey said he hoped this was guided by hard-nosed sense of reality not romance and further hoped people have conversations of visions of what things will look like in 10 to 20 years. He asked if the Mayor gave the P&D Committee a question related to a ballot question on the DPA. He suggested there should be a ballot question to abandon the DPA.

Councilor Verga noted he was a member of the HPC also and that Mike Potter from the HPC was present as well. The Councilor added the HPC is no where near reaching consensus and pointed out that the deadline for a ballot question is September 10th. He requested that the Administration let the Council know if they are still interested in driving forward with a ballot question. **Councilor Tobey** also requested that the Mayor or her designee attend the September 4, 2013 P&D Committee meeting.

This matter is continued to September 4, 2013.

3. *Review & Recommendation for the Disposition of Real Property re: property located at 8 Washington Street (Legion Building) (Cont'd from 07/17/13) and American Legion Site Visit Report from June 19, 2013*

Councilor Verga said that the Committee is in receipt of an email request from **Attorney Mark Nestor**, representing the American Legion who has requested that this matter be continued to September 18th in order to give the American Legion more time to develop cost-savings procedures and plans for reparations to the interior of the building. By unanimous consent the Committee agreed to a continuance of this matter.

Councilor Tobey said two outstanding requests need answering before having discussion with the Legionnaires. The Committee had asked for detailed financial records and accounting on getting the building rehabilitated back in the 1990's. The Clerk of Committees, **Dana Jorgenson** confirmed the information had been forwarded to the Committee in early July and was on file in the City Clerk's office which she said she would forward again to the Committee. **Councilor Tobey** asked if the Committee had received anything from the Administration by way of substantive plans on how they would propose over the coming years to fulfill the obligations the Administration said they were willing to assume maintenance of the exterior of the building, as he said Mr. Duggan, CAO had indicated as such before the Committee at a previous meeting. He asked this request be re-forwarded to the Administration. **Councilor Tobey** also said he was encouraged that the Legion is getting it together, but the City needs to do the same. He asked further the purchasing agent to come to the meeting of September 18th and to consider a two year lease.

Councilor Whynott added he was pleased this all was moving ahead.

This matter was continued to September 18, 2013.

4. *CC2012-049(Tobey/Verga) Council review of matter of self-storage service facilities and determine whether they should be restricted or regulated (Cont'd from 08/07/13)*

Councilor Verga said this initiative of Councilor Tobey and he was introduced a while ago regarding concern for "spite" zoning.

Gregg Cademartori made the following direct statements to the Committee:

The Committee is in receipt of a memorandum from the Planning Director, Gregg Cademartori dated August 16, 2013 (on file) which informed the Committee that after a public hearing held on July 18, 2013 which concluded in a second session on August 15, 2013 the Planning Board voted to recommend the adoption the amendment to the Gloucester Zoning Ordinances to add a definition of a self-storage service facility under Section VI “Definitions” the definition of a self-storage service facility and a new line item in the use tables under Sec. 2.3.5, Industrial Uses, subsection 8 which would not change the districts which they are allowed in but adds an additional restriction on the potential development on lands less than originally proposed Elevation 12 but is now proposed at Elevation 13. This specifically addresses those sites the Council expressed concern over and is consistent of the new FEMA mapping of the flood plain to be adopted this January and potentially by the City in July 2014.

The Committee voted as follows:

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

- **“ADDING under Section VI “Definitions”: “Self-Storage Service Facility – A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property and other non-hazardous durable goods, excluding vehicles. The use of units for other than dead storage is prohibited.”**

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

- **“ADDING under Section 2.3.5 “Industrial Uses” new subsection 8: “Self-Storage Service Facility (4)**

R-80	R-40	RC-40	R-30	R-20	R-10	R-5	CCD	CB	VB	NB	EB	MI	GI	BP
N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y

(4) With the exception of the MI District, no self-storage service facility may be permitted on land with an elevation less than 13 relative to the North Atlantic Vertical Datum (NAVD).”

5. CC2013-020 (Hardy) Amend Gloucester Zoning Ordinance under Sec. 1.11.2(e) by repealing Sec. 5.5.4 Lowlands (Cont’d from 06/19/13)

Councilor Hardy, who’s Council Order prompted this action, said that it was obvious over the 8 years she served as Councilor that Sec. 5.5, particularly Sec. 5.5.4 Lowlands has been a redundant type of ordinance. P&D has everything referred to it under Sec. 5.5.4 when in fact all the Council does is approve what the Conservation Commission (ConCom) and the Zoning Board of Appeals (ZBA) have already approved. **Councilor Hardy** said in an effort to streamline the permitting process for anyone involved in the process be they applicants, attorneys or City staff, she made the proposal to pursue the elimination of Sec. 5.5.4 to remove it from the Zoning Ordinances and put it back where it belongs, before ConCom and the ZBA. Having obtained permission from this Committee, it was forwarded to the Planning Board and Mr. Cademartori took it from there and did a wonderful job, she added.

Mr. Cademartori made the following statements related to his memo dated August 16, 2013 (on file) on the Planning Board’s recommendation to repeal GZO Sec. 5.5.4 as follows:

After a public hearing held on July 18, 2013 concluded in a second session on August 15, 2013, the Planning Board voted to recommend unanimously an amendment to the Gloucester Zoning Ordinances to repeal Sec. 5.5.4 Lowland Requirement in its entirety because it would remove an outdated ordinance that regulates projects that are already adequately reviewed by other State and local jurisdictions, and to some extent would result in the streamlining of the permitting of the same. In 2010 when there were amendments in the Harbor Plan this ordinance was to streamline the permitting in the inner harbor. This looks like it had the intent to relieve the inner harbor from having to apply for special permits but over time as things were amended the language of Sec. 5.5.4 brought it back to the Council specifically only after having been before ConCom and also having to go through potential Chapter 91 jurisdiction and permitting at the State level. Even docks and floats for private use had to come before the Council. Applicants can’t pursue a Chapter 91 license until they get the Council permit. The original intent was for environmental protection and safety. With the new FEMA mapping the rules will be more stringent and already are reflected in the

zoning ordinances. If 5.5.4 is removed the first three sections would have to be amended as well to reflect what is happening at the federal level. There are plenty of cities and towns that are looking at repealing the entire 5.5 Section.

Councilor Hardy added that it takes an additional six weeks to get through the Council process by applying for a Special Council Permit under Sec. 5.5.4, and an additional \$350. This begins to streamline the zoning ordinances and she would support it.

Councilor Verga said he too supported this streamlining of a permitting process by repealing GZO Sec. 5.5.4.

MOTION: On motion by Councilor Hardy, seconded by Councilor Tobey, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the Gloucester Zoning Ordinances by DELETING pursuant to Sec. 1.11.2(3), Section 5.5.4 entitled “Lowlands.”

6. CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections 21-81 through 21-85 to add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways (Cont'd from 08/07/13)

Suzanne Egan, General Counsel noted the draft language submitted by her department to the Committee (on file) and said this is to streamline and simplify the process to make it more understandable for residents and lays out the framework to seek city assistance to have private ways become public ways. There are a number of structural changes, she said, made working closely with the City Engineer and Assistant General Counsel, Victoria Caldwell. **Ms. Egan** pointed out this draft took into consideration of putting in standards and regulations in the subdivision control laws and to bring into the private ways what the city does to make its determination of taking a private way to a public way and then brings it into line with the standards. She said this language also adds an initial process where petitioners meet with the City Engineer who will make a determination as to whether or not a private way should be eligible for permanent repairs under the standards of a subdivision control laws.

Councilor McGeary pointed out the following fine points on the proposed draft ordinance amendment:

- “That the “up to 100 percent” in Sec. 21-83A and said it was fine but then it would need to specify on a petition what they are being asked to sign on for. Where the ordinance speaks about a petition, it may just be that the petition shall specify a percentage of the cost that the abutters will be expected to pay.
- The ordinance requires that the abutters/people seeking the permanent repairs prepare engineering plans. However, at the time of the petition when they go to the City Engineer it should say, “Preliminary estimates by the City Engineer shall be prepared prior to the meeting and petition for inclusion in the petition. Such estimates shall provide initial guidance for abutters in seeking a petition for repairs and shall not substitute for engineering plans as described in Sec. 21-85.”

Councilor McGeary said his second point was this gives a formula so people know what they are facing, a ballpark figure.

- On Sec. 21-83 B, second line, “may satisfy its financial obligation under Sections A and B on this section.
- The petition should have a blank where the petitioners say what their understanding of what they should pay. That needs to be included in the description of the petition.

Councilor Hardy said in the past there was difficulty in being able to easily read the ordinance and asked did it now flow logically. **Councilor McGeary** said that it did and is now also sequenced correctly.

Councilor Verga noted that Linda T. Lowe, City Clerk did assist the Committee in the difficult task of resequencing the ordinance. This was a problem with several private ways waiting in the wings for funding on previously approved private ways for permanent repairs. He said he liked that it combines two steps of the repair to public roadway which was logical. This also includes the DPW in the process as well which he said he appreciated.

Councilor McGeary discussed with **Councilor Verga** that it is anticipated that each year there would be a line item put into the City budget moving forward.

Ms. Lowe and **Councilor Hardy** discussed the form that people would file with the City Clerk’s office asking that the form be numbered.

Councilor McGeary said the reasons of up to 100 percent was placed in the language was that if some group of abutters wanted to fund the project in its entirety they could if willing to do so.

The Committee by unanimous consent forwarded the Private Ways draft ordinance to the O&A Committee as to be revised in final form and red-line form by the Legal Department for their September 16, 2013 meeting.

7. *Capital Improvement Advisory Board's Annual Report (CIAB) – FY13 (Cont'd from 08/07/13)*

Councilor Tobey said it would be useful for the community to have a presentation of the Chair of the CIAB with input from the CFO of what the findings were and what the financial direction of the City is. It was his experience when Mayor, he said to receive from then Chair Constantine Maletskos, that set the stage for the next 10 years and was roundly discussed and helped to shape the vision of the direction of the City.

Councilor Hardy said the report submitted to the Council was text driven. There were no facts, figures, no spread sheets, no beginning dates, no end dates, no priorities, and is completely subjected. She said a detailed spreadsheet will allow for priorities to be rearranged and better know and understand what the priorities are. This report, she said, meant nothing.

Councilor Verga mentioned he read in the paper that the Administration was moving ahead with an RFP related to a combined public safety building at the Fuller site.

Councilor McGeary said there is a five-year plan and this submitted report was to have assigned priorities and is the piece that is missing. That five year plan t has the numbers but that the priorities aren't set.

Councilor Tobey said a text driven report can be beneficial. It is not what is needed right now and is more a spreadsheet prioritization that is needed.

Mr. Cademartori said he believed the CIAB report forwarded by the Administration was for the Council's information. The five year plan is a draft report and has not yet been forwarded to the Council. This report is the take of the Administration's five-year plan that the CIAB reviewed over the last 18 months. It is a companion document to go with the five-year plan that does set the Administration's priorities for capital projects over a five year period. There was absence of water and sewer because of master planning ongoing in those areas. The report only addressed general obligation. If the Council is not seeing the two reports together, the role of the CIAB is to advise the Administration on the five year plan but don't write the plan; and although it comments on the priorities, the CIAB doesn't set the priorities.

Councilor Tobey pointed out the CIAB advises the Administration and the community in setting those priorities which is a critical role and is Charter driven.

MOTION: On a motion by Councilor Tobey, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0opposed to request that the Chair of the CIAB and the CFO for the City of Gloucester appear before the Council at their September 24, 2013 meeting to make a presentation on the contents of the CIAB FY13 Annual Report.

There is no longer a quorum of the City Council at 7:35 p.m. when Councilor McGeary departed the meeting.

8. *Memorandum and relevant material from Harbormaster re: two Land Management Agreements/Grants:*

a) *Restoration of the County Public Landing located on Stacy Boulevard next to The Tavern*

Tony Gross, Waterways Board Chair said this is the mess left from the CSO project by the Tavern. The state has offered to finish it with a car top landing. This will be for canoes, paddle boards, kayaks. The plan (on file) shows the outline. ConCom and shellfish have given their preliminary approval, said Jim Caulkett, Harbormaster. This is the next step to inform the Council of the Land Management then it goes through the State for . The state takes th4e fiscal responsibility. They will do weather repair. The initial cost is by the State for boating or fishing public access and it is their installation and their contractors. It is a joint ownership. This is just like at Dun Fudgin. There will be some parking requirements that have to go with this that have not been fleshed out, he said.

Councilor Verga said now the parking is first come first served. Parking, Mr. Gross said, will be a much smaller issue. Doug Cameron, the project manager for the State is very familiar with the site and understands the restrictions surrounding this site, he said. During the Blackburn Challenge the State will give the special permit automatically, he noted. There is never any issue, he was told by Mr. Cameron with these landings. There are no fees associated with this landing either, he added. In the contract (on file) it says if a fee is charged it all has to be spent on that particular landing. Fees are charged at Dun Fudgin landing and those fees all have to be spent there.

Councilor LeBlanc asked how wide the cement strip is. **Jim Caulkett**, Harbormaster said it would be the width of the existing ramp. It will be graded slowly back towards Western Avenue and will not take up any of the beach, he assured. The granite stairs will be repaired that come off the Boulevard, by the State, as part of this installation. Hot top will be married together, **Mr. Gross** said. But it is a question that he said he would ask Mr. Cameron about. When the formal notice to ConCom is made, it will be clearer on what the repairs are. The DPW will be responsible for light maintenance of things like removing storm debris and sand from the ramp. This is a non-binding land management agreement which goes back to the State, and then the money is freed up for the design phase. **Councilor LeBlanc** was assured that no vehicles would drive on the beach by **Mr. Gross** and **Mr. Caulkett** and that there would be bollards as added protection in preventing vehicles from accessing the beach; but it is also a beach management issue. It would be worked out in the design phase, **Mr. Caulkett** said.

Mr. Gross said there will be restrictions on the parking on the concrete strip. The existing picnic table will remain. The landing isn't that big of a space. **Councilor Hardy** expressed her concern there be no further restrictions on picnicking and the like in that area.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Tobey, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council pursuant to MGL c. 21A, §2(8) and §11B to approve the proposed Land Management Agreement with the Massachusetts Department of Fish and Game, Fishing and Boating Access in consideration of the construction, improvement or repair, maintenance and daily operation of a fishing and/or boating access facility located at the County Public Landing on Western Avenue, Assessor's Map 3, Lot 72, which directly abuts 30 Western Avenue, Map 2, Lot 24, in the City of Gloucester with the following condition:

1. That the Harbormaster's Office obtains the approval of the Conservation Commission.

b) Creation of a fishing pier off Stacy Boulevard located to the west of the Blynman Canal

Mr. Gross said in discussions in squaring away money on Dun Fudgin, Mr. Cameron said State is using the revenue from the new fishing licenses to put in recreational fishing piers and indicated his department would like to locate a fishing pier on the North Shore; and it needs to be a spot that has fish. The Mayor asked Mr. Gross to pursue this, he said. The City's pier would be longer than what is shown in the committee packet (on file). The State Fish Pier was rejected as a site for recreational fishing. The new pier would be located where the sea wall is intact just west of the Blynman Canal near a rock pile with a day marker on it, **Mr. Gross** pointed out. It will require parking and some handicapped parking spaces. There has to be parking that is just for the pier but can be duly used for public access within ¼ of a mile of it. The pier is about 100 feet out. There is no tie up or swimming and there will be no access ladders.

Councilor Tobey said he did not wish to see this advance until there is a plan before the Committee. **Mr. Gross** said this can't move forward with the State until there is a Land Management Agreement with the State. He said this would change the face of the Boulevard and may change the prospects of trying to find a way to create expanded mooring and more dockage opportunities in the harbor. He pointed out that there was a process not long ago with the Birdseye proposal that would shift the face of Gloucester harbor by putting something on the landward side of Pavillion Beach. He did not want to build something into the harbor unless there was serious study done of what it will look like and community consensus that a pier should be there. This does, he said, tie directly into the fact of his disappointment in the transient moorings has yet to yield a report distributed to the City Council. **Councilor Tobey** said he wants to see the report on the transient floating harbor marina with the financial ramifications. He did not see responsiveness to the community from the Waterways Board and looked forward to the conversation on the transient floating harbor marina.

Mr. Gross said he would like to see a much better planning also, and understood and agreed with Councilor Tobey's concerns. But he said this fishing pier has no fees associated with the pier and the State pays for its maintenance and is in the contract; it is being paid for out of the State salt water licensing fees. It is parking that is being given up by the City, he said.

By a unanimous vote of the Committee, his matter is tabled until a plan is submitted for parking and for the siting of the pier and all other particulars.

9. CC2013-032 (Whynott/Hardy) Request that the Administration arranges to have lighting installed at the new Bocce court

Councilor Verga noted that Councilor Whynott has submitted a Councilor Request to the Mayor and so there is no Council action.

This matter is closed.

On a matter previously taken up at the special P&D Meeting of August 15th, the Committee entertained amendments to the motion passed making a recommendation to the City Council to permit Essex County Velo's (ECV) Gran Prix Cyclo Cross event on September 28 and 29, 2013.

Ms. Egan who submitted a memo (on file) dated August 19, 2013 regarding a Bond for the Repair of Stage Fort Park offered that Condition #12 covering this matter should be more specific as to the original or better state of the park, but **Councilor Hardy** said that there is a Condition #9 that requires the submission of a video on DVD documenting the original conditions pre-race. Ms. Egan, upon hearing Councilor Hardy's proposed language confirmed this now covers all the issues surrounding the performance/surety bond.

Councilor Ciolino added he concurred with the amendment to Condition #12 as the original proposer of the condition.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent to amend the P&D Committee vote of August 15, 2013 regarding the Essex County Velo Gran Prix Cyclo Cross Race, September 28 and 29, 2013 by deleting Condition #12 "A Performance/Surety Bond for Repairs to Stage Fort Park" and replacing it with the following language:

"12. A Performance/Surety Bond for Repairs to Stage Fort Park:

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Essex County Velo and payable to the City of Gloucester submitted to the Director of Public Works by Essex County Velo to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 28 and 29, 2013. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Essex County Velo in whole if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2014. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the performance/surety bond will then used to take the necessary steps to complete the park reparations."

Councilor Hardy then spoke to the issue of the need for residents to continue use of the Dog Park at Stage Fort Park during the weekend of the ECV event and offered the following amendment as Condition #16. She also noted that the Dog Park people will reach out to the DPW to mark off the area and have a copy of the restriction posted to signage. She also said she had a memo (on file) submitted to the City Council by the Friends of the Gloucester Dog Park, Louise Grindrod, Chair, which she read in part to the Committee.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent to amend the P&D Committee vote of August 15, 2013 regarding the Essex County Velo Gran Prix Cyclo Cross Race, September 28 and 29, 2013 by adding the following Condition #16:

16. Use of Dog Park by City Residents during Essex County Velo Event 2013:

Essex County Velo shall be restricted from use of the Gloucester Dog Park which is located in the southerly section of the Stage Fort Park parking area. Said restriction shall include but not be limited to the following:

- **That the Dog Park is not to be used as part of the event course;**
- **There shall be no parking of automobiles or storage of bicycles or other equipment or any erection of temporary structures, tents.**

Councilor Ciolino asked that the Run-Up and Half Moon Beach not to be used as part of the ECV race course, as well as the area surrounding the Betty Smith Garden and asked that this be an added condition.

David Dow, 12 Essex Street added that a fourth area in need of protection was between the Visitor Welcome Center and the four corners near the fort. He pointed out that particular area is within a protected wetlands area. **Councilor Verga** noted that Paul Boudreau, Director of ECV at the August 15th meeting had said that area would not be used.

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent to amend its vote of August 15, 2013 with the following condition #17:

17. Areas of Stage Fort Park Not to be Used in the 2013 Essex County Velo Gran Prix Race Course:

- **Half Moon Beach;**
- **The area from Lucy B. Davis Pathway, to the playground area (so called “Run up”);**
- **The area surrounding the Betty Smith Garden and the Gloucester Garden Club Garden;**
- **The area between the Visitors Welcome Center and the fort which is a wetlands protection area.**

Councilor Tobey entered the meeting at this time.

Councilor Hardy offered one last amendment that the words “Conservation Commission” be added into Condition #11 and was voted by the Committee as follows:

MOTION: On motion by Councilor Verga, seconded by Councilor Hardy, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Tobey) present to amend its vote of August 15, 2013 with the by inserting the words “Conservation Commission” into Condition #11 after the words “Board of Health,”.

Therefore, the final motion to move forward to the City Council for public hearing on Tuesday, August 27, 2013 will be placed before the Council as follows:

MOTION: On motion by Councilor Ciolino, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Essex County Velo Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 28, and Sunday, September 29, 2013 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 August 27, 2013.

2. Traffic and Road Closure Plans:

a) Memoranda from the Police Department and Fire Department giving approval of the plans for the Essex County Velo Cyclo-Cross Race to be on file with the City Clerks office on or before September 13, 2013. 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 13, 2013. After Council permit is granted if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval or the change.

b) Traffic Signage:

The applicant is to place signage on the roads leading in and out of Stage Fort Park to be sure it is clear to the public which access roads are closed but that the Visitor’s Center is accessible.

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the Essex County Velo event organizer. Any portable toilets (including the two required handicap accessible) are to be provided, maintained and paid for by the event organizer and must be in place the evening before the first day of the event or early in the morning of the day of the event and removed no later than 9:00 p.m. Sunday, September 29, 2013.

4. Emergency Services:

Emergency services are as required by the Fire Department Emergency Medical Services Director, Sander Schultz.

5. Staffing:

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

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

Notice shall be made by the Essex County Velo Gran Prix Cyclo Cross 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 and Hough Avenue.

7. Course Adjustments:

The Essex County Velo event organizers are to present a written detailed list of all activities that require the assistance of the Department of Public Works (rocks to be moved or equipment to be moved, etc.) at least 7 calendar days prior to the event.

8. On-Site City Staff:

The Public Services Superintendent, or his representative, is to be on site during the event in order to facilitate any problems that might arise during the event. The cost of this service will be covered by the event organizers.

9. Videotaping of Pre-Event Conditions:

Once the course is set up, the Essex County Velo event organizers will walk the entire course with a video camera. This video will be delivered to the Department of Public Works within 7 calendar days of the event; the video will then be used to determine prior conditions when discussing the repairs post-race.

10. Site Walk Post-Event:

On the Monday immediately following the event a group consisting of the Assistant Director of Public Works, Public Services Superintendent, a member from Essex County Velo, Ward Councilor, and the landscape contractor hired for the Stage Fort Park repairs will walk the entire course to inspect the course for damages. Any damage to the park will be documented, discussed and a solution agreed upon by the group prior to any repairs being started. A start date for repairs will be agreed upon and a follow up meeting at the site will be scheduled two weeks after the repairs have been completed. Any discrepancies will be reviewed with the help of the pre-race video.

11. Responsibility of the Essex County Velo organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health, Conservation Commission, and the Licensing Commission. It is the sole responsibility of the Essex County Velo 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.

12. A Performance/Surety Bond for Repairs to Stage Fort Park:

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Essex County Velo and payable to the City of Gloucester submitted to the Director of Public Works by Essex County Velo to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 28 and 29, 2013. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Essex County Velo in whole if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2014. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the performance/surety bond will then used to take the necessary steps to complete the park reparations.

13. Cap of Entrants:

The maximum number of entrants to this event is set at 1,000 per day for each day of the 2013 Gran Prix Cyclo Cross event.

14. Staking of Repaired Areas to Stage Fort Park:

Post-event, staking of the repaired areas of Stage Fort Park that require loam and seed will be erected to prevent damage to the areas by foot traffic or vehicles and shall be maintained in good order until the DPW determines the date of removal.

15. Related Costs to the Event:

Essex County Velo organization is to pay the City of Gloucester any costs for City services related to the race course and affected adjacent areas of Stage Fort Park before, during and after the 2013 Gran Prix Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Essex County Velo Event 2013:

Essex County Velo shall be restricted from use of the Gloucester Dog Park which is located in the southerly section of the Stage Fort Park parking area. Said restriction shall include but not be limited to the following:

- That the Dog Park is not to be used as part of the event course;
- There shall be no parking of automobiles or storage of bicycles or other equipment or any erection of temporary structures, tents.

17. Areas of Stage Fort Park Not to be Used in the 2013 Essex County Velo Gran Prix Race Course:

- Half Moon Beach;
- The area from Lucy B. Davis Pathway, to the playground area (so called "Run up");
- The area surrounding the Betty Smith Garden and the Gloucester Garden Club Garden;
- The area between the Visitors Welcome Center and the fort which is a wetlands protection area.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:01 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Aerial Photograph of the Boulevard with a rendering of a fishing pier shown on the western side of the Blynman canal by Tony Gross, Waterways Board chairman