



GLOUCESTER CITY COUNCIL  
Planning & Development Committee  
**Wednesday, January 8, 2014 – 6:00 p.m.**  
1<sup>st</sup> Fl. Council Committee Room – City Hall

AGENDA

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

1. ***RZ2013-002: A portion of #52 Whitmore St., Assessor's Map 21, Lot 7 from General Industrial (GI) to R-10 (Medium/High Density Residential) TO BE CONTINUED TO JANUARY 22, 2014***
2. ***Revisit of Free Petition in accordance with City Charter Sec. 9-1(b) re: Condition, Restoration and Preservation of Stage Fort Park***

COMMITTEE

Councilor Greg Verga, Chair  
Councilor Paul Lundberg, Vice Chair  
Councilor Steven LeBlanc

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

CC: Mayor Kirk  
Jim Duggan  
Linda T. Lowe  
Tom Daniel  
Gregg Cademartori

**The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.**



**ELIASON**  
LAW OFFICE<sub>LLC</sub>

December 3, 2013

**BY HAND**  
City Council  
City of Gloucester  
Linda T. Lowe, Esq.  
City Clerk  
City Hall  
9 Dale Avenue  
Gloucester, MA 01930

13 DEC -3 PM 2:52  
CITY CLERK  
GLOUCESTER, MA

RE: Re-Zoning Petition – 52 Whittemore St., Map 21, Lot 7

Dear Attorney. Lowe:

Enclosed for filing please find an Application for Re-zoning relative to a portion of the property located at 52 Whittemore Street, Map 21, Lot 7 (“Premises”). I have enclosed the following documents for submission to the City Council:

1. Application for Re-zoning
2. List of Abutters
3. Plan showing area to be re-zoned

The applicant is seeking to rezone a small portion of the Premises that is currently zoned General Industrial (“GI”) to Residential R-10 (“R-10) so that it will be consistent with the zoning of the remainder of the Premises. The area to be re-zoned contains 2,345 SF. The Premises that it is a part of contains 3.33± acres (144,847± SF). The zoning discrepancy is the result of a reconfiguration of lot lines between the Premises and the abutting parcel located at 44-50 Whittemore St., Map 21, 10, which is currently zoned General Industrial. The small area zoned GI juts out into the R-10 portion of the Premises creating an awkward entry into the Premises. Once re-zoned, the small GI area will be used as part of a proposed residential subdivision road to access 5 lots planned for the Premises. A preliminary

OFERDIA A. ELIASON, ESQ.  
63 Middle Street  
Gloucester, MA 01930

Tel: 978-283-7433  
Fax: 978-283-9966  
eliason@eliasonlawoffice.com  
eliasonlawoffice.com

Linda T. Lowe, Esq.  
City Clerk  
December 3, 2013  
Page 2 of 2.

subdivision plan has been submitted to the Planning Board for consideration and the City Planning Director has requested that this issue be addressed.

Kindly file the Application for Re-zoning and the accompanying documents with the City Council. If you have any questions or require any additional information, please feel free to contact me.

Very truly yours,



Deborah A. Eliason

DAE/arr  
Enclosures  
cc: John D. McNiff, Jr., Trustee (w/o enc.)

APPLICATION FOR REZONING

App. No. RZ2013-002

Date 12/3/13

TO THE CITY COUNCIL OF THE CITY OF GLOUCESTER, MASSACHUSETTS:

I(We), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance of the city of Gloucester as herewith requested, and in support of this application the following facts are submitted:

1. The Property sought to be rezoned is located at:

Street: portion of 52 Whittemore Street

On the Westerly side of the street, known as lot number Map 21, Lot 7

It has a depth of \* \_\_\_\_\_ and Frontage of \* \_\_\_\_\_ feet

2. Present zoning classification General Industrial (GI)

3. Proposed classification Residential - 10 (R-10)

4. The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property to be rezoned:

NAME	STREET	CITY OR TOWN
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See attached Abutter's List

(Please attach extra sheet for more names)

5. It is proposed that the property will be put to this use:

Portion of residential subdivision road

6. It is proposed to construct the following buildings:

None

7. Attached is a copy of the required map which shows my property and surrounding area, with all abutters circled.

SIGNATURE AND ADDRESS OF OWNER: Cape Ann Forge Trust  
John D. McNiff, Jr., Trustee  
11 Blackburn Center  
Gloucester, MA 01930

\* see attached Plan

SIGNATURE OF PETITIONER:

Cape Ann Forge Trust  
John D. McNiff, Jr., Trustee

13 DEC -3 1 PM 2:19  
CITY CLERK  
GLOUCESTER, MA



# City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 21-7

Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.  
Gloucester Board of Assessors.

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 21 Lot 7 as further shown on the attached map dated 12/4/2013.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
37-64 HARRIS ARTHUR E & SANDRA M	1 GLOUCESTER AV	37-64	HARRIS ARTHUR E & SANDRA M 1 GLOUCESTER AV GLOUCESTER, MA 01930
37-49 CURTIS CYNTHIA L & REDINGER THOMAS B JR	2 GLOUCESTER AV	37-49	CURTIS CYNTHIA L & REDINGER THOMAS B JR 2 GLOUCESTER AV GLOUCESTER, MA 01930
21-8 DUNFUDGIN LLC	33 EMERSON AV	21-8	DUNFUDGIN LLC PO BOX 1637 GLOUCESTER, MA 01931-1637
21-6 GLOUCESTER TRANSIT MIX	45 EMERSON AV	21-6	GLOUCESTER TRANSIT MIX PO BOX 1328 GLOUCESTER, MA 01930 0000
21-5 GLOUCESTER TRANSIT MIX	49 EMERSON AV	21-5	GLOUCESTER TRANSIT MIX PO BOX 1328 GLOUCESTER, MA 01930 0000
21-4 GLOUCESTER TRANS MIX	51 EMERSON AV	21-4	GLOUCESTER TRANS MIX PO BOX 1328 GLOUCESTER, MA 01930 0000
37-17 MORRIS MARGARET & MORRIS JAMES	30 RIVERSIDE AV	37-17	MORRIS MARGARET & MORRIS JAMES 30 RIVERSIDE AV GLOUCESTER, MA 01930
37-18 SMITH JANET LEE	31 RIVERSIDE AV	37-18	SMITH JANET LEE 23 LAWRENCE MOUNTAIN RD GLOUCESTER, MA 01930
36-14 SCOTLAND PROPERTIES LLC C/O EAGLE TRIBUNE ATTN: TAX DEPARTMENT	36 WHITTEMORE ST	36-14	SCOTLAND PROPERTIES LLC C/O EAGLE TRIBUNE ATTN: TAX DEPARTMENT 445 DEXTER AV SUITE 7000 MONTGOMERY, AL 36104-3742
21-10 MCNIFF JOHN D TR CAPE ANN FORGE TR	44 WHITTEMORE ST	21-10	MCNIFF JOHN D TR CAPE ANN FORGE TR 12 BLACKBURN CENTER GLOUCESTER, MA 01930



# City of Gloucester Abutters Report

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ABUTTER

STREET ADDRESS

21-7  
MCNIFF JOHN D TR CAPE ANN FORGE TR  
52 WHITTEMORE ST

PARCEL NO.

21-7

TAX BILL ADDRESS

MCNIFF JOHN D TR CAPE ANN FORGE TR  
12 BLACKBURN CTR  
GLOUCESTER, MA 01930

I hereby certify that the above identifies the assessed owner of record and the mailing information for the parcel listed, as shown on the most recent tax list of the City of Gloucester Massachusetts.

Signed,

*Anthony Sandoz*

Name:

*Anthony Sandoz*

Title:

*Senior Clerk*

Date:

*12/14/15*

Authorized Representative of the City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

*Add Railroad owner*

*56-15*

*MBTA*

*36R Whittemore St.*

*MBTA*

*PO Box 845142*

*Boston, MA 02289-5142*

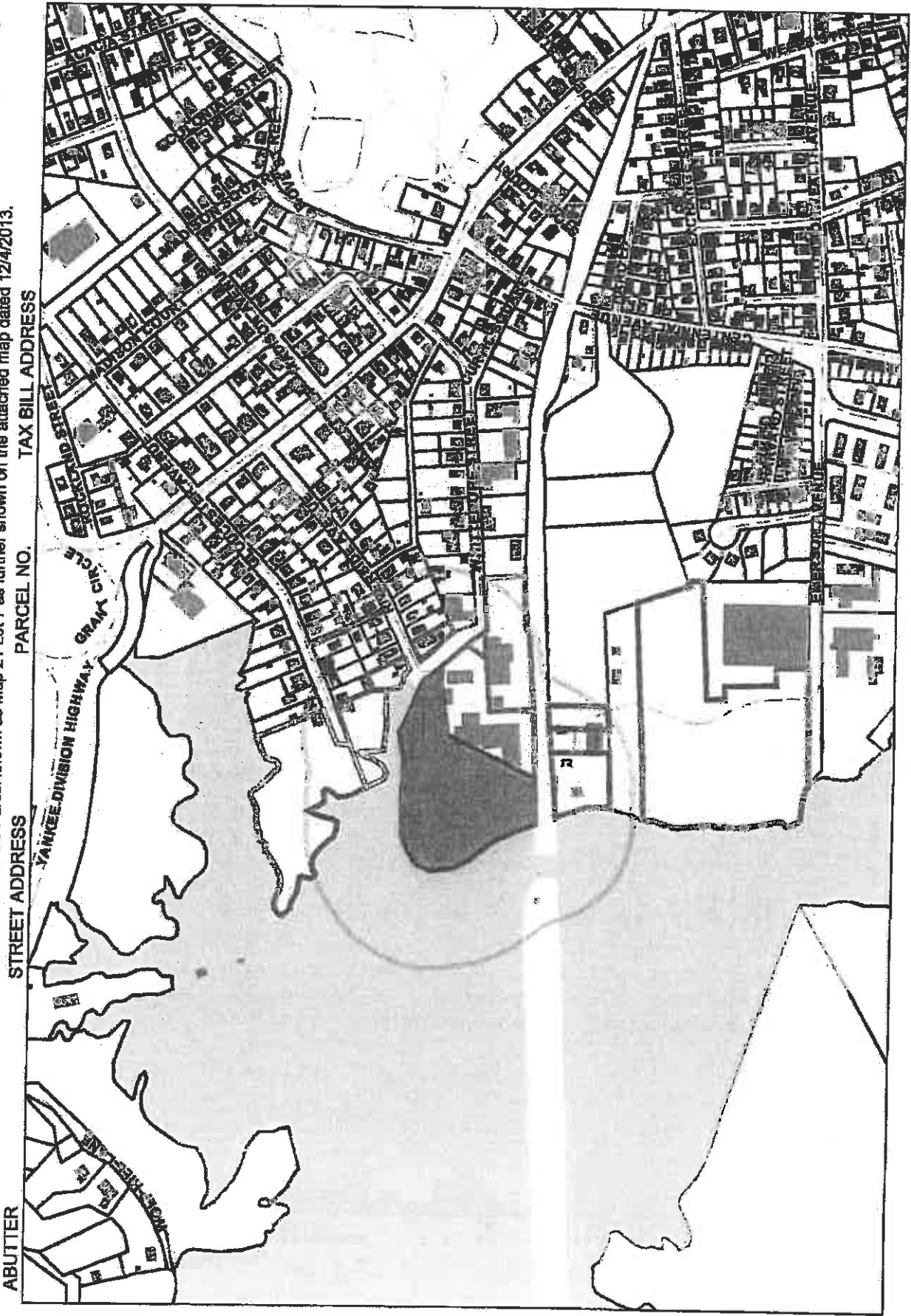


# City of Gloucester Abutters Report

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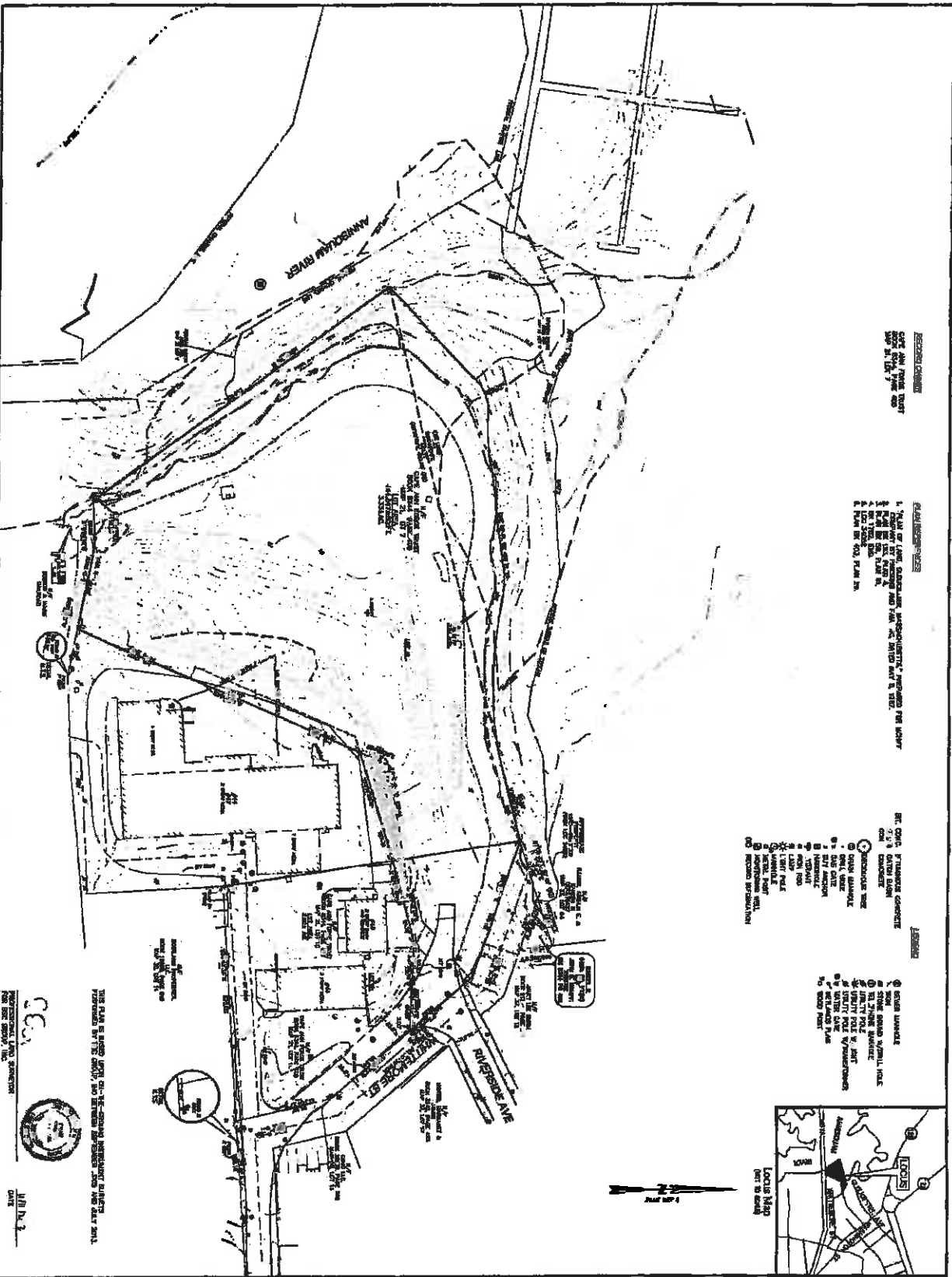


ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS

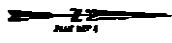
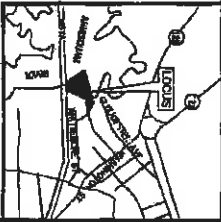


**RECORD NUMBER**  
 5221 AND 7888 TRUST  
 BOOK 2000 PAGE 200  
 2007 21 10 7

- PLANNING NOTES**
1. PLAN OF LAND SUBMITTED AND APPROVED FOR REVIEW BY THE BOARD OF ZONING AND LAND CONTROL MAY 6, 2010.
  2. THE PLAN IS SUBJECT TO THE ZONING AND LAND CONTROL ACT.
  3. THE PLAN IS SUBJECT TO THE ZONING AND LAND CONTROL ACT.
  4. THE PLAN IS SUBJECT TO THE ZONING AND LAND CONTROL ACT.

- RECORD INFORMATION**
- 1. ZONING DISTRICT
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- LEGEND**
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**CG**  
 PROFESSIONAL LAND SURVEYOR  
 No. 000000000  
 DATE: JUN 14, 2010

**ZONING MODIFICATION**  
 52 WHITTIER STREET  
 (page 21 of 27)

**GLoucester MASSACHUSETTS**  
 (ESSEX CO. 01930)

NOVEMBER 11, 2010

**BSC GROUP**  
 13 Wilbur Street  
 Boston, Massachusetts 02117  
 617.552.5800

**PLAN OF LAND**  
 MAP 21, LOT 7

Prepared by: [Name]  
 Checked by: [Name]  
 Drawn by: [Name]

Scale: 1" = 100'

DATE: JUN 14, 2010



**“Hazardous Materials Process or Processing” and new fees**

**The public hearing is open.**

**DISCUSSION:** Councilor Ciolino said that these are new fees pursuant to 527 CMR 33 and MGL 148 §10 and this brings us up in place with OSHA, EPA and the State.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council approve the institution of new fees pursuant to 527 CMR 33 Hazardous Materials Process or Processing and MGL 148, §10 and to Amend GCO Chapter 8, Article I. In General by ADDING a new Section 8-5 entitled, “Hazardous Materials Process or Processing” for permit and inspection requirements of \$50 per permit and a \$50 inspection fee as follows:

**Sec. 8-5. Hazardous Materials Process or Processing:**

Category 5: Vessel with a process covered by OSHA, PSM\* or EPA RMP\* Programs  
Category 4: Vessel > 300 gallons not covered by OSHA, PSM or EPA RMP  
Category 2 & 3: Vessel > 60 gallons but less than 300 gallons or an H occupancy due to vessel.

**MOTION:** On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed 1(McGeary) absent to approve the institution of new fees pursuant to 527 CMR 33 Hazardous Materials Process or Processing and MGL 148, §10 and to Amend GCO Chapter 8, Article I. “In General” by ADDING a new Section 8-5 entitled, “Hazardous Materials Process or Processing” for permit and inspection requirements of \$50 per permit and a \$50 inspection fee as follows:

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**4. PH2013-058: Group Free Petition under City Charter Sec. 9-1(b) re: Condition, Restoration and Preservation of Stage Fort Park**

**This public hearing is opened.**

**George Roark, 15 Beauport Avenue**, gave a presentation (on file) on behalf of Friends of Stage Fort Park regarding the condition, restoration and preservation of Stage Fort Park and the lack of a management plan for the preservation of the park. He also mentioned that in ten years it will be the 400<sup>th</sup> anniversary of the founding of Gloucester on this site. **Susannah Wolfe, Old Salem Road**, said part of the mission of Friends of Stage Fort Park is to increase awareness on Cape Ann of the iconic nature of Stage Fort Park, and made a recommendation to implement a Carry In Carry Out policy (on file) at Stage Fort Park. **David Dow, 12 Essex Street**, presented his suggestions (on file) for improvements to Stage Fort Park. **David Benjamin, 32 Revere Street**, spoke in regard to the maintenance of the Antonio Gentile Bandstand and surrounding area and presented his suggestions (on file). **Rebecca Aliberte, 10 Cedar Lane**, wanted to address the issue of hot coals that are dumped by the recreational users at Stage Fort Park. **Ms. Aliberte** said it would make sense to restrict the use of charcoal fires to a centrally located designated area in the park, as well as implementing a policy to allow cold meals or meals cooked over propane fire in other areas of the park. A second choice would leave nothing hazardous behind. **Steve Kaity, 5 Viking Street**, representing the Gloucester Rotary Club, said that the Rotary has been maintaining the bandstand for over twenty years. It is in disrepair and it is going to cost a lot of money to repair to bring it back up to snuff and would hate to have this go by the wayside. For the past ten years, the Rotary has been constructing and maintaining the playground. The Rotary would encourage and endorse any action that would maintain Stage Fort Park. **Meredith Fine, 20 Eastern Avenue**, said besides the historic reasons and all the other reasons that are being discussed, the City is missing a serious opportunity. Stage Fort Park is a unique property, which should have separate management, either as part of the Open Space and Recreation Committee or something similar as is happening with Newell Stadium. She said that lumping Stage Fort Park with all of the other recreational facilities, which DPW has so much to manage now already, is a mistake and a missed opportunity. The City could be

making a lot more revenue from this facility and could be much more beautiful. Lynch Park in Beverly is a beautiful facility and is making a tidying some of money for Beverly. **Bob Ryan**, 3 Blake Court, said he was here tonight as a resident and taxpayer and supports the Friends of Stage Fort Park. He expressed his disappointment that the City has neglected many of their properties and Stage Fort Park is one of them. He said the City has failed in its duty to be the steward and custodian of this beautiful asset. Cressy's Beach is one of the oldest beaches in the City, and he has gone to the Community Preservation Committee for the last two years. He had asked for \$149,000 to restore Cressy's Beach because of its historical value and recreational value. In a powerpoint presentation, he pointed out the erosion over the past 78 years, and said the City has done nothing to the beach since 1935. The City would need to invest \$149,000 to restore the beach, and he worked with the DPW Director to see what was required to restore the beach, and would like to see the sand back in the beach and a maintenance plan in place. **John McEachern**, 18 Myrtle Square, wanted to follow up on what Mr. Ryan said. He said that when he worked for the Beach and Rec Department there was a big push to do something about Cressy's Beach. There had been some question about the stone. The then Director had someone look at the stone, and it was deemed that that stone could be removed because it was not indigenous to the area. He said as Mr. Ryan pointed out in addition to that sand could bring the beach back and repeated the stone is not indigenous to the area and can be removed.

**DISCUSSION:** **Councilor Theken** said that she has been getting e-mails from people who are handicapped. Dirt walkways are not handicapped accessible to people who have remote wheelchairs or have to be pushed or have leg braces. They cannot enjoy the waterfront festivals and have to stay in their cars for concerts around the Visitor's Center, and wanted to know if in their plan there is going to be one path that is handicapped accessible. **Mr. Dow** replied that they are asking that the City fix and repair the pathway and it is up to the City to decide to take those steps to make the it handicapped accessible. **Susannah Wolfe** said that when she walked the pathways with **Steven Winslow**, he said that there was money readily available for handicapped pathways. **Councilor Theken** asked whether anyone had talked to the DPW Director or Assistant Director, who does the permitting, about the issues of carry in and carry out and no hot coals and how they were going to handle the big events. **Council President Hardy** moved to refer this matter to Planning and Development for a complete comprehensive review with the new City Council. **Council President Hardy** said it is going to take a series of meetings to work out what needs to be done with the appropriate department heads and concerned citizens here tonight and others that could not make this meeting. Planning and Development will have to address each and every issue on this valuable piece of land.

**MOTION:** On motion by Council Cox, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (McGeary) absent to refer this matter to Planning and Development with the new City Council.

**Councilor Ciolino** said that as an action plan moving this forward to get this into the minutes for the next Planning and Development Committee, he thinks that one of the problems that they had with the park is that when the City Council created the Open Space Committee for whatever reason disbanded the Recreation Committee. City Council needs to organize or suggest to the Open Space Committee that they put up a subcommittee for Stage Fort Park and a lot of the people would he is sure would volunteer for that subcommittee. What needs to happen through the Open Space Committee is that the subcommittee comes up with an action plan on what needs to happen down at the Park with some costs estimates. There also should be an action plans for Good Harbor and Wingsheek Beaches. Since they disbanded the Recreation Committee, DPW did the repairs as best as they could, but there are no plans looking into the future. The next City Council should start planning for the 400<sup>th</sup> anniversary now. Ten years will go by quickly and there is a lot of work to be done, and he would urge that these minutes go out to Planning and Development Committee, and that they work with the Open Space Committee to form these subcommittees in order to create these action plans, then report back to Council. **Mr. Dow** said that the committee is fine, but that he spoke with George and Susannah, and they want to be the principal ones involved and didn't want a whole lot of people to cloud the issue. They are capable of doing this and would like everyone's input. They are against being pushed aside and have another subcommittee all of a sudden take over and change Stage Fort Park. **Councilor Ciolino** told **Mr. Dow** that he was trying to give his committee official city status to have a place and be heard. **Councilor Ciolino** said that his action plan would be to have a committee that would be part of the Open Space Committee and report back to the Council. **Council President Hardy** said maybe there should be an ad hoc committee from Planning and Development. **Councilor LeBlanc** commented to Mr. Ryan that growing up around Stage Fort Park, he remembered the float and remembered that there was sand at Cressy's Beach. **Councilor Whyntott** said his son got burns on both of his feet because of the hot coals. He went to Council and said that something had to be done about the hot coals, and that's why they have the big cement cylinders down there. Since then, he hasn't read too many things like people getting burned down there. Before this goes to Planning and Development, he would like to find out how many incidents there have

been and have that information ready before they get to Planning and Development. **Council President Hardy** assured **Councilor Whynott** that this will be only comprehensive review, and per the motion, this will be continued and referred to Planning and Development. **Councilor Tobey** said that this is only going to be good as the Administrative support, and he thought this should also be referred to the Mayor's Office with a request that it be a full partner in this matter at Planning and Development. **Council President Hardy** agreed especially since this plan involves hiring of park rangers and Council has no authority to do that. **Councilor Tobey** said that Council cannot recommend any rate increases. A Mayor must recommend any rate increases under the Charter. **Councilor Tobey** said it has be both sides of the street. **Council President Hardy** said hopefully they can get them on board. **Council President Hardy** said the Mayor has worked very well with her in formulating ad hoc committees, etc., and she is sure the Mayor will work with them to get another ad hoc or oversight committee for Stage Fort Park to get this done. They will be looking for a committee that not only with have advisory ability but some teeth.

**The public hearing is closed. Councilor Hardy told those present at the public hearing to look forward to hearing from City Council with a new Planning and Development Committee and will inform them of what the dates will be.**

**FOR COUNCIL VOTE:**

1. **Decision to Adopt: SCP2013-005: 3 Mansfield Street/24 Washington Street, Sec. 2.3.1.8, Sec. 3.1.6(b) and Sec. 3.2.2(a)**

**MOTION: On motion by Councilor Hardy seconded by Councilor Verga, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to adopt the Special Council Permit (SCP2013-005) decision for 3 Mansfield Street/24 Washington Street pursuant to Sec. 2.3.1.8, Sec. 3.1.6(b) and Sec. 3.2.2(a) of the Gloucester Zoning Ordinance.**

**Unfinished Business: None.**

**Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.**

**Councilors' Requests to the Mayor:**

**Councilor Cox** wanted to report that the traffic light at McPherson Park is now working and the goal now is to have people recognize that it is a red stop light. There will be an O&A meeting Monday regarding Fort Square and go Red Sox!

**Councilor Ciolino** said October 23<sup>rd</sup> is a special day for him and his wife. They will be celebrating their 25<sup>th</sup> wedding anniversary. His wife wanted a parade and apologized that he couldn't organize a parade for her, but gave her a shout out on cable. Sends his love, and they will have a Happy Anniversary tomorrow!

**Councilor LeBlanc** wanted to pass on the message from DPW that the paving in the Governor's Hill area, Centennial, Commonwealth and Lookout Streets over that area is taking place. They are going to try to be efficient as possible and get as many streets done as they can before the freeze. Have patience and if anyone has any questions, they can reach out to him, give DPW a call or look up paving schedule on the City's website.

**Councilor Theken** wanted to remind everyone that tomorrow is the last day for GIC enrollment for City employees, and remind everyone who is on Mass Health and Medicare, they have special open enrollment anytime, but to look at your plan. The following year, the deductible will change to \$335.00 from \$210.00. She has the Obama Care applications that need to be picked up now if you want January 1<sup>st</sup> enrollment. For senior citizens on October 29<sup>th</sup> and Councilors are welcome, 10:00 a.m. at the Rose Baker Senior Center, there will be a presentation on all of the enrollments.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 8:38 p.m.**

**Respectfully submitted,**

**Joanne M. Senos  
Substitute Recorder**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

**Proposal – Ralph Hobbs, Jr.**

**51 Photos submitted by George Roark of Stage Fort Park**

**Duggan** said it would be from the assessed value of \$661,500, about \$190,000 in renovations to trigger ADA compliancy (30 percent of assessed value) which standard practice, he said.

**Councilor Verga** said he wished to see confirmation that with renovation of the interior it may affect with the grant money that had been used for the 1990 renovation. **Mr. Duggan** said that he requested to the Auditor's office which will take time to do. The Committee requested the Clerk of Committees send a reminder to the City Auditor about the grant research.

**Councilor Hardy** expressed she was pleased that Mr. Nestor was now involved with the Legion and was part of the reason she would vote affirmatively to move this RFP forward.

**MOTION: On motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 2 in favor, 0 opposed, 1 (Tobey) absent, to recommend to the City Council to approve the RFP #13155, Disposition by Lease of City-owned Land for Property Located at 8 Washington Street, Gloucester, MA as put forward by the City Administration with the terms and conditions as presented and as incorporated in this approval.**

4. *Free Petition in accordance with City Charter Sec. 9-1(b) re: Condition, Restoration and Preservation of Stage Fort Park (Cont'd from 09/04/13)*

**Councilor Verga** said this matter would go before the Council on October 22<sup>nd</sup> for public hearing.

**George Roark**, 15 Beauport Avenue said that he is before the Committee for a petition for the restoration and preservation of Stage Fort Park. He displayed a map of the park from 1898 and pointed out pathways on the map. He referenced 51 photographs (on file) which he said showed deterioration of the park's pathways and other relevant features. He noted a request for funding from the Seaport Advisory Council for the Stacy Boulevard Seawall and engineering plans were completed in 2007 but the request remains unfunded. Because of that, he said, the Lucy Brown pathway has not been repaired but added there is a way to fix the Lucy Brown pathway without that funding. He noted a picture of a path coming down by the rose garden. He said the path was loose crushed hot top. Sections of the wall has missing stones which he said wouldn't take much to fix. There is a section of the railing on the seawall that is missing which he said was a safety hazard. He showed the Committee a display of six photos with a GIS map of the park leading to Cressy's Beach saying that the path there is in disarray and asked that the path be restored. He said the 400 year anniversary of the park is coming up and asked that over the next five to eight years these projects could be done.

**Mr. Roark** noted there is an area from the Visitor's Center to the fort which will be an improved hopefully funded by CPA funds at the request of the Friends of Stage Fort Park in the near future. He noted the Tony Gentile bandstand with the bare ground saying there is no reason not to fix that area. The Rotary Club, he noted, will bring forward a plan to fix the bandstand. He again reiterated these repairs to do not take a lot of money. He pointed out a picture of the Farmer's Market with tents and cars. He also noted the parking lot across the street with trash tossed there. He said the Friends envisioned moving the Farmer's Market into the circle so that the area around the bandstand could be restored. It would never be fixed if cars continue to park where the Farmer's Market is continued to be located there, he contended. He said at one time the park was maintained beautifully and noted an old fountain suggesting it could be moved by the bandstand. **Mr. Roark** pointed out areas of loose fill and the path going past Cressy's Beach up to Western Avenue.

**Mr. Roark** pointed out that the volleyball field hasn't been maintained, by the City, nor is it used. By removing it, the field may drain better and be better maintained, he said. The park, he noted starts at the canal and is 61+ acres. He noted the granite stairs that are in disrepair off of the Boulevard and said it could be fixed. He said he understood work has been done, but the railings are rusted out and falling apart. He pointed out other areas of disrepair on the Boulevard, noting a photograph of the sidewalk at the Fisherman's Wives Memorial. Lastly was the area between the street and sidewalks which he also suggested would not cost much money to fix.

**David Dow**, 12 Essex Street said a top priority is to fix the stairs from the Lucy Davis Path to the top of the park and that all the stairways are in bad shape. Secondly, he said the Friends are proposing there be a ban the use of charcoal in the park since disposal of the charcoal is a problem. He said he is talks with the Fire Department about the use of propane grills in the park. **Mr. Dow** said he would like to see two positions established for "park rangers" to do park maintenance and spend the day walking through the park to keep an eye on things. He said at 84 hours a week for two park rangers covering the park 6 a.m. to 6 p.m. at \$10/hour would be \$840/week. If this was done for fourteen weeks it would be \$11,700 in salaries which could easily be made up in parking fees, he suggested.

**Susannah Wolfe**, 3 Old Salem Road (written statement submitted) said that the mission is to increase the awareness of this iconic park. She noted Fitz Henry Lane painted from this park. This is to make this park pride of

place; and that it should fostered to make the park a walkable park. She also suggested that this park be a carry in/carry out park policy for trash.

**Councilor Hardy** asked about the action the Council is being asked to do. **Mr. Roark** said that the Friends of Stage Fort Park would like to see: The establishment a revolving fund funded by parking fees to maintain Stage Fort Park; start a Board of Commissioners to oversee the park; seek additional funding from state sources for park improvements.

**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 recommend to the City Council that to ADVERTISE FOR PUBLIC HEARING for October 22, 2013 in reference to a Free Petition in accordance with City Charter Sec. 9-1(b) regarding the Condition, Restoration and Preservation of Stage Fort Park.**

**5. RZ2013-001: Norman Avenue #18 Assessors Map 170, Lot 43 from R-20 (low-Medium Density Residential to VB (Village Business) (Cont'd from 09/04/13)**

**Attorney Robert Coakley**, representing Jon von Tetzchner, Petitioner, Curry Properties LLC, 18 Norman Avenue, said that the Petitioner is asking to take 18 Norman Avenue, Lot 23, Map 170 and move it the zoning classification as Village Business. An Affidavit of Notice of public hearings and meetings was submitted for the record it was noted. **Mr. Coakley** said that there was a neighborhood meeting orchestrated by Councilor Verga; there was the Planning Board meeting review of this requested zoning change, and this is the second Planning & Development Committee meeting where this matter has been taken up.

He explained his client; an Icelander who owned and operated a successful software company which was a popular European search engine, Opera. **Mr. Von Tetzchner**, he said, resigned his position and looked around the world to relocate his family and settled on Shore Road in Magnolia. He said Gloucester is a site where his client envisions it could be like Silicon Valley. He noted this use of this large property, that of an "innovation house." This property currently has a Bed & Breakfast concern; has an annex which has a motel use with two apartments. Small weddings are hosted on site, and an office is associated with conducting the business of the inn where concierge services are provided.

**Mr. Coakley** said the new use envisioned by his client would fit seamlessly into the neighborhood. In listening to the neighbors, he said, the neighbors aren't aware of any noise from the property or the business activities being conducted at the Bed & Breakfast. What the owner proposes has a business flavor with offices which his not an allowed use. Because **Mr. Coakley's** client is making a substantial investment in the building, and because he wants to be a good neighbor he didn't wish to just proceed. Neighbors asked why **Mr. Von Tetzchner** didn't just go to the Zoning Board of Appeals. **Mr. Coakley** said that would be a use variance which would have to show no other practical use for that property and so this wasn't an option. The avenue open to them was to move the property into the Village Businesses District which runs along Lexington Avenue which would allow **Mr. Von Tetzchner** to do what he intends to do, he said.

Noting that people travel with smart phones, iPads, and laptops today, there is wi fi capability on site now, he said. **Mr. Coakley** noted that his client envisions bringing former employees and clients, people who are interested in new ideas to develop new businesses, who would not be paying guests at this innovation house. His client proposes to subsidize the operation of this facility, he pointed out.

**Mr. Coakley** said the neighbors do not object to what his client is doing but are concerned about what happens in the future to the property. He told the Planning Board two weeks prior that they would meet with the neighbors which they did, he said (report on file). **Mr. Coakley** pointed out that the Planning Board unanimously endorsed this change in zoning. Business uses are regulated under the use ordinance. Business uses are within the purview, he said of the ZBA under a special permit or the City Council. He said there are a series of uses that are allowed by permit, SPS, CC and CCS. When they met with the neighbors, they presented them with a proposition that accept for the uses **Mr. Von Tetzchner** wanted to maintain that would be taken off the table, and that they would enter into a private covenant, that those uses, even though allowed would not be uses that would be allowed on this site and is enforceable by the neighbors. **Mr. Coakley** said that the only thing to be retained was the restaurant feature so that food service operations that are implicit in his client's future plans and have been maintained but would take it away but reserve the right to provide food to any clients/guests on the property. The other concern was the zoning parameters for setbacks in VB District are liberal and not as restrictive the R-20 district. He said as to the sidewalks, they were offering to restrict the property which is about a 2 acre site by agreeing to have this property governed by R-20 setbacks which is 30 feet front and rear, sides are 20 feet. The Restrictive Covenant has been sent to abutters and has to accept this proposal and has the ability to enforce it. **Mr. Coakley** said this was a benefit to the neighbors