



GLOUCESTER CITY COUNCIL
Planning & Development Committee
Wednesday, August 20, 2014 – **5:30 p.m.**
1st Fl. Council Committee Room – City Hall

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

1. *Special Events Application re: request to hold the Fishbox Derby on September 14, 2014*
2. *SCP2014-009: Commercial Street #44, Map 7, Lot 17, GZO Sections 1.5.3 (c), 1.8.3, 2.2.1, 2.3.4 and 5.18 re: restaurant use (Cont'd from 08/06/14)*

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

CC: Mayor Kirk
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.

CITY OF GLOUCESTER – SPECIAL EVENTS PERMITS

NAME OF EVENT: Fish Box Derby DATE OF EVENT: 9/14/14

Special Events

Permitting is required for most types of special events. A "Special Event" is an event open to the general public; it can be held on public or private property; it may feature entertainment, amusements, food & beverages; it may be classified as a festival, road race, parade or walk-a-thon. A special event in the City of Gloucester, depending on the size and nature of the event, may require a number of permits or approvals from various departments within the City before it is officially approved and is granted a "special event" permit. Furthermore, special events are also governed by the Gloucester Code of Ordinances §11-8 and §11-10.

In order to assure that the City, as well as the special event applicant, has as much information as needed before beginning the permitting process, the City requires the applicant to come to the City Clerk first. The applicant **must complete** a Special Events Application form in advance, including written approvals, (as provided in the application) which includes:

- Date of Event; hours of Event; Rain Date;
- A detailed site plan or map of the area showing all locations for the following: all American with Disabilities Act (ADA) accessibility, pedestrian and fire access, dimensions of stages & tents; type of equipment or generators & the placement of any vendors and any portable toilet facilities (Site plan/map must be 8-1/2 x 11 inches and be legible – capable of copy reproduction);
- If the site of the event is privately owned, a letter from the landlord or property owner giving the applicant the right to use the property is required;
- If the event is featuring entertainment, you need to list all performances;
- If the event is featuring amusements, you need to list all rides & games;
- If this is the "first year" of your event, please attach any letters of support from local community and business organizations;
- A list of all vendors including food and if propane is used. Vendors will need state or city license before date of event and Health Department approvals;
- Certificate of Insurance listing City as the insured (Certificate Holder).

After the Applicant presents the application to the Special Events Advisory Committee, the applicant is to submit the completed permit form (download at: gloucester-ma.gov or available in City Clerk's office) signed and dated with cash or check made payable to the City of Gloucester: \$25.00 for non-profit organizations, \$50.00 for for-profit organizations, at the City Clerk's office. At that time, an appointment for a review prior to the submission of the permit to the City Council process must be made at the convenience of the City Clerk, in order to begin the approval process. **All first time applicants must file completed application and finalized at least 60 days in advance of their event; annual event applicants must file completed application and finalized at least 45 days in advance. Non-compliance with these filing deadlines may result in denial of the application.**

Linda T. Lowe, City Clerk
Gloucester City Hall, 9 Dale Avenue
Gloucester, MA 01930
PHONE: 978-281-9720
EMAIL: lhowe@gloucester-ma.gov

Hours of Service:
Monday through Wednesday: 8:30 a.m.-4:00 p.m.
Thursday: 8:30 a.m. to 6:30 p.m.
Friday: 8:30 a.m. to 12:30 p.m.

Paul McGeary, City Council President & Councilor Greg Verga, Chair, Planning & Development Committee

Completed copy filed: Date: 8/11/14 Initial: LTL Copy to Applicant: Date: 8/11/14 Initial: LTL
Fee Paid: \$ 25 Date: _____ Initial: _____

14 AUG 11 AM 11:28

CITY CLERK
GLOUCESTER, MA

CITY OF GLOUCESTER SPECIAL EVENT APPLICATION

SPECIAL EVENTS

City Clerk's Office: 978-281-9720 Fax: (978) 282-3051

Name and Type of Event FISHBOX DERBY - FAMILY RACE COMPETITION

1. Date: SUNDAY, SEPT. 14TH Time: from 8AM to 4PM

Rain Date: Time: from to

2. Location: ROGERS ST - M.F. LEWIS TO FLANNAGAN SQ.

3. Description of Property: CITY STREET Public [checked] Private

4. Name of Organizer: FISHBOX DERBY City Sponsored Event: Yes No [checked]

Contact Person: BARRY PETT

Address: 45 MIDDLE ST Telephone: 978-281-2822

E-Mail: BARRY.PETT@VERIZON.NET Cell Phone: 978-815-8327

Day of Event Contact & Cell Phone: SAME

Official Web Site: FISHBOXDERBY.ORG

6. Number of Attendees Expected: 300 Number of Participants Expected 100

7. Is the Event Being Advertised? YES? Where? NEWSPAPER/CABLE/POSTERS

7.(a) Is there a fee charged for tickets/attendance for event participation? Yes No [checked] List all fees if yes.

8. What Age Group is the Event Targeted to? 8-14

9. Have You Notified Neighborhood Groups or Abutters? Yes [checked] No, Who? GARDENS/FLANNAGANS/NEIGHBORS

10. For Profit Organization: Non-Profit Organization: [checked] Who will benefit financially from this event? SCHOLARSHIPS EVERY YEAR TO PREVIOUS RACERS

Activities: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments:

A. Vending: Food [checked] Beverages [checked] Alcohol Goods Total No. of Vendors* [checked]

B. Entertainment: (Subject to City's Noise Ordinance) Live Music [checked] DJ Radio/CD Performers Dancing Amplified Sound [checked] Stage

C. Games/Rides: Adult Rides Kiddie Rides Games Raffle (requires City permit) Other: Total No. Name of Carnival Operator (requires permit and inspection of rides): Address: Telephone:

D. Clean Up: No. of additional trash receptacles required 1 No. of additional recycling receptacles required (To be provided by and removed by applicant at their expense.)

E. Portable Toilets: (To be provided by and removed by applicant at their expense. Each cluster of portable toilets must include at least one ADA accessible toilet) No. : standard No. : 2 ADA accessible

FOR PARADES, ROAD RACES, BIKE RIDES AND WALK-A-THON EVENTS ONLY

PARADE _____

ROAD RACE _____

WALK-A-THON _____

1. Name, land line & cell phone number of contact person on the ground Day of Event:

2. Name, Address & 24/7 telephone number of person responsible for clean up if different from above:

3. Locations of Water Stops (if any): _____
4. Will Detours for Motor Vehicles be required? _____ If so, where and what length of time:
4A. Are street closures required? _____ (This is determined by the Police Department)

5. Parade Formation Location & Time for Participants: _____
6. Dismissal Location & Time for Participants: _____
7. Additional Parade Information:
 - Number of Floats: _____
 - Location of Viewing Stations: _____

 - Are Weapons Being Carried (If "Yes", Police approval may be required): Yes: __ No __
 - Are Parade Marshalls Being Assigned to Keep Parade Moving: Yes: __ No __
8. Name and Address of Insurer: _____
9. Attach or Provide a Certificate of Insurance naming the City of Gloucester the Certificate Holder.

CITY APPROVAL (FOR COMMITTEE MEMBERS USE ONLY):

You will need to obtain all necessary approvals, permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event and others may request payment in advance. **NOTE:** Applicants must comply with the Code of Ordinances, Ch. 11 (Vendors) as applicable and as required by City Clerks and/or Licensing Commission and all other applicable ordinances.

Approvals Required: Written approvals below should be submitted by time of applicant's appearance before the Planning & Development Committee by this form (below) and if necessary by memorandum or email from the appropriate City staff to the Office of the City Clerk.

Initials of
Dept. Head/
Designee

Notes by Department Head or Designee

1. Special Events Advisory Committee djh
2. Planning & Development Committee _____
3. Gloucester Police Department ju of the to
Is Police Detail Required? No No. of Details n/a
Traffic, Parking & Transportation _____
4. Health Department _____
5. Building Inspector _____
6. Electrical Inspector _____
- MSC 7. Department of Public Works: New vs CEO
Use of City Property: Yes/No Location if yes: Roberts St
8. Gloucester Fire Department
Is a Fire Detail Required? NO No. of Details X EMS NO Use of Propane: N/A
(Attach EMS Memo) Road closure & rerouting map to be provided.
9. Licensing Commission (includes vendors) (Through City Clerk: _____)
10. Other _____

The Departments or Committees listed above may have their own separate permit/application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual departments.

 [Signature]
Signature of Applicant

 AUGUST 1, 2014

RESPONSIBILITIES OF APPLICANT

1. All members of the organizing committee and concessionaires/vendors must adhere to the rules and regulations set forth by all applicable departments.
2. The applicant and concessionaire/vendor are responsible to pay all applicable fees required by applicable ordinances and State law. Any non-payment of fees to any City department will result in the denial of the application.
3. The applicant is responsible to ensure that there is no illegal activity on the areas under their supervision during the event.
4. All concessions must be stationary and placed in such a way to not hamper the access of pedestrians. They must be placed tight against curbs, not block fire hydrants or sidewalk ramps. Concessions must be moved if in the opinion of City officials on-site they pose a problem for access or public safety. Concessions utilizing compressed gas or generators or propane must comply with the regulations of the City of Gloucester Fire Department and receive approval through the Licensing Commission.
5. Federal & State law requires a minimum of 4 ft. of clear unobstructed sidewalk be available at all times for pedestrians. The applicant must keep sidewalks, ramps and curb cuts clear of any interference from their vendors or their event participants. No storage is allowed on the sidewalk.
6. Any items to be sold must be listed with their prices. All beverages in cans and plastic bottles and must be recycled according to the City of Gloucester recycling guidelines. The use of any type of glass containers is prohibited unless prior approval is granted by the *Department of Public Works*.
7. The applicant will be responsible for any damage to public property caused by the event.
8. **All applicants are responsible for filing their applications in a timely manner: First time applicants must file completed application 90 days in advance and have finalized all necessary approvals at least 60 days in advance of their event. Annual event applicants should file completed application 75 days in advance and have finalized at least 45 days in advance. Non-compliance with these deadlines may result in denial of the application.**
9. The applicant shall indemnify and hold harmless the City of Gloucester and its employees from any damage it may sustain or be required to pay by reason of said event, or by any reason of any act or neglect by the applicant or their agent relating to such event or by reason of any violation of the terms and condition of this license. Applicant shall also provide a Certificate of Insurance prior to approval by the Planning & Development Committee.
10. **The City of Gloucester reserves the right to deny the application at any time.**

I/We fully understand and agree to all the terms set forth in this application. The information that I/We have provided is truthful and accurate. I/We accept all responsibility related to this event.

Signature of Applicant

August 1, 2014

CITY CLERK **BLATMAN, BOBROWSKI & MEAD, LLC**
GLOUCESTER, MA ATTORNEYS AT LAW

14 JUL 16 AM 11:46

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FAX 978.371.2296

Newburyport Office
30 GREEN STREET
NEWBURYPORT, MA 01950
PHONE 978.463.7700
FAX 978.463.7747

Millis Office
730 MAIN STREET, SUITE 2B
MILLIS, MA 02054
PHONE 508.376.8400
FAX 508.376.8440

ADAM J. COSTA
adam@bbmatlaw.com

Via E-mail & by Hand

July 16, 2014

Paul McGeary, President
City Council
City of Gloucester
9 Dale Avenue
Gloucester, Massachusetts 01930

Re: Special Permit for Restaurant Use
44 Commercial Street
Chapter 91 Update & Further Narrative on Zoning Ordinance Criteria

Dear President McGeary and Members of the City Council:

Reference is made to the above-captioned matter, to the Applicant's special permit application dated July 2, 2014 and to the upcoming meeting(s) of the Planning and Development Subcommittee and, ultimately, of the Council in its entirety to review, comment and act upon the same. The purpose of my additional correspondence is to provide the Council and Subcommittee with: (i) an update on the Applicant's modification of its Chapter 91 license; and (ii) an explanation of the Proposal's compliance with Zoning Ordinance standards not addressed in my original letter, namely Sections 2.3 (Footnote 1) and 5.18.

Be advised that modification of the Applicant's Chapter 91 license so as to permit a change in use of the Locus is already underway. The Applicant has long been aware that Department of Environmental Protection (DEP) approval is a prerequisite to any new use of the Locus not contemplated by its existing license, whether in whole or in part. License No. 8960 was issued for the Locus on September 21, 2001, and authorizes use of the Building as a "commercial fishing and fish processing facility and marine industrial use office space." See Southern Essex District Registry of Deeds, Book 17712, Page 445. While the Proposal contemplates continued use of the Building, in part, as a commercial fishing/fish processing facility, i.e. in connection with a wholesale/retail seafood market, the addition of retail and food service components thereto necessitates DEP review. To that end, the Applicant's consultant, John Simpson, met with DEP Wetlands and Waterways Program Analyst David Slagle on April 22, 2014, to review the Proposal. Authorization was given for the Applicant to submit a request to the DEP for a minor modification to its aforesaid license. Under 310 CMR 9.22(3), a "licensee may undertake minor modifications to a licensed project . . . without filing an application for a license or license amendment," including certain "structural alterations" and "changes in use" which "maintain or enhance

public benefits” and which are “an insignificant deviation” from the original license. See also DEP, “Chapter 91 Waterways Permitted Guide” (stating that “[m]inor modifications to an existing license” can be authorized by “appli[cation] for a letter of approval from MassDEP”). The licensee is required to “submit . . . written notice to the Department describing the proposed work in sufficient detail . . . for the Department to determine compliance with the[se] . . . conditions.” 310 CMR 9.22(3). Another of the Applicant’s consultants, Mary Rimmer, submitted such notice to the DEP on May 30, 2014. More than forty-five (45) days have since passed, and no objection has been made by DEP. Pursuant to 310 CMR 9.33(3), “[i]f the Department does not object within 30 days, the licensee may proceed with the proposed work without further approval by the Department.” Of course, in the spirit of cooperation and in the interest of proceeding with the utmost caution, the Applicant continues to seek confirmation from the DEP in writing that the Proposal is acceptable.

With respect to Zoning Ordinance requirements applicable to use(s) in the MI zoning district, Section 2.3 (Footnote 1) first provides:

In the MI District, Supporting Designated Port Area (DPA) Uses, as defined in 310 CMR 9.02, shall not in the aggregate occupy more than 50% of the ground level area on filled tidelands and uplands of a lot within the DPA. Such uses shall also be subject to dimensional requirements of 310 CMR 9.0. Within the water-dependent use zone, as defined in 310 CMR 9.02, in the MI District, no use shall be permitted unless it provides access to water-borne vessels.

These criteria are satisfied by the Proposal. 310 CMR 9.02 defines Supporting DPA Uses as “commercial use[s] in a Designated Port Area that provide . . . water-dependent industrial use[s]. . . with direct economic or operational support. . .” The Council should be reminded that the anticipated use of the Building will in substantial part be water-dependent, not *supportive* of water-dependent use. A special permit for restaurant use is being sought only because the Zoning Ordinance – as interpreted by the Building Commissioner – requires it due to incorporation of food service as part of the development concept. But use of the Building as a wholesale/retail fish market with deliveries by water-borne vessels and on-site processing will prevail. And importantly, no matter the use of the Building, it does not “occupy more than 50% of the ground level area on filled tidelands and uplands of [the] lot.” The Locus is 20,155 square feet in area, or nearly a half-acre; the footprint of the Building is only 3,677 square feet, or less than 20% of the Locus.

Section 5.18 of the Zoning Ordinance further states that uses authorized by special permit in the MI zoning district necessitate findings by the Council – in addition to those provided in Section 1.8.3 of the Ordinance – that:

1. [t]he proposed use will not displace an existing water-dependent use with a non-water dependent use;
2. [t]he proposed use will not, by virtue of its location, scale, duration, operation or other aspects, pre-empt or interfere with existing or

future development of water-dependent uses of the project site or surrounding property;

3. [t]he proposed use is compatible with the working waterfront character of the zone;
4. [t]he proposed project will not displace [an] existing commercial fishing vessel berthing in Gloucester Harbor, without providing equivalent space and draft at a suitable alternative site not already used by commercial fishing vessels; [and]
5. [t]he proposed use with not adversely affect the preservation of water-dependent uses on surrounding properties.

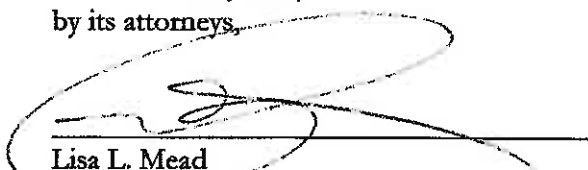
Again, the Proposal satisfies these additional criteria. An existing water-dependent use is not being displaced; the anticipated use of the Building will be partly water-dependent itself, and adequate space will continue to be available on-site for other water-dependent uses. Development of the Locus as proposed will not interfere with existing or future development of water-dependent uses nearby, and the new use will complement and be entirely compatible with its surroundings. The Proposal does not displace any existing commercial fishing vessel. Nor will allowance of the use adversely affect the continued use of adjacent or surrounding properties for water-dependent uses.

Finally, the Applicant is aware that site plan review is required for “new industrial or commercial projects or additions,” “change[s] of use” and “project[s] requiring a special permit or variance” in the MI zoning district. See Zoning Ordinance, § 5.8.2(B). But the Applicant has chosen to initially pursue approval of its change in use – both from the DEP and from the Council – before applying for site plan approval. The Ordinance permits such an approach, so long as any special permit issued by the Council is conditioned upon “approval of a site plan by the Gloucester Planning Board pursuant to Section 5.8 of the Zoning Ordinance” and incorporates “[a]ny conditions imposed in such site plan approval.” See Zoning Ordinance, § 5.8.4.1.

Once again, thank you in advance for your consideration of the Proposal. We look forward to addressing any questions at the upcoming Subcommittee and Council meetings.

Respectfully submitted,

Cove Harbour, LLC,
by its attorneys,



Lisa L. Mead
Adam J. Costa

CITY CLERK
GLOUCESTER, MA

BLATMAN, BOBROWSKI & MEAD, LLC
ATTORNEYS AT LAW

9 DAMONMILL SQUARE, SUITE 4A4
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adam@bbrmatlaw.com

14 JUL 16 PM 12:19

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FAX 978.463.7167

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PHONE 508.376.8400
FAX 508.376.8440

Via E-mail Only

July 16, 2014

Greg Verga, Chair
Planning and Development Subcommittee
City Council
City of Gloucester
9 Dale Avenue
Gloucester, Massachusetts 01930

Re: Special Permit for Restaurant Use
44 Commercial Street
Continuance Request

Dear Chairman Verga and Members of the Standing Committee:

Reference is made to the above-captioned matter. In that connection, I am hereby requesting a continuance of tonight's Subcommittee meeting on the Proposal to its next meeting date, whatever that may be. As was already communicated to you, Mr. Verga, by my client, for reasons unknown, my colleague Lisa Mead and I did not receive until early today e-mail notice of tonight's meeting and of the Applicant's responsibility to notify abutters to the Locus in advance thereof. Because transparency is of great importance to the Applicant and its team and so as to avoid any appearance of impropriety, i.e. meeting with the Subcommittee before notice is given to neighbors, a rescheduling of the Subcommittee meeting on the Proposal is appropriate. Between now and the date when the Proposal will be considered, the Applicant will hand-deliver notice to abutters and submit to the Subcommittee the required "Affidavit of Notice to Abutters."

Thank you for your understanding and consideration.

Sincerely,


Adam J. Costa

cc: Client (via e-mail only)



CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS - 01930

CITY CLERK
GLOUCESTER, MA

City of Gloucester
Special Council Permit - Application

14 JUL -2 PM 1:48

September 5, 2014

(Public hearing to be held no later than above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance) CCS special permit for restaurant use, as per Sections 1.5.3(c), 1.8, 2.2.1, 2.3.4 and 5.18 of said Ordinance

Applicant's Name: Cove Harbour, LLC

Owner's Name - SAME -
(if different from applicant)

Location 44 Commercial Street Map # 7 Lot # 17
(Street Address)

Zoning Classification: RI

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3 of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, ect.) if necessary.
- Attached are the necessary plans as set forth in Section of 1.5.3 of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action	
Fee: # <u>350</u>	
City Clerk (received):	<u>7/2/14</u> <u>LR</u>
City Council (received):	<u>7/8/14</u>
Public Hearing (ordered)	_____
Public Hearing (opened)	_____
Public Hearing (closed)	_____
Final Decision	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

Applicant: Mac S Bell ^{KL}

Name (Signature) Mac S. Bell, President of Cod Realty, Inc.*

33 Commercial Street, Gloucester, MA

Address 01930

(978) 281-6063

Telephone

*Cod Realty, Inc. is the Manager of Cove Harbour, LLC

Certified for completeness
Building Inspector: [Signature] Date: 7/2/14
Planning Director: [Signature] Date: 7/2/14

Section 4.2.3 - (Use additional sheets, if necessary)

1. Social, Economic, or community needs served by the proposal:

See narrative, submitted together
herewith.

2. Traffic flow and safety :

3. Adequacy of utilities and other public services :

4. Neighborhood character and social structure :

5. Qualities of the natural environment :

6. Potential fiscal impact:

The applicant is advised that City staff is available to assist the applicant in preparing the application, including the Inspector of Buildings and City Planner.

Application For Special Permit

The undersigned applicant hereby applies for a special permit under M.G.L. Ch. 40A, § 9 as follows.

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: Cove Harbour, LLC

Address: 33 Commercial Street, Gloucester, MA 01930

Tel. #: Days (978) 281-6063 Evenings _____

Check here if you are the purchaser on a purchase and sales agreement.

2. Owner, if other than applicant:

Name: _____

Address: _____

Tel. #: Days _____ Evenings _____

3. Property:

Street address: 44 Commercial Street

Assessor's map: 7 Lot: 17

Registry of deeds where deed, plan, or both records:

Southern Essex District Registry of Deeds (Salem)

Deed recording: Book 25950 Page 474

~~Plan recording: Plan # _____~~

Property is located in the Marine Industrial (MI) zoning district.

4. Nature of relief requested: 1.5.3(c), 1.8, 2.2.1,
Special permit pursuant to Article/Section 2.3.4 and 5.18

of the _____
Zoning Ordinance/By-Law which authorizes the City Council _____ to permit
a restaurant in the Marine Industrial (MI) zoning district _____

Detailed explanation of request:

The Applicant seeks a special permit for restaurant use, in connection
with conversion of an existing, 4,326-square-foot building, a.k.a. the
wharf building, located at 44 Commercial Street. To accommodate said
use, the Applicant will be constructing a 159-square-foot addition to
the building for handicapped-accessible restrooms.

5. Evidence to support grant of special permit:

Because of reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance/By-Law:

Restaurants are authorized by special permit in the Marine Industrial
(MI) zoning district, an acknowledgment that the use is appropriate in
part(s) of the district and/or once vetted by the Council. 44 Commer-
cial Street is well-suited to restaurant use, given its favorable
location along the Harbor and its close proximity to other restaurant
uses.

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

Other than the criteria of Section 1.8.3, the Zoning Ordinance does not specify any additional requirements or standards for restaurant use.

See Section 1.8.4.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner must designate such representative below.

Name of Representative: Blatman, Bobrowski & Mead, LLC

30 Green Street

Address of Representative: Newburyport, MA 01950

Tel. #: Days (978) 463-7700 ~~Evenings~~

Relationship of representative to owner or equitable owner:

Attorney

I hereby authorize Blatman, Bobrowski & Mead, LLC to represent my interests before the


Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner)

Mac S. Bell
Mac S. Bell, President of Cod
Realty, Inc.*

*Cod Realty, Inc. is the Manager of Cove Harbour, LLC

I hereby certify under the pains and penalties of perjury that the information contained in this Application is true and complete.



Signature of Applicant Date
Mac S. Bell, President of Cod
Realty, Inc.*

July 2, 2014

~~_____
Signature of Owner, if other than Applicant Date~~

~~_____
Signature of Equitable Owner Who is filing Application to satisfy condition of Purchase and sales agreement Date~~

*Cod Realty, Inc. is the Manager of Cove Harbour, LLC

BLATMAN, BOBROWSKI & MEAD, LLC
ATTORNEYS AT LAW

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FAX 978.371.2296

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PHONE 978.463.7780
FAX 978.463.7747

Mills Office
738 MAIN STREET, SUITE 218
MILLS, MA 01854
PHONE 508.378.8400
FAX 508.378.8440

By Hand

July 2, 2014

Paul McGeary, President
City Council
City of Gloucester
9 Dale Avenue
Gloucester, Massachusetts 01930

Re: Special Permit for Restaurant Use
44 Commercial Street
Additional Information Forthcoming

Dear President McGeary and Members of the City Council:

Reference is made to the above-captioned matter, to the Applicant's special permit application of even date and to the materials being submitted simultaneously herewith in support thereof. Following review of said application by Building Inspector Bill Sanborn and Planning Director Gregg Cademartori, we have been informed by Mr. Cademartori that additional information, while not required by the "Special Council Permit Application" form, may be helpful to the Council and to its Planning and Development Subcommittee in reviewing the Applicant's Proposal. Such information includes: (i) an update on the Applicant's amendment of its Chapter 91 license for a change in use of the Locus; and (ii) an explanation as to how the Proposal will satisfy the additional criteria for special permit uses in the Marine Industrial (MI) zoning district, under Section 5.18 of the Zoning Ordinance.

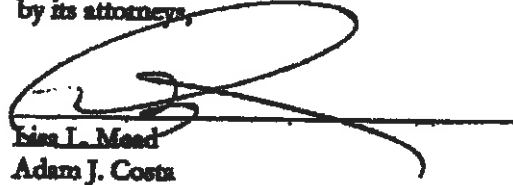
Be advised that the Chapter 91 license amendment process is already underway; early discussions with the Department of Environmental Protection (DEP) suggest that a seafood market (wholesale/retail) with a food service component is an acceptable use of the Locus. An update on that process will be provided to the Council and its Planning and Development Subcommittee before said Subcommittee's public hearing on the Proposal. Likewise, and also in advance of the Subcommittee's public hearing, the Applicant will supplement its submittals with a further narrative confirming that the aforementioned criteria found in Section 5.18 of the Zoning Ordinance are satisfied. Review by and feedback from the DEP is expected to support satisfaction of these criteria, by verifying that the Proposal is in part water-dependent, is compatible with the Locus' waterfront location and will not interfere with future development of water-dependent uses on the Locus or elsewhere nearby.

Of course, in addition to the promised submittals, we will be happy to address any questions or concerns of the Council or its Subcommittee in person. Thank you in advance for your consideration of the Proposal.

Respectfully submitted,

Cove Harbour, LLC,

by its attorneys,

A large, stylized handwritten signature in black ink, appearing to be "Lisa L. Mead", is written over a horizontal line. The signature is highly cursive and loops back to the left.

Lisa L. Mead

Adam J. Costa



City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 7-17

Please be aware that the address list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be requesting 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 7 Lot 17 as further shown on the attached map dated 6/3/2014.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
7-15 ✓ DOYON GARY M TR THE DOYON GLOUCESTER REALTY TRUST	8 ROGERS ST	7-15	DOYON GARY M TR THE DOYON GLOUCESTER REALTY TRUST 15 WHISTLESTOP WY GLOUCESTER, MA 01930
7-16 ✓ GLOUCESTER CITY OF	2 COMMERCIAL ST	7-16	GLOUCESTER CITY OF
1-17-1 ✓ LENDER JULIAN	27 COMMERCIAL ST 1	1-17	LENDER JULIAN 27 COMMERCIAL ST UNIT 1 GLOUCESTER, MA 01930
1-17-3 ✓ GEORGE PAUL TR	27 COMMERCIAL ST 3	1-17	GEORGE PAUL TR 7 MAPLE AV IPSWICH, MA 01938
1-17-2 ✓ LENDER JULIAN	27 COMMERCIAL ST 2	1-17	LENDER JULIAN 27 COMMERCIAL ST UNIT 1 GLOUCESTER, MA 01930
1-17-4 ✓ GEORGE PAUL TR	27 COMMERCIAL ST 4	1-17	GEORGE PAUL TR 7 MAPLE AV IPSWICH, MA 01938
1-16 ✓ PALMISANO PASQUALE S. ET AL	29 COMMERCIAL ST	1-16	PALMISANO PASQUALE S. ET AL 72 RIVERVIEW RD GLOUCESTER, MA 01930
1-22 ✓ 1907 LLC	33 COMMERCIAL ST	1-22	1907 LLC 33 COMMERCIAL ST GLOUCESTER, MA 01930
7-17 ✓ COVE HARBOUR LLC	44 COMMERCIAL ST	7-17	COVE HARBOUR LLC PO BOX 1637 GLOUCESTER, MA 01930
1-15 ✓ MY MANAGEMENT GROUP LLC	46 COMMERCIAL ST	1-15	MY MANAGEMENT GROUP LLC 52 COMMERCIAL ST GLOUCESTER, MA 01930-5025

City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 7-17

Please be aware that the abutters list reflects mailing address for the most recent tax bill 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 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 purpose 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 7 Lot 17 as further shown on the attached map dated 6/3/2014.

ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS

1-14

MY MANAGEMENT GROUP LLC 52 COMMERCIAL ST

1-14

MY MANAGEMENT GROUP LLC

27-29 HARBER RD
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,



Name: T. Good

Title:

Date: JUN 03 2014

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

City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit 7-17

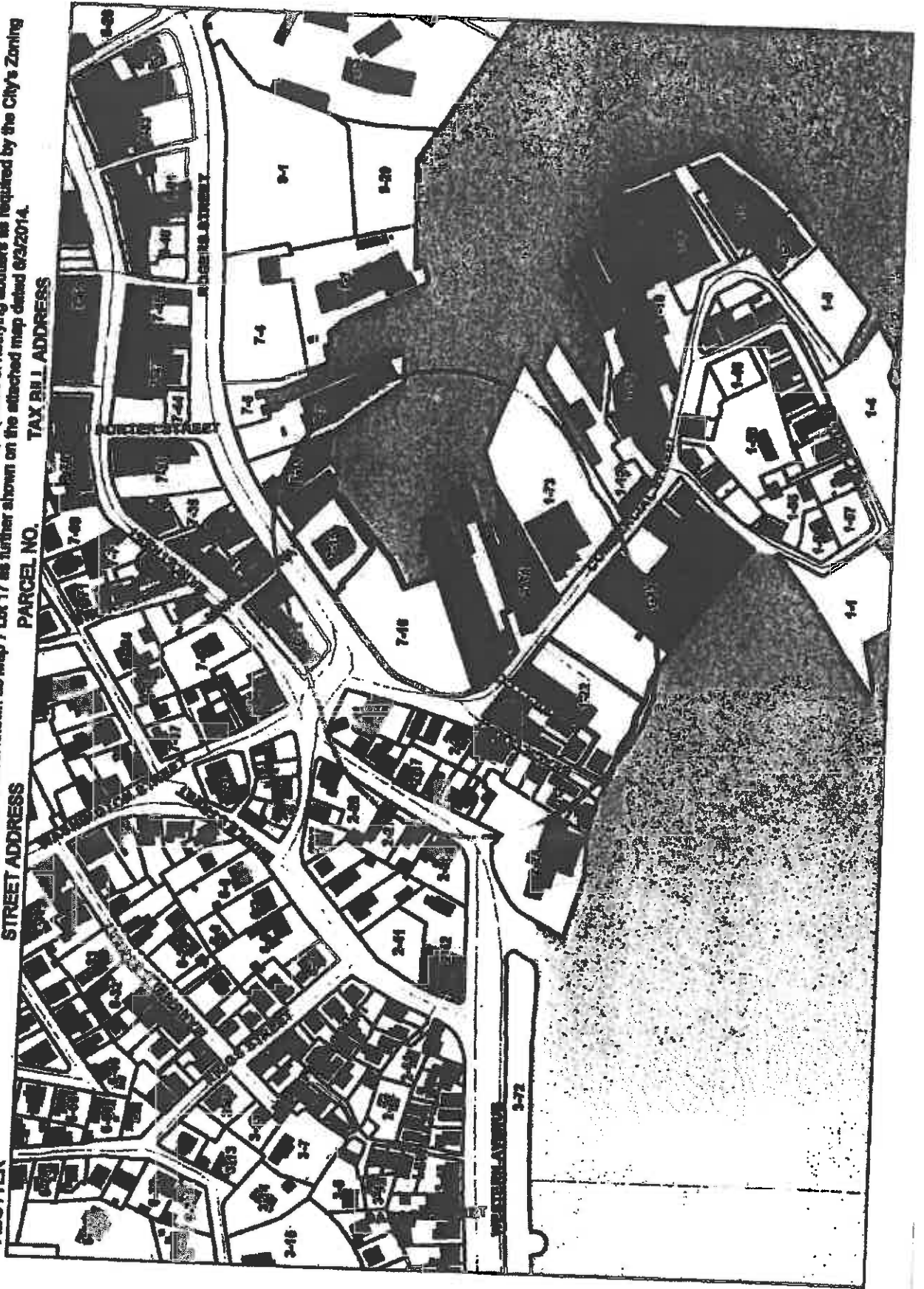
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ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS



Please be aware that the abutters list reflects mailing addresses for the real estate tax bills as reported by the property owners. Mailing addresses, telephone numbers and other personal information may be receiving the information and not the information as required. Please do not use any information from this document for any purpose other than that for which it was intended.

Gloucester Board of Assessors

GLOUCESTER HARBOR COVE

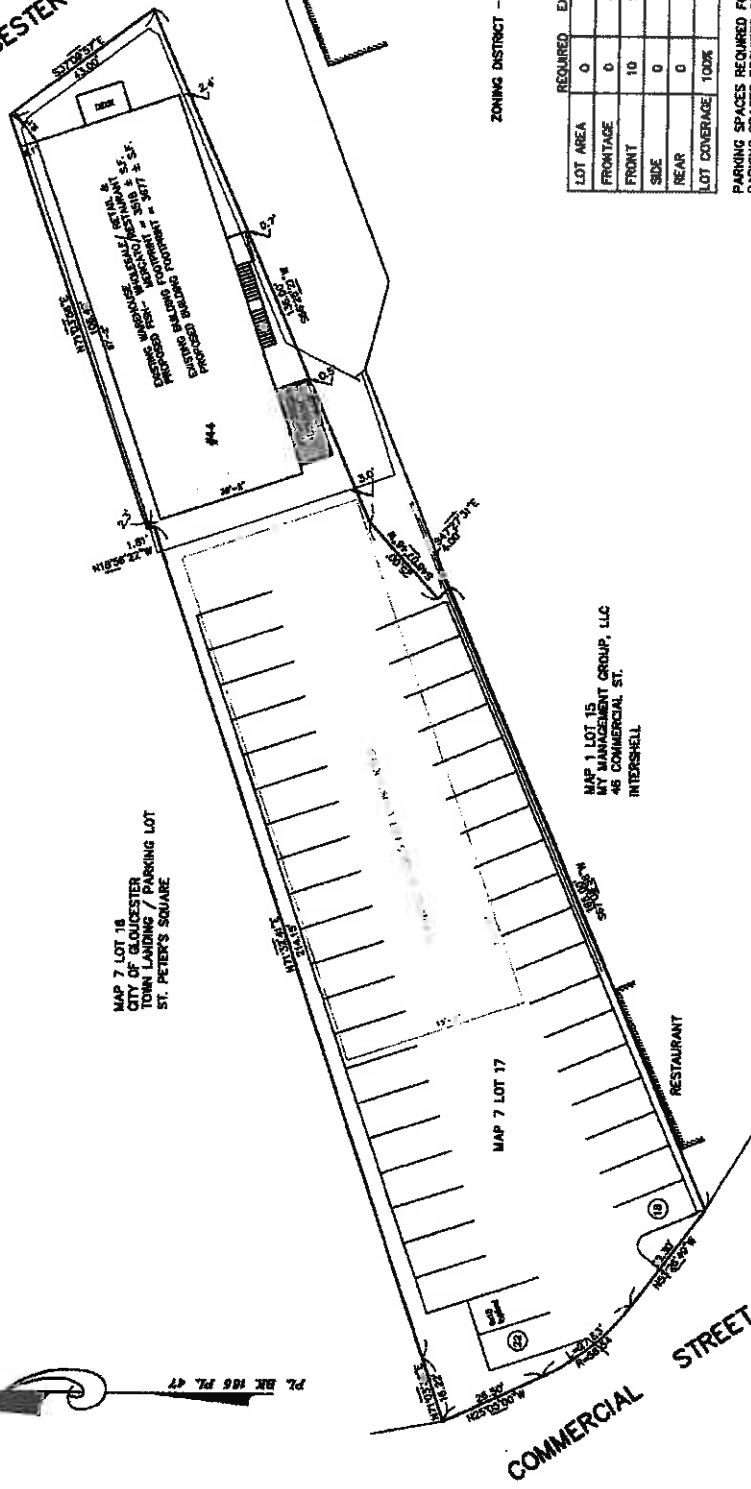
WAREHOUSE

ZONING DISTRICT - MARINE INDUSTRIAL

LOT AREA	REQUIRED	EXISTING	PROPOSED ADDITION
20,155	0	20,155	20,155
FRONTAGE	0	83.86'	83.86'
FRONT	10	205.6'	198.5'
SIDE	0	2.4'	0.8'
REAR	0	9.1'	9.1'
LOT COVERAGE	100%	188%	19%

PARKING SPACES REQUIRED FOR RESTAURANT USE - 22
 PARKING SPACES REQUIRED PER BUILDING AREA - 18
 TOTAL REQUIRED SPACES - 40
 PARKING SPACES PROVIDED WHILE PERMITTED BUILDING NOT CONSTRUCTED - 40
 PARKING SPACES PROVIDED IF PERMITTED BUILDING IS CONSTRUCTED - 14.
 THE SITE IS WITHIN 300' OF A MUNICIPAL PARKING LOT.

PLAN OF LAND
 44 COMMERCIAL STREET
 GLOUCESTER
 PROPERTY OF
 COVE HARBOUR, LLC
 SCALE 1" = 20' APRIL 11, 2014
 NORTH SHORE SURVEY CORPORATION
 14 BROWN STREET - SALEM, MA
 978-744-4900
 #2515



MAP 7 LOT 18
 CITY OF GLOUCESTER
 TOWN LANDING / PARKING LOT
 ST. PETER'S SQUARE

MAP 1 LOT 15
 AT MANAGEMENT GROUP, LLC
 46 COMMERCIAL ST.
 INTERSHELL

MAP 7 LOT 17

RESTAURANT

COMMERCIAL STREET

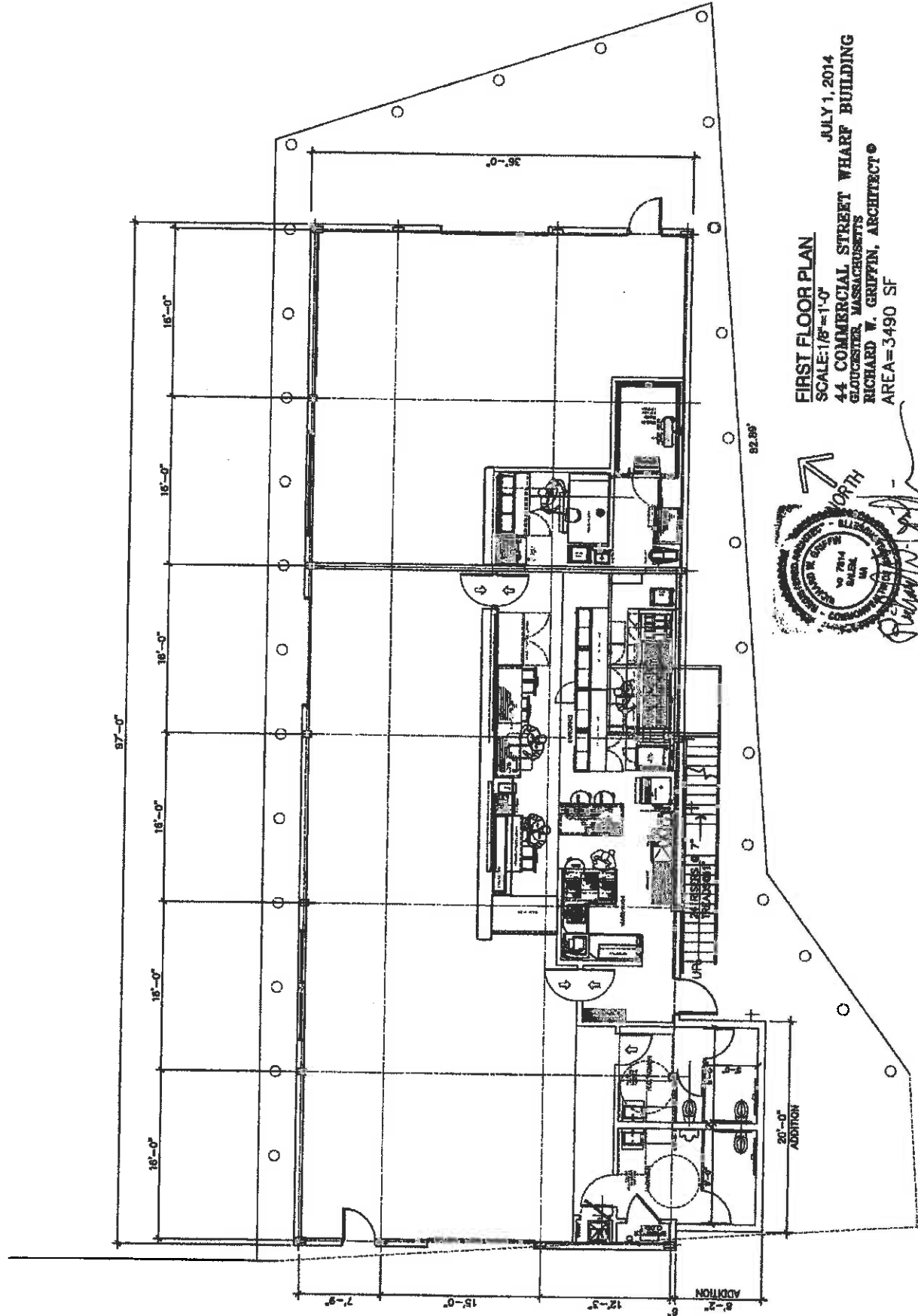
GRAPHIC SCALE



I CERTIFY THAT THE BUILDINGS
 HEREON ARE LOCATED ON
 THE GROUND AS SHOWN.

DATE REG. PROF. LAND SURVEYOR

PL. BR. 105 PL. 47



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

JULY 1, 2014
 44 COMMERCIAL STREET WHARF BUILDING
 GLOUCESTER, MASSACHUSETTS

RICHARD W. GRIFFIN, ARCHITECT ©

AREA = 3490 SF

