

CITY COUNCIL  
AND  
CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
**Monday, July 27, 2009 – 7:00 PM**  
**Council Conference Room, City Hall**

1. Appointments
  - a. Capt. Phil Cusumano, Waterways Board (TTE 02/14/2012)
  - b. Barry Gradwohl, Conservation Commission (TTE 02/14/2012)
  
2. Order 09-018 (Hardy- Regarding Ad hoc Committee – Fisherman’s Monument
  
3. Order 09-027 (Foote) Amend GCO Sec. 22-287 re: 52 Cleveland St. handicapped parking (see attached Traffic Commission recommendation minutes 07/09/09)
  
4. Order 09-029 (Grow) Ordered that the speed limit on Harrison Avenue be set at 15 MPH for its entire length.(see attached Traffic Commission recommendation minutes 07/09/09)
  
4. Proposed Storm Water Management Utility Ordinance
  
5. City Clerk’s Office – Request from Councillor Hardy for Recorder at P&D Meetings and other issues.

**COMMITTEE**  
**Councilor John “Gus” Foote, Chair**  
**Councilor Sefatia A. Romeo, Vice Chair**  
**Councilor Bruce Tobey**

C: Mayor  
Jim Dugan  
Phil Cusumano  
Barry Gradwohl

**Captain Phil Cusumano**  
20 Grapevine Road, Gloucester, MA 01930  
978-281-3023  
[www.PhilCusumanoArt.com](http://www.PhilCusumanoArt.com)

Dear Mayor Kirk,

I am writing this letter to you as a letter of interest to become a member of the Waterways Board.

I was born and raised in Gloucester and have lived here for almost fifty eight years. Having been involved in the fishing and boating industry on Cape Ann for most of my life I am very interested in the development of the harbor.

I have been very active in the community and involved in many committees one of which was the 375th Anniversary committee. At that time we worked very hard to get the USS Constitution to the city and almost succeeded. A visit from this great ship would have given Gloucester a tremendous boost in revenue at that time.

For fifteen years I was president of Fish Box Derby, Inc. In addition, I was a member of the Seafood Festival in its first three years and then the Parade of Lights committee for eight years. Most recently, as you know I participated on the Harbor Panel which is still meeting.

As a marine artist I also have a deep appreciation for the beauty of Gloucester and need to keep the integrity of the harbor while at the same time looking for ways to improve its function.

I am interested and committed to the present and future development of the harbor and feel that all my experiences as an active member on committees would also be of benefit on the Waterways board.

### **Captain Phil Cusumano**

20 Grapevine Road, Gloucester, MA 01930

978-281-3023

[www.PhilCusumanoArt.com](http://www.PhilCusumanoArt.com)

Captain Phil Cusumano is a U.S.C.G. licensed Master 100 ton near Coastal (out to 200 miles offshore). He is a member of The Maritime Consortium.

Currently Captain Phil is a full time Captain during the summer for a 60' Offshore M/V Whole Life out of Boston. In his off time he is Captain of the triple screw Privateer IV, a 110' tour and charter boat and the 95' Privateer for Seven Seas Gloucester. Capt. Phil also teaches onboard, one on one, to anyone wishing to learn docking, close quarter maneuvering, trip planning and navigation.

Captain Phil Cusumano is a marine artist as well as a sea captain. He has lived the life of his subject matter, commercial fishing. His paintings document the fishing industry from the era of the tall ships to the present day.

Born and raised in Gloucester, MA Phil has had a long love affair with the ocean. His father owned and operated commercial fishing vessels in Gloucester for fifty years. At the early age of thirteen, Phil started fishing during summer vacations on his father's commercial draggers. He graduated from Gloucester High School in 1969 and fished full time on his father's boats. "But I was always drawing, even out at sea".

As a boy he loved to create drawings of automobiles, which he would send to General Motors in Detroit. He states "They even sent a letter back stating they liked my designs and that I had a mastery of pencil sketching and wanted to send me to school in California". He honed his artistic skills when he studied for three years at the Vesper George School of Art in Boston and graduated in 1974. As part of commercial and design programs he learned more about how to incorporate design composition and illustration in his work. From 1972-1988 he worked primarily in watercolors influenced by his study with internationally know Rockport artist, John Terelak. He soon felt the call of the sea and returned to commercial fishing and became the captain of his father's second boat. His experiences in commercial fishing span nineteen years and have taken him from the top of, ME to Martha's Vineyard, MA to 200 miles offshore. At sea when he wasn't working on deck hauling back the net and working with the fish he would sketch some of what he saw around him.

Due to his continuing love and passion for the ocean, he pursued his Captain's license and then became cofounder of North Star Yacht Deliveries, Inc., and On the Water Training, "a state of the art" delivery and teaching service. The delivery service specializes in the over the water transport of large and small yachts, power or sail, commercial or private. The teaching is specifically designed to individual training of the boat owner on board his or her own boat to assist in making boating a safe and pleasurable boating operation and experience. He was past

captain of Sea Song III, a 48' Carver Motor Yacht hailing Gloucester Harbor, MA for 5 years until its sale in the summer of 2002.

With boats ranging from 35' to 125' Capt. Phil has traveled from New England to Florida and the Keys, the Great Lakes, St. Lawrence Seaway (Thousand Island area), Welland Canal, the New York Canal System, as well as the Hudson River from Lake Champlain to New York Harbor. In total he has spent forty years on the water and in the boating community.

As the commercial fishing industry became more and more challenged with government regulations and as fishing stocks dwindled, Phil decided to put his creative art background to work and opened a small business as a graphic designer for twelve years. During this time he also continued painting, his primary medium being oils. In total he has spent forty years on the water and in the boating community.

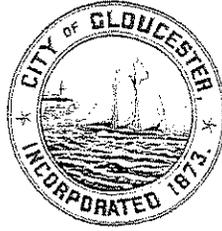
The fine art in which Cusumano is now enmeshed is a result of hard work, both from the realities of making a living from the sea and recreating those scenes with a paintbrush. Having lived the life of his paintings and etchings, he invites the viewer on board to witness the many intricacies of fishermen's daily lives. His attention to detail, historical accuracy and personal knowledge are embodied in the specific nature of his works. There is a special quality to his work which can only be described as realism, visually and emotionally.

Cusumano has won many awards and acclaim for his paintings and mirror etchings. Some of his works are part of the permanent collections of the Peabody-Essex Museum in Salem, MA as well as other private collections in the United States and Europe. Currently his work is on exhibit at the Kensington – Stobart Gallery in Salem, MA and at The Art of the Sea Galleries in South Thomaston, Maine. Phil signs all of his paintings "Filippo", which is his name as it appears on his birth certificate. "I use that name for all my art work. I was born with it and I was born with a love of drawing."

Although you can still catch Captain Phil on the water either delivering a boat on the East Coast from Maine to Florida or being captain of a 60' yacht in Boston Harbor you will most likely find him in his art studio devoted to his painting. He is intent on capturing the beauty of Cape Ann as well as documenting the fishing industry past and present.

He is currently a Professional Artist signature member of the International Society of Marine Painters (I.S.M.P.), and a signature member of the American Society of Marine Artists (A.S.M.A.). He is also a member of seARTS (Society for the Encouragement of the Arts).

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



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ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

July 2, 2009

Mr. Barry Gradwohl  
142 Hesperus Avenue  
Gloucester, MA 01930

Dear Mr. Gradwohl:

Thank you for your interest in serving on the City of Gloucester's **Conservation Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office to pick up your appointment card (*copy enclosed*) and be sworn in at your earliest convenience.

Your letter of interest will be forwarded to the City Council for their meeting of July 14, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require additional information, please do not hesitate to contact my office.

Again, thank you for agreeing to serve on the Conservation Commission. I truly appreciate the hard work and dedication you and your colleagues on the Commission offer on behalf of the City of Gloucester.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn A. Kirk".

Carolyn A. Kirk  
Mayor

cc: Robert Gulla, Chair-Conservation Commission  
Sarah Buck, Community Development Director

Enclosure  
CAK/c

EFFECTIVE JULY 2, 2009

The City of Gloucester, Massachusetts

Dear Barry Gradwohl, 142 Hesperus Avenue, Gloucester

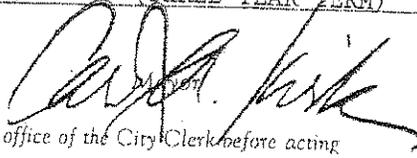
It is my pleasure to inform you that I have this day appointed you

to the Conservation Commission \_\_\_\_\_ of the City of

Gloucester, Massachusetts \_\_\_\_\_

This is a 90-day temporary appointment. After City Council  
approval, term to expire 2/14/2012. (THREE YEAR TERM)

Respectfully,



N.B. You are required to be sworn in at the office of the City Clerk before acting  
under this appointment.

Sworn in \_\_\_\_\_ By: \_\_\_\_\_

From: Barry Gradwohl  
To: Carolyn Kirk, Mayor, city of Gloucester  
Cc. Sarah Buck, Community Development Director  
Robert Gulla, Chairman of Conservation Commission

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Mayor's Office

Dear Ms. Kirk,

I would like to give you a bit of my family connection through three generations to Gloucester. I grew up in Magnolia and now have returned after 40 years to retire in this special environment. During those years my mother and father owned a market in Magnolia were involved in the real estate market.

I purchased the property on 142 Hesperus Avenue and in the planning stages of renovation I contacted the Conservation Commission for assistance in developing my plan. I appreciated the partnership that I experienced during this time to satisfy my desires within the protection of wetlands and conversation. All my life conserving and enjoying the nature of our community and especially state and federal parks has been very important to me and my family.

In my retirement I would enjoy supporting this Commission in its current and future plans. At this time I believe the Commission is in need of additional resources with time and energy to commit to sustaining its very important mission.

Thank you for your consideration.

Regards,  
Barry Gradwohl

# Barry Gradwohl

142 Hesperus Ave ♦ Gloucester, MA 01930 ♦ (978) 704-9097 ♦ (617-610-7099) cell ♦

## Professional Experience

1984- 2006 Owned and operated Gradwohl Enterprises Inc, Newton, MA. Using the name Ice Cream Works, a manufacturing, distribution and retail ice cream company. A major supplier of specialty bulk ice cream to specialty restaurants, especially South-east Asian, hotel and the universities around Boston. Beside the company owned stores in Newton, Brookline, and Waltham; university stores operated by food service companies were located on Brandeis, Tufts, Boston College, Harvard Business School, and Suffolk University.

Honors from the Boston Globe, Boston Magazine, and The Tab newspapers

1981-1984 Director of Operatoins, Woodfield Company. Natick, MA. A proprietary and copack food processor. Woodfield 's snacks were distributed nationally, as a leader in the field of natural snacks. We copacked for General Mills as they entered the snack market, and were the primary packager for Erewon Foods.

1979-1981 Division Manager, Borden foods, candy division, operating a plant with chocolate, hard candy, and caramel production.

1973-1979 Division Manager, Y&S Candies, Norwood, MA. Manufacturing operations for hard candies and pharmaceutical products, and distribution of Twizzlers and Nibs for New England. In 1978 Y&S was acquired by Hershey Foods.

!966-1973 various electrical and electronic manufactures of hardware i.e. components, radar, secretive communications, and precision measurement equipment.

1962-1966 United States Air Force. Instructor, Electronic Warfare Systems.

## Education

NORTHEASTERN UNIVERSITY 1969

Bachelors of Science

Industrial Management with Honors.

BABSON COLLEGE 1970

Masters of Business Administration

Entrepreneurial Studies with High Honors.



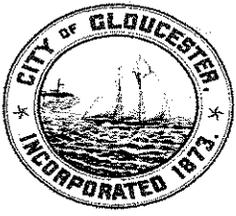
## CITY OF GLOUCESTER 2009 CITY COUNCIL ORDER

**ORDER:** #CC2009-018  
**COUNCILLOR:** Jackie Hardy

**DATE RECEIVED BY COUNCIL:** 03/24/09  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**Ordered** that the City Council (President) appoint an ad hoc committee to promote the proposed new quarter coin with the Fisherman's Monument on the back. The Committee should consist of 5 members, one from each ward (recommended by the Ward Councilor) and should be charged with developing ideas and suggesting programs that will bring Gloucester national publicity and aid in promoting tourism, maximizing this event for the benefit of our City.

Councilor Jackie Hardy



**CITY OF GLOUCESTER 2009  
CITY COUNCIL ORDER**

**ORDER: #CC2009-027  
COUNCILLOR: Gus Foote**

**DATE RECEIVED BY COUNCIL: 05/19/09  
REFERRED TO: TC & O&A  
FOR COUNCIL VOTE:**

**Ordered** that Section 22-287, entitled "Disabled veteran, handicapped parking", of the Gloucester Code of Ordinances, be amended by adding:

In front of #52 Cleveland Street, one handicapped parking space.

Councilor Gus Foote

Refer to Traffic Commission and Ordinances & Administration Committee.

**CITY OF GLOUCESTER  
TRAFFIC COMMISSION**

**A meeting will be held on Thursday, July 9, 2009 at 6:00 p.m. in the third floor  
conference room at Gloucester City Hall**

*Please conduct your own site visits when convenient*

**Meeting was opened at 6:00 p.m. by Chairman Robert Ryan. Also in attendance were members Larry Ingersoll, Michael Mulcahey, Robert Francis and Ann Mulcahey (6:30 p.m.) also Richard Joseph, Vito Demetri and Joseph Grace.**

***AGENDA***

Order #CC2009-027 (Councilor Foote) Ordered that Section 22-287 (Disabled Veteran/Handicapped Parking) of the GCO be amended by ADDING: In front of #52 Cleveland Street, one handicapped parking space.

*After a discussion and conversation with the requestor, a MOTION was made, seconded and PASSED to APPROVE the order. The recommendation for the location of the space should be 30 feet from the intersection of Maplewood Avenue on the southerly side of Cleveland Street in an easterly direction for 20 feet. Sign can be mounted on the existing 'Slow Children' signpost.*

Order #CC2009-029 (Councilor Grow) Ordered that the speed limit on Harrison Avenue be set at 15 MPH for its entire length.

*After a discussion, a MOTION was made, seconded and PASSED to NOT RECOMMEND the order. The street is a dead end and not a thru way. The only people who would be "speeding" would be residents or their visitors. To go up the street some speed is needed and coming down most are aware of the intersection and slow down. The area has not seen a lot of accidents with the current speed limits. No one was present to speak for the order.*

*Also read into the record was a letter from Joseph Grace concerning the Willow Rest area. He spoke about his concerns for that area. This item was not scheduled on the agenda so the TC will take no action on this subject until its next meeting. The TC has addressed this issue in the past and will review those recommendations for its next meeting.*

*Vito Demetri spoke concerning parking in the Beach Court and Commercial Street area. This item was also not on our agenda at this time but Mr. Demetri's concerns were heard. The concern is parking for the residents is not available due to the businesses in the area. One suggestion would be some type of residential (ie: Beach Court residents only) parking. The TC will address this issue at a future meeting after being requested by the City Council.*

**The meeting was adjourned at 7:09 p.m.**

**ROBERT RYAN, Chairman**

**LARRY INGERSOLL, Secretary**



**CITY OF GLOUCESTER 2009  
CITY COUNCIL ORDER**

**ORDER: #CC2009-029  
COUNCILLOR: Jason Grow**

**DATE RECEIVED BY COUNCIL: 06/16/09  
REFERRED TO: TC, Police Dept & O&A  
FOR COUNCIL VOTE:**

**Ordered** that the speed limit on Harrison Avenue be set at 15 mph for it's entire length.

Councillor Jason Grow

LAW DEPARTMENT

MEMORANDUM

TO: Joanne Senos, Acting City Clerk

FROM: Suzanne P. Egan *SPE*  
General Counsel

RE: Stormwater Utilities Management

DATE: July 24, 2009

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Please find attached the draft ordinance pertaining to the Stormwater Utilities Management.

Enclosure

BE IT ORDAINED, by the City Council of Gloucester, as follows:

That Chapter 23 of the Ordinances of the City of Gloucester, Massachusetts, which chapter relates to Utilities, be amended as follows:

Section 1.

By inserting in said Chapter, a new Section 23-200, to read as follows:

Sec. 23-200 Storm water Fee

Water quality in the watersheds within and surrounding the City, are potentially threatened by pollutants associated with existing land use and future development; and that poor water quality in the watershed can threaten public health, safety, and welfare.

The City is implementing a combined sewer overflow program that is requiring a significant investment by the City and the existing stormwater management system is deteriorating and may be inadequate to meet existing and future needs, and flooding concerns may arise. The U.S. Environmental Protection Agency ("EPA") demands a comprehensive approach to municipal stormwater management.

In order to establish, operate, and maintain the stormwater infrastructure of the City, ensure the future usefulness of the existing system through additions and improvements, and provide other services associated with stormwater and watershed management, sufficient and stable funding is required for the operation, maintenance and improvement of the Stormwater Management Programs, Services, Systems, and Facilities of the City; and to equitably fund the CSO Abatement Program. A stormwater utility service fee based on impervious surface area consistent with the Massachusetts General Laws is the most appropriate and equitable method of allocating the cost of Stormwater Management Programs and CSO abatement programs among residents and businesses in the City.

Authority and Jurisdiction

(a) Under the authority of the Massachusetts General Laws Chapter 83, Section 16, the City hereby establishes the Gloucester Impervious Fee or Stormwater Fee to pay the costs of the City's stormwater management and combined sewer overflow abatement program.

(b) The utility or its designee is authorized to assess and collect service fees from all persons owning land within the municipality that benefit from the City's stormwater management and CSO abatement programs.

(c) The fee will fund services provided through the Department of Public Works for stormwater management and CSO abatement programs.

Definitions:

*Credit:* Credit shall mean a conditional reduction in the amount of the stormwater service fee to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or other service or activity that reduces the stormwater management utility's cost of providing services.

*Customers of the Stormwater Utility:* Customers of the stormwater utility shall include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

*Developed Land:* Developed land shall mean property altered from its natural state by removal of vegetation, construction, or installation of improvements such as buildings, structures, or other impervious surfaces, or by other alteration of the property that results in a meaningful change in the hydrology of the property during and following rainfall events (agricultural and forestry operations that do not create impervious surface area excepted).

*Equivalent Residential Unit (ERU):* A measure used to standardize the utility service fees for residential properties, or classes of residential properties, and based on the average amount of impervious area of a base residential parcel. The ERU shall also be used as the basis for standardizing and determining the equivalent size of non-residential properties and Other Developed Lands.

The ERU is defined as the average amount of impervious area on residential parcels in land use classes 101, 104, 105, and 111. These classes are defined by the Assessor's Department as (101-Single Family Residential; 104-Two Family Residential; 105-Three Family Residential; 111-Four to Seven Family Residential).

*Impervious Surfaces:* Impervious surfaces are those areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

*Other Developed Lands:* Other developed lands shall mean, but not be limited to, mobile home parks, apartment buildings with more than six dwelling units, residential condominium developments, mixed use buildings, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, governmental facilities, colleges, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces and lands in other uses which alter the hydrology of the property from that which would exist in a natural state.

*Residential Property:* Residential property shall mean developed land assigned land use code 101, 104, 105, or 111 by the City's Office of the Assessor. (101-Single Family Residential; 104-Two Family Residential; 105-Three Family Residential; 111-Four to Seven Family Residential).

*Stormwater Service Fees:* Stormwater service fees shall mean the periodic service fee imposed pursuant to this article for the purpose of funding costs related to Stormwater

Management Programs, Services, Systems, Facilities, Debt, Operations, Maintenance, Capital Improvements, and any related costs.

*Undeveloped Land:* Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted dirt or gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur naturally.

*City Utility:* The City of Gloucester Department of Public Works.

#### Establishment of Stormwater Fund

(a) The City shall establish a dedicated Stormwater Fund in the City budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the utility. All revenues and receipts of the utility shall be placed in the Stormwater fund, which shall be separate from all other funds, and only the expenses of Stormwater Management Programs, Services, Systems, Facilities, and CSO abatement of the City shall be paid by the fund.

(b) The utility and the Stormwater fund may also accept loans, state, federal and private grants, and allocations of funds from the City's General Fund or special purpose funds.

(c) Stormwater Service Fees will be set at a rate that covers the costs necessary to carry out the Stormwater Management Programs, Services, Systems and Facilities approved by the City as necessary to carry out the functions of the utility. Expenditure of funds from the Stormwater Fund is limited to the following:

- Operating expenses;
- Non-operating expenses, such as equipment and supplies;
- Payment on principal and interest on debt obligations including those for combined sewer overflow abatement facilities;
- Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants and other amenities to support stormwater management alternatives utilizing vegetation);
- Reserve expenses; and
- Other costs as deemed necessary by the Department of Public Works.

#### Service Area:

The service area of the utility will include all areas within the municipal boundaries of the City of Gloucester.

#### Stormwater Utility Service Fees

(a) The City may determine and modify from time to time the service fees of the Utility in order that the funds generated correspond to the cost of Stormwater Management Programs, Services, Systems, and Facilities of the City. In general, funding for the stormwater utility shall be equitably derived based on methods that establish a link between the fees and degree of impact imposed on the stormwater management system and facilities.

(b) Rate studies may be conducted periodically by the utility to determine all changes and future updates to the Storm water Utility Use Fee Schedule. Any revision to the Storm water Service Fee Schedule will be approved by the City Council prior to implementation.

Right to Enforcement and Violations

(a) The Director of the Department of Public Works, or his authorized designee is the enforcement authority who shall administer, implement, and enforce the provisions of this article.

(b) The City has the right to utilize the lien processes to enforce provisions of this article and for non-payment of stormwater fees.

(c) Delinquent Fees. The City has the right to use all legal means as authorized within Chapter 74 of the Ordinances and any other legal processes under local, State, and Federal Regulations.

Severability

Each section of this ordinance is severable from all other sections. If any part of this ordinance is deemed invalid by a court or competent jurisdiction, remaining portions of the ordinance shall not be affected and shall continue in full force. Whenever this ordinance conflicts with any other ordinance of the City, Commonwealth of Massachusetts, or federal government, the stricter standard shall apply, except as limited by state or federal law.

Applicability

This ordinance and the fees, obligations and requirements identified herein shall apply to all use of and benefit from the City's Stormwater Management Systems and Facilities, occurring on or after . All persons owning land within the municipality that benefit from the services provided by the utility shall be subject to service fees for their use of the Stormwater Management Systems and Facilities occurring on or after. Property with less than 100 square feet of impervious area will be exempted from the fee. This ordinance shall not apply to any property which does not add stormwater to the city's stormwater collection system.

Storm water Fee

(1) Effective \_\_\_\_\_, the equivalent residential unit (ERU) shall be defined \_\_\_\_\_ square feet of impervious area.

(2) Residential parcels (ERU) will be assessed \_\_\_\_\_ per year, or \_\_\_\_\_ per quarter.

(3) All other developed parcels will be assessed \_\_\_\_\_ for each \_\_\_\_\_ square feet of impervious area rounded to the nearest 100 square feet.